

Families and
Individuals for
Reform

Barbara Wright - Proponent Testimony
Senate Bill 47
Senate Judiciary Committee

Chairman Eklund, Vice Chairman Manning, Ranking Minority Member Thomas, and Members of the Senate Judiciary Committee: My name is Barbara Wright with Families and Individuals for Reform (FAIR), and I appreciate the opportunity to testify in support of Senate Bill 47, Youthful Offender Relief from Registration.

I would like to thank Senator Eklund for his courage in introducing this bill. Senator Eklund recognizes that a law which offers a young person an incentive to work hard and “keep his nose clean” is just good policy. But that doesn’t mean it is an easy topic to talk about.

S.B. 47 is consistent with this administration’s view that laws should distinguish between predatory behavior, which deserves strict penalties, and normal adolescent curiosity. The bill would provide an opportunity for youthful offenders who have made a mistake, but have been rehabilitated, a chance to re-integrate into society.

S.B. 47 is the same bill introduced last session as Senate Bill 235. S.B. 235 was the result of meetings with numerous interested parties, including survivor groups and members of the Ohio Criminal Justice Recodification Committee. We decided to focus on a narrow group of adolescents with the capacity for rehabilitation, and S.B. 235 was born.

This committee supported S.B. 235 unanimously, and recommended it for passage as an amendment to H.B. 68. The Senate voted 29-0 in favor of the amended bill; unfortunately, the amended version of H.B. 68 never made it to the House for concurrence during lame duck.

The language of S.B. 47 is identical to the language of S.B. 235. The essence of both bills is the petition for relief: S.B. 47 would permit a judge to *modify* or *terminate* sex offender registry for a narrow group of youthful offenders after successfully completing a period of community supervision.

- The bill would only apply to those who were *18 to 20* when they engaged in consensual sexual conduct with a minor, age 14 or older, and have maintained a clean record since;
- The court would only consider a petition if the registrable offense was a first offense, the offender was considered low risk at the time of sentencing, and was sentenced to community control sanctions; and
- The offender must have successfully completed community control sanctions, including sex offender therapy, without relapse or commission of a new sexually oriented offense.

These eligibility criteria only get the offender to the courthouse door; the court would only grant (or deny) the petition after a hearing to review the effectiveness of community control sanctions to rehabilitate the offender. The court would consider these eligibility criteria, any objections from the prosecutor or the minor, and any further evidence from the offender showing he has been rehabilitated. Then and only then, the judge could decide whether to downgrade or terminate the duty to comply with SORN requirements.

As I said previously, this is a very narrow exception; FAIR estimates that only 200-300 adolescents would meet the narrow eligibility criteria, and even fewer would receive a change to registration duties.ⁱ

It is no secret that sex offender registration ruins the lives of these offenders, resulting in job loss and even homelessnessⁱⁱ. Offenders are moral lepers, constrained to live on the margins of society for a mistake they made before they were old enough to buy a beer. These kids should have to pay for their mistake; but should they have to pay for 25 years?

Consider Josh and Jennah Strader, a young couple who married after Josh pleaded guilty to having sex with Jennah when she was 15. Jennah became pregnant, and had her first of four children with Josh. But Josh cannot attend school functions for the kids, and was recently turned away from visiting his child in children's hospital. His story, and the story of how registration has affected the whole family, is told in Jennah's written testimony. The stories of a few others who wear the "scarlet letter" are attached to my written testimonyⁱⁱⁱ.

Ohio's SORN law provides no discretion to the sentencing court whether, or at what level, to require an offender to register^{iv}. This applies a "one-size-fits-all" solution to a complex act in which an 18 year old is registered for the same time period as a 48 year old. S.B. 47 would level the playing field, and allow a judge to consider the age of the offender, the maturity (or immaturity) of the minor, and the offender's capacity for rehabilitation in determining whether continued registration is necessary.

I am not here to discuss whether SORN is an effective tool in the fight against sexual abuse^v, whether it actually protects society, or whether it instead creates a false sense of security^{vi}. However, I am here to say that a strong, limited register for the most serious offenders has been found to be a more effective tool for both law enforcement and the community^{vii}. By modifying or removing SORN duties for a narrow group of low-risk offenders, S.B. 47 offers a court the opportunity to create a more effective register.

Research shows that delays in brain development and maturity may affect decision-making and inhibit an adolescent's ability to appreciate the consequences of his actions. Maturity is not achieved magically at age 18; instead, the maturation process is described as a trajectory that takes place over three decades, with recent research suggesting that changes in the brain are occurring until age 30 in some adolescents and young adults."^{viii} Last week, we heard Senator Thomas discuss the research on delayed adolescent brain development, and its effect on emotions, impulse control, and hormones.

The good news, as pointed out by Senator Thomas, is that this maturation process also means that adolescents are uniquely capable of rehabilitation. Ohio recognizes this capacity in juveniles, but the law presumes that a juvenile magically matures the day he turns 18. S.B. 47 would hold an 18 year old accountable for his actions, but at the same time, allow a court to consider the effectiveness of his rehabilitation.

Scholars and legal practitioners alike question whether SORN represents the intent of legislatures and the public in the case of close-in-age, voluntary sexual relations.^{ix} Legislators in other states have responded by passing laws which recognize the consensual nature of the act, and the capacity of an adolescent for rehabilitation. Thus, while every state prosecutes sexual activity with a minor in some form, not every state requires registration of a “youthful offender.” Of those that do, many offer youthful offender relief or petitions for termination of SORN duties.

In total, at least 35 states, including virtually every state contiguous to Ohio, provide some form of relief to adolescents; the only contiguous state that does not is West Virginia. And Alabama, one of the strictest states in the country for sexual offense registration, offers a petition very similar to the one in S.B. 47^x. It seems time for Ohio to get on board with this relief.

Youthful offender laws and petitions similar to S.B. 47 recognize what science and parents have always known: kids make poor choices. I ask this committee not to allow the worst choice these kids have made to define the rest of their lives. I ask this committee and its honorable members to adopt this legislation to provide these kids with a chance to become contributing members of society.

Thank you to Chairman Eklund and members of this committee for allowing me to testify in support of S.B. 47. I will answer any questions at this time.

(INDEX TO END NOTES ATTACHED)

ⁱ In November, 2016, icrimewatch.net, the official Internet site for registered sex offenders, showed a potential eligible class of 217 eligible offenders, based strictly upon age and date of conviction, not all of whom will meet the narrow eligibility criteria (p.5).

ⁱⁱ See “Number of Civil Impact Restrictions for Selected Sex Offenses CY 2015” from “Profiles of Sex Offenders in Ohio Prisons (Correctional Institution Inspection Committee, July 2015) (p.6).

ⁱⁱⁱ See “True Stories” attached (p. 7).

^{iv} See “Mandatory Classifications of SORN Levels R.C. 2950.01” (p. 11).

^v “Adult Sex Offender Management,” Sex Offender Management and Planning Initiative (“SOMAPI”) Research Brief (U.S. Department of Justice, Office of Justice Programs, July 2015) (p.12).

^{vi} Ida Lieszkovszky, “Sex offender registries draw criticism from some unlikely sources” (Northeast Ohio Media Group, October 2015) (p. 20).

^{vii} In 2017, California passed Senate Bill 386 allowing all of California’s 100,000 registered sex offenders to petition for removal from the SORN registry based upon risk; the Act will be effective in 2020. See Megan McArdle, “California is Right to Curb the Sex Offender Registry” (Bloomberg View, October 2017) (p. 23).

^{viii} “People don’t become ‘adults’ until their 30s, say scientists” (BBC News Newsbeat, March 19, 2019)

<https://www.bbc.com/news/newsbeat-47622059> (p. 27).

^{ix} “Expansive definitions of “statutory rape” have led to the widespread involvement of the justice system in the lives of similarly aged teenagers engaging in relatively normal sexual behavior, so called “Romeo and Juliet” liaisons. This, in turn, has called into question the legitimacy of national policies, such as sex offender registration, because of the presumption that registries are likely filled with these kinds of cases which may not represent the intent of legislatures and the public.” “Romeo, Juliet & Statutory Rape” (Sage Journals, July 2016) <https://journals.sagepub.com/doi/pdf/10.1177/1079063216658451> (p. 28).

^x See Eligibility Table, Legend and Statutory Authority attached (pp. 29-118).



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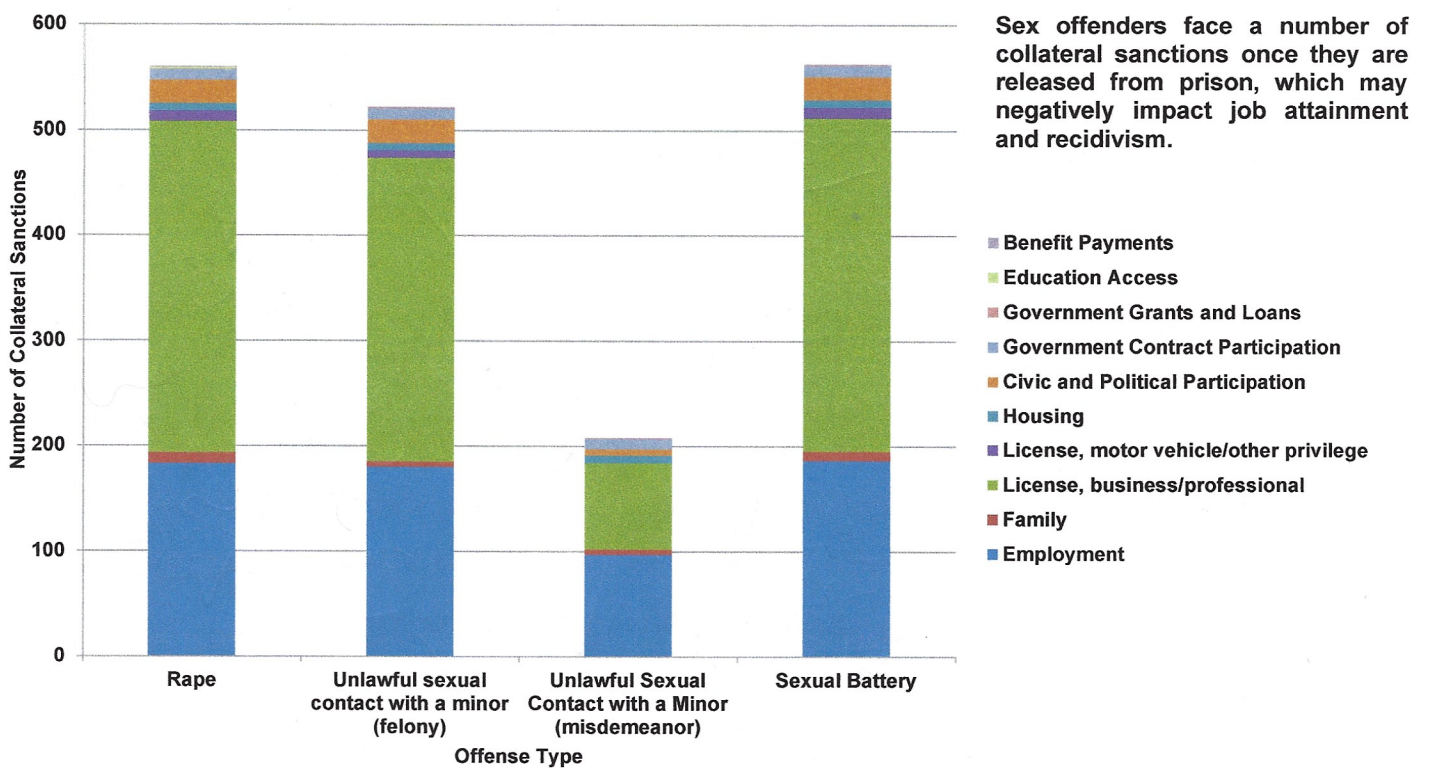
End Note 1: Ohio Attorney General SORN Registry

Ohio Attorney General's Office OffenderWatch® sex offender registry

In November, 2016, icrimewatch.net, the official Internet site for registered sex offenders, showed a potential eligible class of 217 eligible offenders, based strictly upon age and date of conviction, not all of whom will meet the narrow eligibility criteria.

<http://icrimewatch.net/index.php?AgencyID=55149>

Number of Civil Impact Restrictions for Selected Sex Offenses CY 2015*



*Data provided by the Ohio Justice and Policy Center, which can be accessed here: <http://civiccoho.org>. Many civil impacts counted are applicable to all felony convictions and are not exclusive to sex offenses.

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True Stories: Consequences of Registration

Youthful Offenders on the Registry

Over 2,000 names appear on the registry for underage sexual conduct; 250, or 12%, were under the age of 22 at the time of sentencing. Over 900, or 39%, were ten or more years older than the minor, with 116 offenders age 48 or olderⁱ. Ohio sentencing guidelines presume that offenders ten or more years older than the minorⁱⁱ, or offenders with a prior record of sexual crimeⁱⁱⁱ, serve time in prison, where the court can sentence lower risk, younger offenders to probation^{iv}. But in terms of registration, even the younger offenders are required to register twice a year for 25 years in every county where the offender lives, works, or attends school^v. Here are a few stories how registration has affected these young offenders.

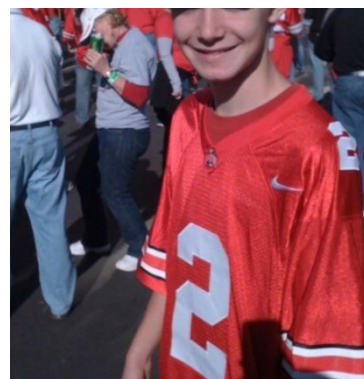


Two Young Kids

Josh was a 19 year old high school senior when he met **Jennah**, a high school freshman, in church. Both sets of parents knew about the relationship, but when she became pregnant, a counselor was required to inform law enforcement. Jennah says: "We just thought...we would go through court and the judge would see that we were both young kids and we had made a mistake." But Jennah was wrong. Josh is required to register as a sex offender for the next 25 years.

Four Months Younger...

Jon was a model student before he met KP. He was a member of National Honor Society with a 3.9 GPA in high school; played baseball, football, and ran track; attended Young Life and volunteered at the local food pantry. He came from a stable, upper middle class home which was active in the community. But he made a mistake that requires him to register as a Tier II sexual offender. The irony is, the law states that, if he had been four months younger, his act would have been a misdemeanor, not subject to registration.



A Mistake of Age

Nathan was 18 when he met a girl at a local hangout and a mutual friend introduced them. He thought she was his age, so they started dating. The relationship turned serious, but after they broke up, he received a call from the prosecutor telling him she was only 14. Ohio does not include mistake of age as a defense to the crime of unlawful sexual conduct with a minor^{vi}.

These youthful offenders, and many others like them, have completed community supervision in lieu of incarceration, including sex offender therapy and community service. The terms of probation may have included prohibitions against the use of social media or the Internet; prohibitions against attending church or spending holidays with minor family members.

True Stories: Consequences of Registration

These kids have a lot in common: they were young and reckless, and made a mistake before they were old enough to buy a beer, a mistake that haunts them throughout their young lives.

Here is the partial price these kids, and others like them, have paid for their mistakes:

- **Josh and Jennah** are now the proud parents of four children. They lived in a rat-infested apartment until recently because the landlord was the only one they found who would rent to them. Josh is not permitted to attend school functions, including parent teacher conferences, volunteer at school or coach a sports team. He could not attend his daughter's father-daughter dance at school. And when one of their children was admitted to intensive care at the hospital, Josh' access was severely restricted. Their son, who has special needs, could not understand why his father could not be with him without an escort^{vi}
- **Jon** has encountered discrimination as a volunteer, a student, and an employee. He was placed on probation at the university he attended in response to an article about sex offenders living on campus. He recently graduated with a marketing degree, but has been turned down for employment in his field. He currently works in a warehouse while he waits for something better to come along.
- **Nathan** was forced to move out of his parents' house due to residency restrictions. When his 8 year old brother had cancer, Nathan was not permitted to visit him in children's hospital. He found it difficult to find a job, but eventually found a job at a machine shop. He now owns his own house, where he has joint custody of his son. But he is still afraid he could lose everything as a result of his registered status. He says people are very judgmental and tend to "judge a book by its cover." He says he is living one day at a time.
- **Joe** was kicked out of his apartment and moved in with a friend; but when his friend's girlfriend moved in with her kids, he was forced to move again. He is lucky enough to have a job, and his boss would like him to advance into management. But he works in the medical field, and his employer will lose Medicare funding if he does. So he has to satisfy himself with a menial job instead.
- **Joseph** scheduled a mission trip to Haiti with his church. He was permitted to board the flight to Haiti, but upon arrival in Haiti, U.S. Customs told him he had to re-board the plane and return to the U.S. Soon after he arrived home, he received a letter stating that his passport had been revoked. He needed to return his passport and request a new one with a special notation that he was a registered sex offender.
- **Drew** recently graduated from college, and hopes to attend law school. He has found that some schools deny registered offenders, and he knows that he will likely not be permitted to sit for the bar exam.
- **Ashlie and Christopher** were both forced to quit nursing school, and **James** lost his job as a firefighter due to statutory prohibitions against registered individuals serving in these capacities.

"I know I made a mistake, and I'm willing to pay for it. But I never meant to hurt anybody" said Jon. "But now my life is over. Nothing will ever be the same again."

True Stories: Consequences of Registration

Consequences of Registration

The U.S. Department of Justice confirms that these kids are not alone: 8 percent of sex offenders report physical assault or injury, 14 percent report property damage, 20 percent report being threatened or harassed, 30 percent report job loss, 19 percent report loss of housing, 16 percent report a family member or roommate being harassed or assaulted, and 40 to 60 percent report negative psychological consequences (SOMAPI Brief, p.3, attached).



Civil Impacts/Employment:

The Civil Impact of Criminal Convictions in Ohio (CIVICC) site (see endnotes) lists 599 jobs, activities, or professional licenses denied to registrants; prospective lawyers may not be permitted to sit for the bar exam; and careers in nursing, medicine, or government work are prohibited.

- Registrants are frequently denied employment out of fear or discrimination;
- As a result, jobs available to registrants tend to be low pay, blue collar jobs;
- Second chance employment designed to help ex-offenders is often denied to registrants, and registrants are not eligible for Certificates of Qualified employment (CQEs).

Residency Restrictions/ Homelessness:

- Ohio law prohibits registered individuals from living within 1,000 feet of any school, pre-school or daycare center; many local municipalities have expanded that to as much as 2,500 feet from other public places such as public parks, pools, recreation centers, ball parks, libraries and bus stops.
- As a result, registrants are cut off from family and support systems; some even become homeless;
- The U.S. Department of Justice reports an increase in crime resulting from homelessness and other factors associated with registration, and does not recommend the use of residency restrictions (see SOMAPI Brief, pp 3-4. attached).



Josh and Jennah recently gave birth to their fourth child. Jennah fears that their children will be harassed and denied privileges because Josh is registered. She says the restrictions will prevent Josh from ever becoming a productive member of society. But Jennah says she has no regrets about the relationship, other than how it has affected Josh and her family. “His grandparents actually were the same age as us when they got married and had children and they’ve been married for almost 50 years now.” Unlike Josh’s grandparents, though, Josh will be forced to spend half of the next 50 years as a registered sex offender.

True Stories: Consequences of Registration

ⁱ From Offender Watch Systems at <http://icrimewatch.net/index.php?AgencyID=55149>.

ⁱⁱ Subsection (B)(3) of Section 2907.04 of the Ohio Revised Code (see binder).

ⁱⁱⁱ Subsection(B)(4) of Section 2907.04 of the Ohio Revised Code (see binder).

^{iv} Subsection (B)(1)(b)(v) (court discretion for fourth and fifth degree sexual offenses), Subsection (C) (principles of sentencing) and Subsection (D) (presumption of prison term) of Section 2929.13 of the Ohio Revised Code (see binder).

^v <https://www.fairreforms.com/sex-crimes-in-ohio>.

^{vi} Subsection (A) of Section 2907.04 of the Ohio Revised Code (see binder).

See Civil Impact of Criminal Convictions in Ohio (CIVICC) <https://civicc.opd.ohio.gov/> (see binder for chart from Profiles of Ohio Prisoners (Correctional Institution Inspection Committee 2015)).

Also see attached: Sex Offender Management Planning Initiative (SOMAPI) Research Brief: Adult Sex Offender Management U.S. Department of Justice, July 2015)(see binder).

“Josh and Jennah” originally published by Katie Wedell, Staff Writer Dayton Daily News (Nov. 27, 2016).

OHIO OFFENSE TIERS
Ohio Revised Code Section 2950.01

Tier I	Tier II	Tier III
2907.04 Unlawful Sexual Conduct less than four years no consent	2907.21 Compelling Prostitution	2907.02 Rape
2907.05 (A)(1), (2), (3) or (5) Gross Sexual Imposition	2907.321 Pandering Obscenity Involving a Minor	2907.03 Sexual Battery
2907.06 Sexual Imposition	2907.322 Pandering Sexually Oriented Material Involving a Minor	2907.05(B) Gross Sexual Imposition victim under the age of 12 with intent to abuse or harm
2907.07 Importuning	2907.323(A)(1)or (2) Illegal Use of a Minor in Nudity-Oriented Performance	2903.01 Aggravated Murder with Sexual Motivation
2907.08 Voyeurism	2907.04 Unlawful Sexual Conduct	2903.02 Murder with Sexual Motivation
2907.09(B)(4) <i>Public Indecency In Front Of A Minor/ Discretion Of Court less than 10 years older or no priors</i>	2907.05(A)(4) Gross Sexual Imposition victim under 13	2903.03(B) Voluntary Manslaughter with Sexual Motivation
2907.22 Promoting Prostitution	2919.22(B)(5) Child Endangering	2903.04(A) Unlawful Death or Termination of Pregnancy as a result of committing a felony with sexual motivation
2907.32 Pandering Obscenity	2907.24(A)(3) Soliciting After Positive HIV Test	2903.11 Felonious Assault with Sexual Motivation
2907.323(A)(3) or (4) Illegal Use of Minor in Nudity-Oriented Material	2905.01(A)(1), (2),(3) or (5) Kidnapping with Sexual Motivation	2905.01(A)(4) Kidnapping victim under age 18
2903.211(A)(3) Menacing by Stalking	2905.01(B) Kidnapping victim age 18 or older	2905.01(B) Kidnapping victim under 18 not a parent
2905.01(A)(1), (2), (3) or (5) Kidnapping (Child-victim oriented offense)	2905.02(B) Abduction	Sexually violent predator classification 2971.03
2905.02(A) Abduction (Child-victim oriented offense)	2905.32 Human Trafficking if (A)11)	Delinquent child for Tier III equivalent in another jurisdiction
2905.03(A) or (B) Unlawful Restraint (Child-victim oriented offense)	Any sexual offense or child-victim oriented offense occurring after an offender has been classified as a Tier I offender	Any sexual offense or child-victim oriented offense occurring after an offender has been classified as a Tier II or Tier III offender
2905.05 Child Enticement (A) with Sexual Motivation; or (B) (Child-victim oriented offense)		
Delinquent Child classified Tier I pursuant to 2152.831	Delinquent Child classified Tier II pursuant to 2152.831	Delinquent Child classified Tier III pursuant to 2152.831 or public registry qualified juvenile

All offenses also include attempt, conspiracy or complicity to commit listed offense.

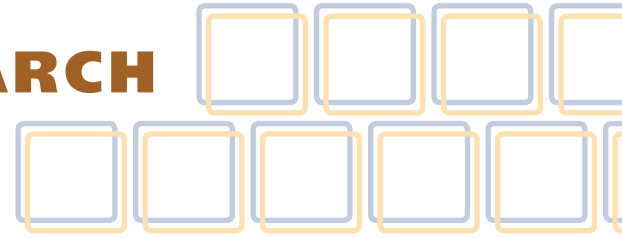
Violations of former laws of this state, any existing or former municipal ordinance or law of another state, military court, Indian tribe, or U.S. that is substantially equivalent to any of the listed offenses included in the equivalent tier.



SOMAPI RESEARCH BRIEF

SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE

Luis C.deBaca, Director • July 2015



Adult Sex Offender Management

by Christopher Lobanov-Rostovsky

Introduction

Prevention and intervention strategies for sexual offending behavior, including sex offender management, have become increasingly prominent and important in the United States. The concept of sex offender management has been conceptualized under the construct of a Comprehensive Approach to Sex Offender Management (CASOM) by the Center for Sex Offender Management (CSOM). The CASOM model includes the fundamental principles of a victim-centered approach, specialized knowledge and training for professionals, public education, monitoring and evaluation of strategies, and multidisciplinary collaboration, as well as the critical components of investigation, prosecution, and disposition; assessment; treatment; supervision; reentry; and registration and community notification (CSOM, 2007).

Despite the intuitive value of using science to guide decisionmaking, laws and policies designed to combat sexual offending are often introduced or enacted in the absence of empirical support. However, there is little question that both public safety and the efficient use of public resources would be enhanced if sex offender management strategies were based on evidence of effectiveness rather than other factors.

This brief addresses sex offender management for adult sexual offenders. It summarizes what is scientifically known about the topic and identifies policy implications, knowledge gaps, and unresolved controversies that emerge from the extant research and that might serve as a catalyst for future empirical study.

About SOMAPI

In 2011, the SMART Office began work on the Sex Offender Management Assessment and Planning Initiative (SOMAPI), a project designed to assess the state of research and practice in sex offender management. As part of the effort, the SMART Office contracted with the National Criminal Justice Association (NCJA) and a team of subject-matter experts to review the literature on sexual offending and sex offender management and develop summaries of the research for dissemination to the field. These summaries are available online at <http://smart.gov/SOMAPI/index.html>.

A national inventory of sex offender management professionals also was conducted in 2011 to gain insight about promising practices and pressing needs in the field. Finally, a Discussion Forum involving national experts was held in 2012 for the purpose of reviewing the research summaries and inventory results and refining what is currently known about sex offender management.

Based on the work carried out under SOMAPI, the SMART Office has published a series of Research Briefs, each focusing on a topic covered in the sexual offending and sex offender management literature review. Each brief is designed to get key findings from the literature review into the hands of policymakers and practitioners. Overall, the briefs are intended to advance the ongoing dialogue related to effective interventions for sexual offenders and provide policymakers and practitioners with trustworthy, up-to-date information they can use to identify what works to combat sexual offending and prevent sexual victimization.



Summary of Research Findings

Specialized Supervision

The development and refinement of specialized legal supervision for sexual offenders has largely occurred over the past 25 years. Specialized supervision frequently involves specially trained probation and parole officers who manage a caseload of sexual offenders using sex-offender-specific supervision strategies that include special conditions of supervision, multidisciplinary collaboration with a treatment provider, and, if appropriate and permissible, the use of global positioning systems (GPS) and polygraph.

Several large-scale studies have assessed the effectiveness of intensive supervision used with criminal offenders. It is not known whether findings from these studies are generalizable to sex offender populations, but the findings provide important insights concerning the effectiveness of intensive supervision overall. Results of these studies found no research support for the effectiveness of community-based Intensive Supervised Probation (ISP) with a primary surveillance orientation in reducing criminal recidivism (Aos, Miller, & Drake, 2006; Petersilia & Turner, 1993), but did find research support for the effectiveness of treatment-oriented ISP (Aos, Miller, & Drake, 2006).

Questions about the effectiveness of intensive supervision in the absence of treatment have led to the development of intensive supervision programs with a treatment orientation. A specific example is the containment approach, which includes collaboration on specialized supervision of sexual offenders provided by trained supervision personnel, sex-offense-specific treatment, and polygraph assessment. Research on the effectiveness of specialized supervision strategies such as the containment approach has been completed in a handful of jurisdictions across the country with some studies showing effectiveness, as measured by significant reductions in sexual recidivism, based upon the use of specialized supervision models (Aytes et al., 2001; Lowden et al., 2003; McGrath et al., 2003), while other studies found no recidivism reduction for the program (Boone et al., 2006; Stalans, Seng, & Yarnold, 2002).

Circles of Support and Accountability

The Circles of Support and Accountability (COSA) model is a supervision strategy involving the use

of community volunteers to provide support to an individual sex offender. COSA assists offenders in garnering community resources while holding them accountable to their self-monitoring plan, typically following completion of legal supervision. The limited research to date has demonstrated that COSA participation is effective in reducing sexual recidivism (Wilson, Cortoni, & McWhinnie, 2009; Wilson, Picheca, & Prinzo, 2005).

Polygraph

The use of polygraph assessment with sexual offenders is a somewhat more controversial management strategy than the others described thus far. Three different types of polygraphs are used with sexual offenders: a specific-incident exam that focuses on the sexual offense conviction or other specific offenses or behaviors, a sexual-history exam that explores the offender's history of sexual offending behavior, and a maintenance exam that reviews the offender's compliance with supervision and treatment conditions.

Results of multiple research studies across a variety of jurisdictions indicate that the use of polygraph with sexual offenders leads to additional disclosures. Reported increases in offender disclosure based on polygraph include the number of victims, offenses, and offense categories (Ahlmeyer et al., 2000; English et al., 2000; Heil, Ahlmeyer, & Simons, 2003; Hindman & Peters, 2001); high-risk behaviors (Buschman et al., 2010; Grubin et al., 2004); and age of onset, duration of offending, and frequency (English et al., 2003). However, in a study conducted by McGrath and colleagues (2007), no significant differences in sexual recidivism between polygraphed and nonpolygraphed sex offenders were found.

Electronic Monitoring, Including GPS

Another recent trend in sex offender management and supervision has been the use of GPS to monitor sex offenders. GPS is an updated, more technologically advanced form of the electronic monitoring techniques used with criminal offenders in the past. Research has been mixed on the use of GPS with general criminal offenders, with one systematic review showing no significant reduction in criminal recidivism for offenders subject to electronic monitoring techniques (Aos, Miller, & Drake, 2006), while another study indicated that criminal offenders on electronic monitoring had



typically prevent sex offenders from living within 1,000 to 2,500 feet of schools, daycare centers, and other places where children congregate. Research has demonstrated that residence restrictions do not decrease (Colorado Department of Public Safety, 2004; Nobles, Levenson, & Youstin, 2012; Socia, 2012; Zandbergen, Levenson, & Hart, 2010) and are not a deterrent for (Duwe, Donnay, & Tewksbury, 2008) sexual recidivism. In addition, research has shown no significant decreases in sex crime rates following the implementation of residence restrictions (Blood, Watson, & Stageberg, 2008).

In terms of the impact on sex offenders of residence restrictions, research indicates that many sexual offenders have had to move or would have to move due to the implementation of residence restriction laws (Barnes et al., 2009; Chajewski & Mercado, 2008; Levenson & Cotter, 2005; Tewksbury & Zgoba, 2010) despite having limited housing options, particularly in urban areas (Barnes et al., 2009; Chajewski & Mercado, 2008; Levenson, 2008). This combination led to a report of increased homelessness (Levenson, 2008), loss of family support, and financial hardship (Levenson & Cotter, 2005).

Research Limitations and Future Needs

The research on sex offender management has a number of limitations. These include a small number of studies on a given strategy, short followup periods, small sample sizes, the use of different recidivism measures (making cross-study comparisons challenging), little information about the specific elements of the programs that are found to be successful, the inability to identify if the strategy being studied is what leads to the result or not, generalizability problems with certain geographic-specific studies, and problems with the scientific rigor of some of the studies including lack of comparison groups. Finally, general issues related to underreporting of sex crimes leads to the problem typically seen in sex offender management research; that is, a low base rate for sexual recidivism, which limits the ability to achieve significant differences between the intervention and comparison groups.

Regarding survey research, limitations include small response rates and sample sizes, leading to possible self-selection bias. In addition, the answers provided by certain responders, including sex offenders, may be

subject to distortion because offenders may try to give a socially desirable response or portray themselves in a sympathetic light.

In terms of future research directions, it is recommended that research using rigorous scientific methods be encouraged and supported. Comparison studies with large sample sizes and longer followup periods should be conducted. Finally, it would be beneficial for future research to not only identify the effect of the intervention, but also identify the program components that appear to be most beneficial and the mechanisms by which successful outcomes are achieved.

Conclusions and Policy Implications

This brief has focused on the effectiveness of a number of prominent sex offender management strategies, including specialized supervision, COSA, polygraph, GPS, civil commitment, SORN, and residence restrictions. Specialized supervision, in conjunction with rehabilitation, appears to be effective in reducing recidivism for sexual offenders. However, the use of specialized supervision in the absence of rehabilitation is not supported by research. The few studies of COSA that have been undertaken thus far have produced encouraging findings, but far more research employing larger samples of offenders and more rigorous designs capable of isolating COSA effects are needed. Research related to the use of polygraph assessment is somewhat less definitive. Therefore, the polygraph, if used, should only be used in conjunction with a comprehensive supervision and treatment approach.

In terms of SORN, research to date has exhibited mixed results on sex offender crime rates and recidivism. Studies have not adequately controlled for outside factors that might serve as an alternative explanation for the observed study outcomes. Future, more rigorous research on the effects of SORN is needed. Despite these limitations, there is broad public and policymaker support for SORN, and a perceived public safety benefit among these groups. Finally, the evidence is fairly clear that residence restrictions are not effective. In fact, the research suggests that residence restrictions may actually increase offender risk by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time.

Overall, sex offender management policies are often implemented on a one-size-fits-all basis for all sexual offenders. It must be stressed that all of the above-noted policies that show a positive impact should be implemented in a targeted rather than one-size-fits-all fashion commensurate with offender risk and need.

Finally, it is recommended that sex offender management policymakers strive to use empirically supported strategies. Granted, there are times when new strategies are identified in the absence of research and need to be tested for effectiveness, as innovation in criminal justice practice (including sex offender management) is important. Given this contingency, it is recommended that future implemented policies should be evidence-generating so that empirical study can occur.

Notes

1. Abstract databases such as Academic Search Complete, Criminal Justice Abstracts, Google Scholar, PubMed, PsycNET®, ScienceDirect, Wiley Online, and Sage Online were also searched for potentially relevant research.
2. SVP stands for sexually violent person/predator.

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ABOUT SMART

The Adam Walsh Child Protection and Safety Act of 2006 authorized the establishment of the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office within OJP. SMART is responsible for assisting with implementation of the Sex Offender Registration and Notification Act (SORNA), and also for providing assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.

Sex offender registries draw criticism from some unlikely sources

Sex offender registries draw criticism from some unlikely sources

Ida Lieszkovszky, Northeast Ohio Media Group

Email the author

on October 08, 2015 at 7:00 AM, updated October 09, 2015 at 2:08 PM

CLEVELAND, Ohio - You might think that all advocates for rape victims would support the practice of forcing sex offenders to publicly register their addresses after their release from prison. But you would be mistaken.

Growing numbers of victim advocates and criminal justice researchers are among those who have concluded that sex offender registries are too costly and provide little or no protection to the public.

"The registry gives the appearance that our community is safer, but we really question whether it lives up to that expectation," said Sondra Miller, president of the Cleveland Rape Crisis Center.

Northeast Ohio Media Group contacted Miller and others to address both sides of an ongoing debate over the effectiveness of the registries, which are now used in every state.

In the beginning

Sex offender registries gained popularity after the 1994 rape and murder of 7-year-old Megan Kanka by a neighbor in New Jersey. "Megan's Law" was followed a decade later by the Adam Walsh Act, named for a 6-year-old boy who was abducted and murdered in Florida. Ohio began registering sex offenders in 1997.

Today, about 19,400 sex offenders are registered statewide, according to the Ohio Attorney General's office.

The Cuyahoga County Sheriff's Department tracks an estimated 3,300 sex offenders at an annual cost of \$675,000. That includes registering sex offenders, sending out fliers warning neighbors that an offender moved into the area, and tracking offenders who fail to report. Sheriff Clifford Pinkney declined to comment for this story.

How registries can help

Proponents of registries say the goal is to alert people to the presence of sex offenders in their neighborhoods and, by extension, help keep people and their children safe.

That's especially important for victims of sexual assault, according to Janine Deccola, a victim's advocate with the Cuyahoga County Prosecutor's Office. The knowledge that an offender is being tracked helps victims "find a sense of safety or comfort" following a harrowing experience.

The registry is also a way to validate what victims have endured. Teresa Stafford, the senior director of advocacy and outreach at the Rape Crisis Center, said that's particularly true in cases of rape, where victims' accounts are often met with doubt or skepticism.

"So many people may not have believed them in the process and that's another public place where they can say yes, this person did rape me, this person did hurt me." Stafford said.

The rap on registries

Critics contend that registries are costly to maintain and are often inaccurate because of undocumented moves by sex offenders or offenders listing phony addresses. And Stafford questions how many people actually make use of the registry. According to the Attorney General's office, some 445,000 people statewide are signed up to receive alerts about newly registered sex offenders.

Critics also contend that the registries leave people with the false impression that most sexual assaults are committed by strangers.

Assistant State Public Defender Brooke Burns said the vast majority of sexual assaults are not committed by strangers down the street. The **Bureau of Justice Statistics found that in 85 percent of sexual assault cases**, the victim and the offender knew each other or were related.

Sexual assaults are also one of the most underreported crimes. According to the Rape, Abuse & Incest National Network, 70 percent of sexual assaults are never reported. Among reported cases, the network estimates just 2 percent of rapists are convicted and sentenced, making them eligible to be included on a registry.

Cullen Sweeney, an attorney with the Cuyahoga County Public Defender's Office, said the registries also can't protect against a first-time offender.

"If it's not really making your children safer, then it doesn't really make financial sense or policy sense," Sweeney said. "And if it has negative consequences, like destabilizing the offender's lives, then it actually makes the community less safe."

Unlikely folks are opposed

It's not surprising that defense attorneys oppose the registries, but therapists and victim's advocates also are among those calling for change.

"The biggest frustration we have with the registry is it feeds into the myths that the general public has about sexual assault," Miller said. "It feeds this stranger-danger mentality when we know it's such a small fraction of the sexual assaults that occur in our community."

Miller said the registries give people a "false sense of security" that sex offenders can be easily identified and avoided, when that's not the case.

Tyffani Dent, a psychologist and vice president of the Ohio Association for the Treatment of Sexual Abusers who works with both victims and offenders, said registries spread law enforcement too thin. Deputies have to check in not only on repeat, violent offenders but also teenagers who sent illicit text messages to their girlfriends, and who pose little threat to their neighbors.

"I want for victims to get justice," she said. "Unfortunately, registration the way it is now doesn't do what it's designed to do."

Studies are critical of registries

Several large-scale studies have shown that registries don't do much to prevent criminals from committing new crimes.

A 2008 U.S. Department of Justice study concluded that "Megan's Law showed no demonstrable effect in reducing sexual re-offenses."

A 2011 study from the University of Chicago found that "registered sex offenders have higher rates of recidivism" than those who did not have to register.

Another study published in 2011 found that a registration requirement has a deterrent effect on sexual offenders, but the notification aspect of the registries leads to higher rates of offense because of the social and financial costs to the offender.

A 2004 Canadian study found that "after 15 years, 73 percent of sexual offenders had not been charged with, or convicted of, another sexual offense."

Better solutions

Dent doesn't think the registry system should be abandoned entirely. Instead, she favors registering only the most dangerous offenders. That would free up resources for preventative measures and treatment, such as mental health therapy, which Dent said has been proven to reduce recidivism.

In particular, Dent said cognitive behavioral therapies, which address the way people think and behave, have been proven to reduce recidivism among sex offenders.

Burns, who primarily works with juveniles at the state defender's office, said that in the cases of young offenders in particular putting their names on a public registry inhibits them from reintegrating into society.

"It's really important that kids get proper treatment, intervention, and their needs are addressed so they don't reoffend, and I think that's far more effective than a registry is," she said.

Miller echoed that sentiment, and noted that victim's services and treatment programs are both underfunded, and could use some of the more than half a million dollars Cuyahoga County spends maintaining its registry.

"It really is a question of where do we put our resources where we're going to have the maximum impact and I'm not sure the sex offender registry is where we're getting the most impact," Miller said

California Is Right to Curb the Sex Offender Registry

It's overly applied, unintentionally harsh and ultimately self-defeating.

By Megan McArdle
October 10, 2017
Bloomberg View

Say what you want about Governor Jerry Brown, but never say he's not brave. He just signed a law that could eventually purge 90 percent of the names off of California's lifetime registry for sex offenders.

I expect that he, and the legislators who passed it, will be subjected to the withering outrage that accompanies any action or statement, however mild or correct, that seems "soft" on sex offenders. I once wrote a column suggesting that pedophiles who are attracted to children but do not act on their impulses need more support from society to help keep them on the straight and narrow. Of course I was roundly scorned as being, at best, a woolly-headed liberal with a permanently broken moral compass, and at worst, probably a pedophile myself.

This is how we have ended up with the absurdities of the sex offender registries. In which teenaged boys who slept with their underage girlfriends can be required to spend years of their life (perhaps all the years of their life), fending off revolted stares from neighbors who think they're child molesters. In which men have to sleep under bridges because there is no abode in the county that is far enough from a child for them to legally take residence. In which work, marriage, travel or even a roof over your head become near-impossible dreams for anyone ever convicted of any sexual offense -- and you may even be liable for these penalties if you are accused of exploiting ... yourself.

The results can occasionally be not only absurd, but also tragic. At 19, William Elliott had sex with his then-girlfriend, who was a few weeks shy of her 16th

birthday. Five years later he was shot to death by a pedophile-hunting Canadian gunman who found his name on Maine's sex offender registry.

In this context, California's step back is rather modest; they are allowing sex offenders to be removed from the registry 10 or 20 years after they serve their sentence, provided they haven't committed another serious crime in the meantime. What's remarkable about the legislation is that it happened at all; it stalled for years, because lawmakers were afraid of being seen as soft on crime.

America needs to rethink its sex offender registries, and whether they're really the best way to protect children from abuse. And our knee-jerk reaction to being "soft on child abusers" makes doing so extremely difficult.

Proposing to ratchet up our laws governing sex offenders is an easy win for politicians; there is no donor base or powerful activist group organized to defend sex offenders. But should the law turn out to produce bizarre unintended consequences -- such as people forced to live under bridges -- any attempt to reduce those consequences will end up framed as thinking child abuse isn't a big deal.

For the record: I think child abuse is a big deal. We should identify child abusers, we should punish them, and we should do our best to protect children from them. But it's not clear to me that sex offender registries, especially in the overbroad way they're often implemented, are the best way to achieve those ends.

Take William Elliott. A 19-year-old who dates a girl three or four years younger than himself may be unwise. He may even be exploiting the relative difference in their maturity. But is he a permanent danger to society? Or is he

quite likely to grow up and settle down with someone pretty close to his own age? [□](#)

I'd suggest that Elliott should never have been registered for any length of time. Nor is his case unique. As an article in National Affairs noted last year:

While some people on the registries certainly are public threats, many are not. Journalist and lawyer Chanakya Sethi found that 12 states require registration for urination in public and six states do for prostitution-related offenses. Teenagers who have consensual sex with other teenagers can be forced to register (sometimes for life) in 29 states. Numerous states permit and some even require registration for kidnapping, even where it has no sexual element. Consensual incestuous sex between adults (while deeply abnormal) can require registration, even though it presents no public danger.

Most disturbingly, about 40 states put juveniles on sex-offender registries, and Nicole Pittman of Impact Justice has found that six states can require juveniles to register for life. Indeed, the federal Adam Walsh Act created some incentives for doing exactly that. At least 5% and perhaps as many as a quarter of all people on the registries around the country are there for offenses for which they were tried as juveniles.

Of course, some teenagers who have sex with younger teenagers may grow up to be creepy men who are courting 15-year-old girls not only while teenagers, but also at ages 20, 40 and 70. Some men who urinate in public may go on to commit grosser crimes. But the same could be said for reckless drivers, yet we do not require them to register with the local police and warn the neighbors that they're a danger to the community.

There are some serial offenders who do need careful watching. And the registry does seem to have some effect on the number of crimes, possibly because fear of being registered acts as a powerful deterrent. But the tendency to use that deterrent indiscriminately may actually be counterproductive; as National Affairs notes, “the presence of non-violent and non-threatening juveniles on sex-offender registries contributes to registry ‘clutter’ that makes it difficult for police and social workers to monitor the truly dangerous sex offenders.” This, the article argues, is how Phillip Garrido, a registered sex offender, nonetheless managed to hold Jaycee Dugard prisoner in his backyard for 18 years. It is also apparently why California law enforcement agencies were among the backers of its kinder, gentler registry law.

California’s retreat from lifetime registry is a good first step. But it is only a step toward the system we need: narrower, less fearful, and better tailored to actually keeping children safe.

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Newsbeat

People don't become 'adults' until their 30s, say scientists

19 March 2019

Have you ever been told to "grow up" in your 20s or need an excuse as to why you still find cat videos on the internet really funny?

Well now you might have an official reason as to why you're not acting like a mature adult.

People don't become fully "adult" until they're in their 30s, according to brain scientists.

Currently the UK law says you become a mature adult when you reach the age of 18.

Scientists who study the brain and nervous system say the age at which you become an adult is different for everyone.

Research suggests people aged 18 are still going through changes in the brain which can affect behaviour and make them more likely to develop mental health disorders.

Professor Peter Jones, from Cambridge University, said: "What we're really saying is that to have a definition of when you move from childhood to adulthood looks increasingly absurd.

"It's a much more nuanced transition that takes place over three decades."

He added: "I guess systems like the education system, the health system and the legal system make it convenient for themselves by having definitions."

When you reach 18, you can vote, buy alcohol, get a mortgage and are also treated as an adult if you get in trouble with the police.

Despite this, Professor Jones says he believes experienced criminal judges recognise the difference between a 19-year-old defendant and a "hardened criminal" in their late 30s.

"I think the system is adapting to what's hiding in plain sight, that people don't like (the idea of) a caterpillar turning into a butterfly," he said.

"There isn't a childhood and then an adulthood. People are on a pathway, they're on a trajectory."

Prof Jones is one of a number of experts who are taking part in a neuroscience meeting hosted by the Academy of Medical Sciences in Oxford.

<https://www.bbc.com/news/newsbeat-47622059>

Romeo, Juliet, and Statutory Rape

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Abstract

Statutory rape is an important yet understudied topic. There is broad public support for the prosecution of older adults who engage in sexual relationships with minors regardless of perceptions of consent by either party. However, some scholars worry that expansive definitions within these laws have led to the widespread involvement of the justice system in the lives of similarly aged teenagers engaging in relatively normal sexual behavior, so called “Romeo and Juliet” liaisons. This, in turn, has called into question the legitimacy of national policies, such as sex offender registration, because of the presumption that registries are likely filled with these kinds of cases which may not represent the intent of legislatures and the public. Despite the importance of these debates, there is little research assessing the prevalence of Romeo and Juliet cases in official crime statistics or that analyze differences in characteristics of statutory rape as a function of victim–offender age differences. Drawing on more than 20 years of police data from over 6,000 police departments in the United States, this study found statutory rape cases were rare and Romeo and Juliet cases were even rarer. Multivariate models showed several distinctions between statutory rape cases as a function of the age differences between victim and offender. Of note, the odds that additional forms of sexual aggression occurred in the incident grew as the age difference expanded.

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MAXIMUM AGE OF ELIGIBILITY FOR RELIEF

EQUIVALENT ELIGIBILITY

MORE GENEROUS ELIGIBILITY

18

19

20

21

23

24

25+

OTHER

DEFINITION OF OFFENSE

Vermont
Wisconsin

Maine

Arkansas
Hawaii
North
Carolina

Kentucky
Maryland
Illinois

Nebraska

EXEMPTION

Indiana
Louisiana
Oregon

Pennsylvania

Tennessee

Connecticut
Massachusetts
Mississippi

PETITION

Texas

Missouri

Alabama

Arizona
South Dakota

Iowa

YOUTHFUL OFFENDER

California
Colorado
Florida
Nevada
New York
Virginia

North Dakota

Georgia
Michigan

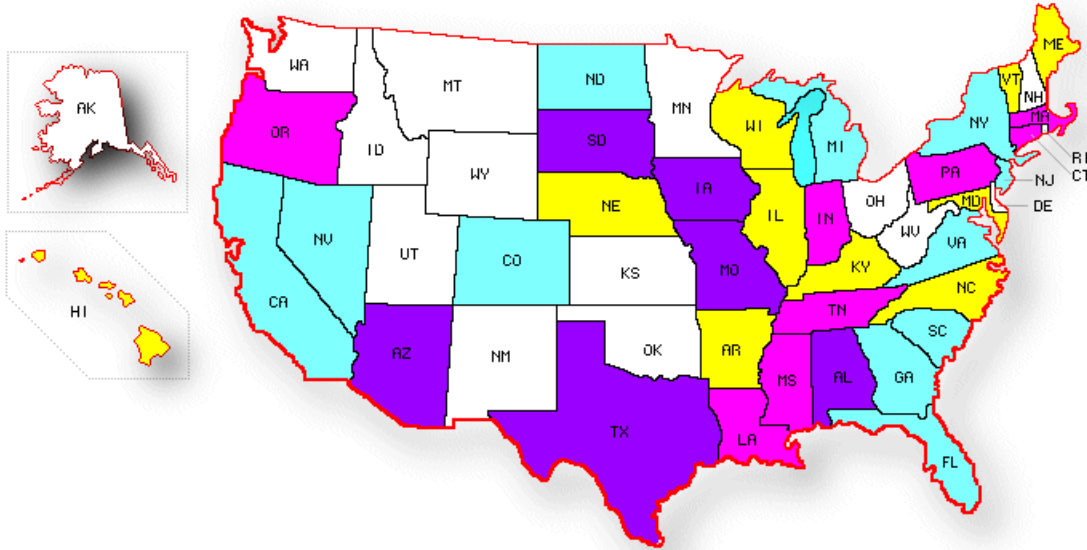
New Jersey
South
Carolina

TYPE OF RELIEF

YOUTHFUL OFFENDER REHABILITATION

Youthful Offender Provisions

- - Narrower Definition
- - Registration Exempt
- - Petition
- - Youthful Offender



MAP LEGEND

The offense of unlawful sexual conduct in Ohio is defined as sexual conduct by a person 18 or over with a minor between the ages of 13 to 16; it is a misdemeanor not subject to registration if the offender is less than 4 years older than the minor and the act was consensual.

The following explains how other states offer youthful offender rehabilitation for adolescents between the ages of 17 and 30.

- **Narrower Definition of Offense**
The equivalent offense is defined as an offender between the ages of 19 and 25, or an age gap of 5-6 years.
- **Exemption from Registration**
The act is a criminal offense, but not subject to registration due to the youth of the offender or the age gap.
- **Petition for Modification or Termination of Duty to Register**
Registration is required, but modification or termination is available to youthful offenders who have been rehabilitated.
- **Youthful Offender Status**
An equivalent act is a misdemeanor or lesser felony for offenders 18 to 21, or state has a youthful offender rehabilitation program for youths 17 to 30.

State	Type of Relief	Page
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Arizona	Petition	5
Arkansas	Narrower Definition	7
California	Youthful Offender	8
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Hawaii	Narrower Definition	18
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North Carolina	Narrower Definition	60
North Dakota	Youthful Offender	61
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State	Description of Relief
Alabama	Petition by offender under age 21, and less than five years older than minor, at time of offense
Arizona	Petition by offender under age 22 at time of offense
Arkansas	Act by offender age 20 or older
California	Youthful offender under age 21 receives lesser penalties
Colorado	Youthful offender under age 21
Connecticut	Exemption with court discretion
Florida	Youthful offender under age 21 at sentencing
Georgia	Youthful offender between age 17 and 25 at conviction
Hawaii	Act by offender five or more years older
Illinois	Act by offender less than five years older is lesser offense
Indiana	Exempt from registration less than five years older
Iowa	Petition two years after commencement of registration
Kentucky	Act by offender age 21 or older
Loiusiana	Exempt from registration not more than four years older
Maine	Act by offender five or more years older
Maryland	Act by offender age 21 or older
Massachusetts	Exemption of act from registration
Michigan	Youthful offender age 17 to 24 years
Mississippi	Exemption of act from registration
Missouri	Petition by offender age 19 or younger two years after commencement of registration
Nebraska	Act by offender age 25 or older
Nevada	Youthful offender age 21 or older commits misdemeanor
New Jersey	Youthful offender age 18-30 years
New York	Youthful offender under age 19
North Carolina	Act by offender six or more years older
North Dakota	Youthful offender under age 22 receives lesser penalty
Oregon	Exempt from registration less than five years older
Pennsylvania	Exempt from registration between four and eight years older
South Carolina	Youthful offender age 17-25 years
South Dakota	Petition by offender under age 22 at time of offense
Tennessee	Exemption with court discretion
Texas	Petition by offender under age 19
Vermont	Act by offender under age 19
Virginia	Youthful offender under age 21
Wisconsin	Act by offender under age 19 a misdemeanor

Alabama Statutes

§ 15-20A-24. Adult sex offender - Relief from registration and notification

- (a) At disposition, sentencing, upon completion of probation, or upon completion of a term of registration ordered by the sentencing court, a sex offender may petition the court for relief from the requirements of this chapter resulting from any of the following offenses, provided that he or she meets the requirements set forth in subsection (b):
- (1) Rape in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-62.
 - (2) Sodomy in the second degree, as provided by subdivision (1) of subsection (a) of Section 13A-6-64.
 - (3) Sexual abuse in the second degree, as provided by subdivision (2) of subsection (a) of Section 13A-6-67.
 - (4) Sexual misconduct, as provided by Section 13A-6-65.
 - (5) Any crime committed in this state or any other jurisdiction which, if had been committed in this state under the current provisions of law, would constitute an offense listed in subdivisions (1) to (4), inclusive.
 - (6) Any solicitation, attempt, or conspiracy to commit any of the offenses listed in subdivisions (1) to (5), inclusive.
- (b) The sex offender shall prove by clear and convincing evidence all of the following to obtain relief under this section:
- (1) The sex offense did not involve force and was only a crime due to the age of the victim.
 - (2) At the time of the commission of the sex offense, the victim was 13 years of age or older.
 - (3) At the time of the commission of the sex offense, the sex offender was less than five years older than the victim.
- (c) If the petition for relief is filed after sentencing or disposition, the petition for relief shall be filed as follows:
- (1) If the adult or youthful offender sex offender was adjudicated or convicted in this state, the petition for relief shall be filed in the civil division of the circuit court where the adult or youthful offender sex offender was adjudicated or convicted.

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- (2) If the adult or youthful offender sex offender was adjudicated or convicted in a jurisdiction outside of this state, the petition for relief shall be filed in the civil division of the circuit court in the county in which the adult or youthful offender sex offender resides.
 - (3) If the juvenile sex offender was adjudicated in this state, the petition for relief shall be filed in the juvenile court.
 - (4) If the juvenile sex offender was adjudicated in a jurisdiction outside of this state, the petition for relief shall be filed in the juvenile court in the county in which the juvenile sex offender resides.
- (d) (1) The sex offender shall serve a copy of the petition by certified mail on all of the following:
- a. The prosecuting attorney in the county of adjudication or conviction, if the sex offender was adjudicated or convicted in this state.
 - b. The prosecuting attorney of the county where the sex offender resides.
 - c. Local law enforcement where the sex offender was adjudicated or convicted, if the sex offender was adjudicated or convicted in this state.
 - d. Local law enforcement where the adult sex offender resides.
- (2) Failure of the sex offender to serve a copy of the petition as required by this subsection shall result in an automatic denial of the petition.
- (e) The petition and documentation to support the request for relief shall include all of the following:
- (1) The offense that the sex offender was initially charged with and the offense that the sex offender was adjudicated or convicted of, if different.
 - (2) A certified copy of the adjudication or conviction requiring registration including a detailed description of the sex offense, if the petition is filed upon completion of probation or a term of registration.
 - (3) Proof of the age of the victim and the age of the sex offender at the time of the commission of the sex offense.
 - (4) A list of each registering agency in each county and jurisdiction in which the sex offender is required to or has ever been required to register, if the petition is filed upon completion of probation or a term of registration.

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- (5) The sex offender's criminal record and an affidavit stating that the sex offender has no pending criminal charges.
 - (6) Any other information requested by the court relevant to the request for relief.
- (f) Upon notification of the petition, the prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the sex offender is required to register of the petition and the dates and times of any hearings or other proceedings in connection with the petition.
- (g) The court shall hold a hearing prior to ruling on the petition. At the hearing, the prosecuting attorney and the victim shall have the opportunity to be heard.
- (h) The court shall issue an order releasing the sex offender from some or all requirements of this chapter pursuant to subsection (i) if the court finds by clear and convincing evidence that the sex offender does not pose a substantial risk of perpetrating any future sex offense. In determining whether to grant relief, the court may consider any of the following:
- (1) Recommendations from the sex offender's probation officer, including, but not limited to, the recommendations in the presentence investigation report and the sex offender's compliance with supervision requirements.
 - (2) Recommendations from the prosecuting attorney.
 - (3) Any written or oral testimony submitted by the victim or the parent, guardian, or custodian of the victim.
 - (4) The facts and circumstances surrounding the offense.
 - (5) The relationship of the parties.
 - (6) The criminal history of the sex offender.
 - (7) The protection of society.
 - (8) Any other information deemed relevant by the court.
- (i) The court may grant full or partial relief from this chapter. If the court grants relief, the court shall enter an order detailing the relief granted and provide a copy of the order to the prosecuting attorney and the Alabama State Law Enforcement Agency.

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- (j) If the court denies the petition, the sex offender may not petition the court again until 12 months after the date of the order denying the petition.
- (k) A sex offender is not eligible for relief under this section if he or she was adjudicated or convicted of a sex offense previous to or subsequent to the offense of which he or she is petitioning the court for relief or has any pending criminal charges for any sex offense.
- (l) In addition to sex offenders adjudicated or convicted of a sex offense on or after July 1, 2011, a sex offender adjudicated or convicted of any of the offenses specified in subsection (a) prior to July 1, 2011, who meets the eligibility requirements specified in subsection (b), except as otherwise provided for in subsection (k), may petition the court for relief pursuant to this section.
- (m) Notwithstanding any state or local law or rule assigning costs and fees for filing and processing civil and criminal cases, except when this relief is sought at the time of sentencing or disposition, a sex offender's petition under this section shall be assessed a filing fee in the amount of two hundred dollars (\$200) to be distributed as provided in Section 15-20A-46. The filing fee may be waived initially and taxed as costs at the conclusion of the case if the court finds that payment of the fee will constitute a substantial hardship. A verified statement of substantial hardship, signed by the sex offender and approved by the court, shall be filed with the clerk of court.
- (n) If a sex offender seeks relief from the court pursuant to this section, the enforcement of this chapter shall not be stayed pending a ruling of the court.
- (o) Any person who knowingly provides false or misleading information pursuant to this section shall be guilty of a Class C felony.

Cite as Ala. Code § 15-20A-24 (1975)

History. Amended by Act 2017-414, §5, eff. /1/2017.
Amended by Act 2015-463, §1, eff. 9/1/2015. Act 2011-640, §24.

Arizona Statutes

§ 13-3826. Petition to terminate sex offender registration; hearing; notice

- A. A defendant who is convicted of a violation of section 13-1405, who is required to register pursuant to section 13-3821 and who successfully completes a term of probation may petition the court for an order to terminate any duty to register and shall serve a copy of the petition on the prosecutor. In the petition, the defendant shall avow, under penalty of perjury, all of the following:
1. The defendant was under twenty-two years of age at the time the offense was committed.
 2. The victim was fifteen, sixteen or seventeen years of age at the time of the offense.
 3. The sexual conduct was consensual.
 4. The defendant did not violate any of the sex offender terms of the defendant's probation.
 5. The defendant has not subsequently committed another felony offense or any offense included in chapter 14 or 35.1 of this title.
 6. A court has not determined that probable cause exists to believe the defendant is a sexually violent person pursuant to title 36, chapter 37 or that a sexually violent person proceeding pursuant to title 36, chapter 37 is not currently pending.
 7. The violation did not involve more than one victim.
 8. The defendant was not sentenced to a term of imprisonment in the state department of corrections for the offense for which the defendant was required to register.
- B. On receipt of the petition, the court shall set a hearing and provide sufficient notice to the state to allow victim notification. The state has the burden of establishing by a preponderance of the evidence that a factor listed in subsection A of this section has not been met. At the hearing, any party may introduce any reliable and relevant evidence, including hearsay evidence. Before ruling on the petition, The court must provide all parties, including the victim, with the opportunity to be heard.

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- C. The court shall deny the petition if the court finds that any factor listed in subsection A of this section is not met.
- D. Notwithstanding subsection C of this section, the court may deny a petition if the court finds that a denial is in the best interests of justice or tends to ensure the safety of the public.

Cite as A.R.S. § 13-3826

History. Added by L. 2016, ch. 105, s. 1, eff. 8/5/2016.

An earlier version of this section was repealed by L. 2014, ch. 229, s. 5, eff. 7/24/2014.

Arkansas Statutes

§ 5-14-127. Sexual assault in the fourth degree

- (a) A person commits sexual assault in the fourth degree if the person:
- (1) Being twenty (20) years of age or older:
 - (A) Engages in sexual intercourse or deviate sexual activity with another person who is:
 - (i) Less than sixteen (16) years of age; and
 - (ii) Not the person's spouse; or
 - (B) Engages in sexual contact with another person who is:
 - (i) Less than sixteen (16) years of age; and
 - (ii) Not the person's spouse; or
 - (2) Engages in sexual contact with another person who is not the actor's spouse, and the actor is employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or a city or county jail.
- (b) (1) Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) of this section is a Class D felony.
- (2) Sexual assault in the fourth degree under subdivision (a)(1)(B) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B) of this section.

Cite as Ark. Code § 5-14-127

History. Acts 2001, No. 1738, § 5; 2003, No. 1325, § 1; 2009, No. 630, § 1.

CALIFORNIA PENAL CODE

§ 261.5. Unlawful sexual intercourse

- (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.
- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:
 - (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).
 - (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).
 - (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

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- (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).
- (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.
- (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

Cite as Ca. Pen. Code § 261.5

History. Amended by Stats 2011 ch 39 (AB 117), s 68, eff. 6/30/2011.

Amended by Stats 2011 ch 15 (AB 109), s 302, eff. 4/4/2011, but operative no earlier than October 1, 2011, and only upon creation of a community corrections grant program to assist in implementing this act and upon an appropriation to fund the grant program.

EFFECTIVE 1/1/2000. Amended October 10, 1999 (Bill Number: SB 832) (Chapter 853).

Colorado Statutes

§ 18-1.3-407.5. Sentences - young adult offenders - youthful offender system - definitions

- (1) (a) A young adult offender may be sentenced to the youthful offender system in the department of corrections in accordance with section 18-1.3-407, under the following circumstances:
- (I) The young adult offender is convicted of a felony enumerated as a crime of violence pursuant to section 18-1.3-406 ;
 - (II) The young adult offender is convicted of a felony offense described in part 1 of article 12 of this title;
 - (III) The young adult offender used, or possessed and threatened the use of, a deadly weapon during the commission of a felony offense against a person, as set forth in article 3 of this title;
 - (IV) The young adult offender is convicted of vehicular homicide, as described in section 18-3-106, vehicular assault, as described in section 18-3-205, or felonious arson, as described in part 1 of article 4 of this title;
 - (V) The young adult offender is convicted of a felony offense described in section 18-1.3-401 as a class 3 felony, other than the felonies described in section 18-3-402(1)(d) and section 18-3-403(1)(e), as it existed prior to July 1, 2000, and has, within the two previous years, been adjudicated a juvenile delinquent for a delinquent act that would constitute a felony if committed by an adult; or
 - (VI) The young adult offender is convicted of a felony offense, and is determined to have been an "habitual juvenile offender", as defined in section 19-1-103(61), C.R.S.
- (b) The offenses described in paragraph (a) of this subsection (1) shall include the attempt, conspiracy, or solicitation to commit such offenses.

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- (2) (a) Notwithstanding the circumstances described in subsection (1) of this section, a young adult offender shall be ineligible for sentencing to the youthful offender system if the young adult offender is convicted of any of the following:
- (I) A class 1 or class 2 felony;
 - (II) A sexual offense described in section 18-6-301, section 18-6-302, or part 4 of article 3 of this title; or
 - (III) Any offense, if the young adult offender has received a sentence to the youthful offender system for any prior conviction.
- (b) Notwithstanding the provisions of paragraph (a) of this subsection (2), a young adult offender who is charged with first degree murder as described in section 18-3-102(1)(b) and pleads guilty to a class 2 felony as a result of a plea agreement is eligible for sentencing to the youthful offender system if the young adult offender would be eligible for sentencing to the youthful offender system for a conviction of the felony underlying the charge of first degree murder as described in section 18-3-102(1)(b).

(3) As used in this section, unless the context otherwise requires, a "young adult offender" means a person who is at least eighteen years of age but under twenty years of age at the time the crime is committed and under twenty-one years of age at the time of sentencing pursuant to this section.

Cite as C.R.S. § 18-1.3-407.5

History. Recreated and reenacted with amendments by 2013 Ch. 171, §1, eff. 5/10/2013.

L. 2009: Entire section added, (HB09-1122), ch. 77, p. 278, §1, effective October 1. L. 2013: Entire section RC&RE, (SB13-216), ch. 171, p. 617, §1, effective May 10.

Editor's Note:

Prior to the recreation and reenactment of this section in 2013, subsection (4) provided for the repeal of this section, effective October 1, 2012. (See L. 2009, p. 278.)

Connecticut Statutes

§ 54-251. Registration of person who has committed a criminal offense against a victim who is a minor or a nonviolent sexual offense

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense, and is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years from the date of such person's release into the community, except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a criminal offense against a victim who is a minor or a nonviolent sexual offense, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is

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employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

- (b) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 from the registration requirements of this section if the court finds that such person was under nineteen years of age at the time of the offense and that registration is not required for public safety.
- (c) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, from the registration requirements of this section if the court finds that registration is not required for public safety.
- (d) Any person who files an application with the court to be exempted from the registration requirements of this section pursuant to subsection (b) or (c) of this section shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim.
- (e) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Cite as Conn. Gen. Stat. § 54-251

Source:

P.A. 98-0111, S. 2; P.A. 99-0183, S. 2, 13; P.A. 01-0211, S. 1; May 9 Sp. Sess. P.A. 02-0007, S. 79; P.A. 05-0146, S. 5; P.A. 06-0187, S. 34 -36; 06-196, S. 292; June Sp. Sess. P.A. 07-0004, S. 90; P.A. 11-0051, S. 134; P.A. 15-211, S. 5; 15-213, S. 4.

History. Amended by P.A. 15-0213, S. 4 of the Connecticut Acts of the 2015 Regular Session, eff. 10/1/2015.
Amended by P.A. 15-0211, S. 5 of the Connecticut Acts of the 2015 Regular Session, eff. 10/1/2015.

Adolescents and the Law: Youthful Offender Rehabilitation and Relief

Note: P.A. 99-0183 amended Subsec. (a) to make provisions applicable to any person convicted or found not guilty by reason of mental disease or defect of "a nonviolent sexual offense", require a person to register "whether or not such person's place of residence is in this state", add exception requiring any person who has one or more prior convictions of any such offense or who is convicted of a violation of Sec. 53a-70(a)(2) to maintain registration for life, revise provision re changing address to and registering in another state, add provision requiring a person who regularly travels into or within another state or temporarily resides in another state to notify the Commissioner of Public Safety and register with an appropriate agency in that state if that state has a registration requirement, add provision requiring registrants to submit to the retaking of a photographic image upon request and make technical changes for purposes of gender neutrality, added new Subsec. (b) to authorize the court to exempt any person convicted or found not guilty by reason of mental disease or defect of violation of Sec. 53a-71(a)(1) from the registration requirement under certain circumstances, **added new Subsec. (c) to authorize the court to exempt any person convicted or found not guilty by reason of mental disease or defect of violation of Sec. 53a-73(a)(2) from the registration requirement under certain circumstances,** and redesignated former Subsec. (b) as Subsec. (d), effective July 1, 1999; P.A. 01-0211 added new Subsec. (d) requiring any person who files an application to be exempted to notify the Office of Victim Services and the Department of Correction of the filing of such application, requiring said office or department, or both, to notify any victim who has requested notification of the filing of such application and requiring the court to consider any information or statement provided by the victim prior to granting or denying such application and redesignated existing Subsec. (d) as Subsec. (e) and amended same to specify that penalty is for a violation of "subsection (a)" of this section; May 9 Sp. Sess. P.A. 02-0007 amended Subsec. (a) to make requirement that a person subject to registration under this section notify the commissioner and register with an appropriate agency in another state applicable if such person "is employed in another state, carries on a vocation in another state or is a student in another state" rather than if such person "regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling" and to add provision requiring any person subject to registration under this section who is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state to notify the commissioner of such status and any change in such status, effective August 15, 2002; P.A. 05-0146 amended Subsec. (d) to specify that it is the "Victim Services Unit" within the Department of Correction to which a person gives notice of the filing of an application and which notifies any victim who requested notification of the filing of the application; P.A. 06-0187 amended Subsec. (a) to require person in custody of Commissioner of Correction to register at such time prior to release as commissioner directs, require person who changes such person's name to notify commissioner in writing of new name without undue delay, replace requirement that person who changes such person's address register new address in writing with commissioner within five days with requirement that such person notify commissioner in writing of new address without undue delay, reposition provision re notification of employment, vocational or student status at trade or professional institution or institution of higher learning in this state and of any change in such status, require that such notification be made "without undue delay", and require that notification person must give re employment, vocational or student status in another state be given "without undue delay", amended Subsec. (c) to include a violation of Sec. 53a-189a(a)(2) and amended Subsec. (e) to add exception that person who fails to notify commissioner without undue delay of change of name, address or status or another reportable event is subject to penalty if such failure continues for five business days, effective July 1, 2006; P.A. 06-0196 changed effective date of P.A. 06-0187, S. 34 -36 from July 1, 2006, to October 1, 2006, effective June 7, 2006; June Sp. Sess. P.A. 07-0004 amended Subsec. (a) to require registration of person's "electronic mail address, instant message address or other similar Internet communication identifier, if any," and require registrant who establishes or changes such an identifier to notify Commissioner of Public Safety in writing of such identifier without undue delay; pursuant to P.A. 11-0051, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011; P.A. 15-211 amended Subsec. (a) to add provision re 10-year registration period to start from date of person's release into the community; P.A. 15-213 amended Subsec. (c) to add reference to Sec. 53a-189a(a)(3) or (4).

Florida Statutes

§ 958.04. Judicial disposition of youthful offenders

- (1) The court may sentence as a youthful offender any person:
 - (a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;
 - (b) Who is found guilty of or who has tendered, and the court has accepted, a plea of nolo contendere or guilty to a crime that is, under the laws of this state, a felony if the offender is younger than 21 years of age at the time sentence is imposed; and
 - (c) Who has not previously been classified as a youthful offender under the provisions of this act; however, a person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender under this act.
- (2) In lieu of other criminal penalties authorized by law and notwithstanding any imposition of consecutive sentences, the court shall dispose of the criminal case as follows:
 - (a) The court may place a youthful offender under supervision on probation or in a community control program, with or without an adjudication of guilt, under such conditions as the court may lawfully impose for a period of not more than 6 years. Such period of supervision may not exceed the maximum sentence for the offense for which the youthful offender was found guilty.
 - (b) The court may impose a period of incarceration as a condition of probation or community control, which period of incarceration shall be served in a county facility, a department probation and restitution center, or a community residential facility that is owned and operated by any public or private entity providing such services. A youthful offender may not be required to serve a period of incarceration in a community correctional center as defined in s. 944.026. Admission to a department facility or center shall be contingent upon the availability of bed space and shall take into account the purpose and function of such facility or center. Placement in such a facility or center may not exceed 364 days.
 - (c) The court may impose a split sentence whereby the youthful offender is to be placed on probation or community control upon completion of any specified period of incarceration; however, if the incarceration period is to be served in a department facility other than a probation and restitution center or community

residential facility, such period shall be for not less than 1 year or more than 4 years. The period of probation or community control shall commence immediately upon the release of the youthful offender from incarceration. The period of incarceration imposed or served and the period of probation or community control, when added together, may not exceed 6 years.

- (d) The court may commit the youthful offender to the custody of the department for a period of not more than 6 years, provided that any such commitment may not exceed the maximum sentence for the offense for which the youthful offender has been convicted. Successful participation in the youthful offender program by an offender who is sentenced as a youthful offender by the court pursuant to this section, or is classified as such by the department, may result in a recommendation to the court, by the department, for a modification or early termination of probation, community control, or the sentence at any time prior to the scheduled expiration of such term. The department shall adopt rules defining criteria for successful participation in the youthful offender program which shall include program participation, academic and vocational training, and satisfactory adjustment. When a modification of the sentence results in the reduction of a term of incarceration, the court may impose a term of probation or community control which, when added to the term of incarceration, may not exceed the original sentence imposed.
- (3) The provisions of this section shall not be used to impose a greater sentence than the permissible sentence range as established by the Criminal Punishment Code pursuant to chapter 921 unless reasons are explained in writing by the trial court judge which reasonably justify departure. A sentence imposed outside of the code is subject to appeal pursuant to s. 924.06 or s. 924.07.
- (4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.
- (5) The department shall provide a special training program for staff selected for the basic training program.

Cite as Fla. Stat. § 958.04

History. s. 5, ch. 78-84; s. 1, ch. 80-321; s. 20, ch. 85-288; s. 1, ch. 87-58; s. 3, ch. 87-110; s. 7, ch. 90-208; s. 11, ch. 90-211; s. 11, ch. 91-225; s. 8, ch. 93-406; s. 101, ch. 94-209; s. 22, ch. 96-312; s.31, ch. 97-94; s.36, ch. 97-194; s.21, ch. 98-204; s.61, ch. 98-280; s.7, ch. 2008-250.

CODE OF GEORGIA

§ 42-7-2. Youthful Offenders; Definitions

As used in this chapter, the term:

- (1) "Board" means the Board of Corrections.
- (2) "Commissioner" means the commissioner of corrections.
- (3) "Conviction" means a judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere in a felony case but excludes all judgments upon criminal offenses for which the maximum punishment provided by law is death or life imprisonment.
- (4) "Court" means any court of competent jurisdiction other than a juvenile court.
- (5) "Department" means the Department of Corrections.
- (6) "Treatment" means corrective and preventative incarceration, guidance, and training designed to protect the public by correcting the antisocial tendencies of youthful offenders, which may include but is not limited to vocational, educational, and other training deemed fit and necessary by the department.
- (7) "Youthful offender" means any male offender who is at least 17 but less than 25 years of age at the time of conviction and who in the opinion of the department has the potential and desire for rehabilitation.

Cite as OCGA § 42-7-2

Hawaii Statutes

§ 707-730. Sexual assault in the first degree

(1) A person commits the offense of sexual assault in the first degree if:

- (a) The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
- (b) The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
- (c) The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
 - (i) The person is not less than five years older than the minor; and
 - (ii) The person is not legally married to the minor;
- (d) The person knowingly subjects to sexual penetration another person who is mentally defective; or
- (e) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

- (2) Sexual assault in the first degree is a class A felony.

Cite as HRS § 707-730

Illinois Compiled Statutes

§ 720 ILCS 5/11-1.50. [Renumbered from 720 ILCS 5/12-15] Criminal Sexual Abuse

- (a) A person commits criminal sexual abuse if that person :
- (1) commits an act of sexual conduct by the use of force or threat of force; or
 - (2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.
- (b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age .
- (c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.
- (d) Sentence. Criminal sexual abuse for a violation of subsection (b) or (c) of this Section is a Class A misdemeanor. Criminal sexual abuse for a violation of paragraph (1) or (2) of subsection (a) of this Section is a Class 4 felony. A second or subsequent conviction for a violation of subsection (a) of this Section is a Class 2 felony. For purposes of this Section it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section.

Cite as 720 ILCS 5/11-1.50

History. Renumbered from 720 ILCS 5/12-15 and amended by P.A. 096-1551, §2-5, eff. 7/1/2011. P.A. 91-389, eff. 1-1-00.

Indiana Statutes

§ 35-42-4-9. Sexual misconduct with a minor

- (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits sexual misconduct with a minor, a Level 5 felony. However, the offense is:
- (1) a Level 4 felony if it is committed by a person at least twenty-one (21) years of age; and
 - (2) a Level 1 felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Level 6 felony. However, the offense is:
- (1) a Level 5 felony if it is committed by a person at least twenty-one (21) years of age; and
 - (2) a Level 2 felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).
- (d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(e) It is a defense to a prosecution under this section if all the following apply:

- (1) The person is not more than four (4) years older than the victim.
- (2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (3) The crime:
 - (A) was not committed by a person who is at least twenty-one (21) years of age;
 - (B) was not committed by using or threatening the use of deadly force;
 - (C) was not committed while armed with a deadly weapon;
 - (D) did not result in serious bodily injury;
 - (E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
 - (F) was not committed by a person having a position of authority or substantial influence over the victim.
- (4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (5) The person is not promoting prostitution (as defined in IC 35-45-4-4) with respect to the victim even though the person has not been charged with or convicted of the offense.

Cite as IC 35-42-4-9

History. Amended by P.L. 144-2018, SEC. 28, eff. 7/1/2018. Amended by P.L. 158-2013, SEC. 445, eff. 7/1/2014.

As added by P.L. 79-1994, SEC.15. Amended by P.L. 33-1996, SEC.9; P.L. 216-1996, SEC.21; P.L. 31-1998, SEC.8; P.L. 266-2003, SEC.1; P.L. 216-2007, SEC.45.

Indiana Statutes

§ 11-8-8-4.5. "Sex offender"

- (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:
- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (iii) the sentencing court finds that the person should not be required to register as a sex offender.
 - (9) Incest (IC 35-46-1-3).
 - (10) Sexual battery (IC 35-42-4-8).

- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
 - (15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.
 - (16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).
 - (17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).
 - (18) Child sexual trafficking (IC 35-42-3.5-1.3).
 - (19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.
 - (20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
 - (21) An attempt or conspiracy to commit a crime listed in this subsection.
 - (22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.
- (b) The term includes:
- (1) a person who is required to register as a sex offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;

- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.
- (c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Cite as IC 11-8-8-4.5

History. Amended by P.L. 144-2018, SEC. 3, eff. 7/1/2018. Amended by P.L. 75-2016, SEC. 1, eff. 7/1/2016.

Amended by P.L. 13-2016, SEC. 4, eff. 7/1/2016. Amended by P.L. 185-2014, SEC. 2, eff. 7/1/2014. Amended by P.L. 168-2014, SEC. 20, eff. 7/1/2014. Amended by P.L. 214-2013, SEC. 4, eff. 7/1/2013. Amended by P.L. 158-2013, SEC. 171, eff. 7/1/2014. Amended by P.L. 13-2013, SEC. 41, eff. 4/1/2013.

Amended by P.L. 72-2012, SEC. 1, eff. 7/1/2012. Amended by P.L. 1-2012, SEC. 2, eff. 1/30/2012.

As added by P.L. 216-2007, SEC.12.

Indiana Statutes

§ 11-14-1-5. "Youthful offender"

"Youthful offender" means an offender (as defined in IC 11-8-1-9) who:

- (1) is less than twenty-one (21) years of age;
- (2) has been committed to the department to serve a maximum sentence of not more than eight (8) years;
- (3) has received a suspendible sentence under IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1, or IC 35-50-2-2.2 ;
- (4) has been sentenced by a court having criminal jurisdiction;
- (5) has never been confined in a state or federal adult correctional facility; and
- (6) has not previously participated in a military or correctional boot camp program.

Cite as IC 11-14-1-5

History. Amended by P.L. 168-2014, SEC. 26, eff. 7/1/2014.

As added by P.L. 94-1990, SEC.1. Amended by P.L. 109-1991, SEC.1; P.L. 148-1995, SEC.1.

Iowa Statutes

§ 692A.128. Modification

1. A sex offender who is on probation, parole, work release, special sentence, or any other type of conditional release may file an application in district court seeking to modify the registration requirements under this chapter.
2. An application shall not be granted unless all of the following apply:
 - a. The date of the commencement of the requirement to register occurred at least two years prior to the filing of the application for a tier I offender and five years prior to the filing of the application for a tier II or III offender.
 - b. The sex offender has successfully completed all sex offender treatment programs that have been required.
 - c. A risk assessment has been completed and the sex offender was classified as a low risk to reoffend. The risk assessment used to assess an offender as a low risk to reoffend shall be a validated risk assessment approved by the department of corrections.
 - d. The sex offender is not incarcerated when the application is filed.
 - e. The director of the judicial district department of correctional services supervising the sex offender, or the director's designee, stipulates to the modification, and a certified copy of the stipulation is attached to the application.
3. The application shall be filed in the sex offender's county of principal residence.
4. Notice of any application shall be provided to the county attorney of the county of the sex offender's principal residence, the county attorney of any county in this state where a conviction requiring the sex offender's registration occurred, and the department. The county attorney where the conviction occurred shall notify the victim of an application if the victim's address is known.

5. The court may, but is not required to, conduct a hearing on the application to hear any evidence deemed appropriate by the court. The court may modify the registration requirements under this chapter.
6. A sex offender may be granted a modification if the offender is required to be on the sex offender registry as a result of an adjudication for a sex offense, the offender is not under the supervision of the juvenile court or a judicial district judicial department of correctional services, and the department of corrections agrees to perform a risk assessment on the sex offender. However, all other provisions of this section not in conflict with this subsection shall apply to the application prior to an application being granted except that the sex offender is not required to obtain a stipulation from the director of a judicial district department of correctional services, or the director's designee.
7. If the court modifies the registration requirements under this chapter, the court shall send a copy of the order to the department, the sheriff of the county of the sex offender's principal residence, any county attorney notified in subsection 4, and the victim, if the victim's address is known.

Cite as Iowa Code § 692A.128

History. 2009 Acts, ch 119, §28

Note:

Referred to in § 692A.106

Kentucky Revised Statutes

§ 510.060. Rape in the third degree

(1) A person is guilty of rape in the third degree when:

(a)

Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than sixteen (16) years old;

- (b) Being twenty-one (21) years old or more, he or she engages in sexual intercourse with another person less than eighteen (18) years old and for whom he or she provides a foster family home as defined in KRS 600.020 ;
- (c) Being at least ten (10) years older than a person who is sixteen (16) or seventeen (17) years old at the time of sexual intercourse, he or she engages in sexual intercourse with the person;
- (d) Being a person in a position of authority or position of special trust, as defined in KRS 532.045, he or she engages in sexual intercourse with a minor under eighteen (18) years old with whom he or she comes into contact as a result of that position; or
- (e) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he or she subjects a person who he or she knows is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual intercourse.

(2) Rape in the third degree is a Class D felony.

Cite as KRS 510.060

History. Amended by 2018 Ky. Acts ch. 109, §2, eff. 7/14/2018.

Amended by 2018 Ky. Acts ch. 43, §3, eff. 7/14/2018.

Amended by 2012 Ky. Acts ch. 148, §2, eff. 7/11/2012.

Amended by 2012 Ky. Acts ch. 146, §127, eff. 7/11/2012.

Amended 2010, Ky. Acts ch. 26, sec. 1, effective July 15, 2010. -- Amended 2006, Ky. Acts ch. 182, sec. 31, effective July 12, 2006. -- Amended 2002, Ky. Acts ch. 259, sec. 7, effective July 15, 2002; and ch. 282, sec. 1, effective July 15, 2002. --Amended 1988 Ky. Acts ch. 283, sec. 12, effective July 15, 1988. -- Created 1974 Ky. Acts ch. 406, sec. 86, effective January 1, 1975.

Louisiana Revised Statutes

§ 15:542. Registration of sex offenders and child predators

- A. The following persons shall be required to register and provide notification as a sex offender or child predator in accordance with the provisions of this Chapter:
- (1) Any adult residing in this state who has pled guilty to, has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of, or any conspiracy to commit either of the following:
 - (a) A sex offense as defined in R.S. 15:541, with the exception of those convicted of felony carnal knowledge of a juvenile as provided in Subsection F of this Section.
 - (b) A criminal offense against a victim who is a minor as defined in R.S. 15:541.
 - (2) Any juvenile who has pled guilty or has been convicted of a sex offense or second degree kidnapping as provided for in Children's Code Article 305 or 857, with the exception of simple or third degree rape but including any conviction for an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed herein for which a juvenile would have to register.
 - (3) Any juvenile, who has attained the age of fourteen years at the time of commission of the offense, who has been adjudicated delinquent based upon the perpetration, attempted perpetration, or conspiracy to commit any of the following offenses:
 - (a) Aggravated or first degree rape (R.S. 14:42), which shall include those that have been adjudicated delinquent based upon the perpetration, attempted perpetration, or conspiracy to commit aggravated oral sexual battery (formerly R.S. 14:43.4, Repealed by Acts 2001, No. 301, §2) occurring prior to August 15, 2001.
 - (b) Forcible or second degree rape (R.S. 14:42.1).
 - (c) Second degree sexual battery (R.S. 14:43.2).
 - (d) Aggravated kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44).
 - (e) Second degree kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44.1).
 - (f) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2) involving circumstances defined by R.S. 15:541 as an "aggravated

offense".

- (g) Aggravated crime against nature (R.S. 14:89.1(A)(1)).
- (h) An offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed in Subparagraphs (a) through (g) of this Paragraph.

- B.
 - (1) The persons listed in Subsection A of this Section shall register in person with the sheriff of the parish of the person's residence, or residences, if there is more than one, and with the chief of police if the address of any of the person's residences is located in an incorporated area which has a police department. If the offender resides in a municipality with a population in excess of three hundred thousand persons, he shall register in person with the police department of his municipality of residence.
 - (2) The offender shall also register in person with the sheriff of the parish or parishes where the offender is an employee and with the sheriff of the parish or parishes where the offender attends school. If the offender is employed or attends school in a municipality with a population in excess of three hundred thousand persons, then he shall register only, pursuant to this Paragraph, with the police department of the municipality where he is employed or attends school. The offender shall also register in the parish of conviction for the initial registration only. No registration in the parish of conviction is necessary if the offender is incarcerated at the time of conviction or immediately taken into custody by law enforcement after the conviction.
 - (3) If the sex offender is a student at an institution of postsecondary education in this state, the sex offender shall also register with the campus law enforcement agency of the institution at least one business day prior to the beginning of the school term or semester.
- C.
 - (1) The offender shall register and provide all of the following information to the appropriate law enforcement agencies listed in Subsection B of this Section in accordance with the time periods provided for in this Subsection:
 - (a) Name and any aliases used by the offender.
 - (b) Physical address or addresses of residence.
 - (c) Name and physical address of place of employment. If the offender does not have a fixed place of employment, the offender shall provide information with as much specificity as possible regarding the places where he works, including but not limited to travel routes used by the offender.

- (d) Name and physical address of the school in which he is a student.
- (e) Two forms of proof of residence for each residential address provided, including but not limited to a driver's license, bill for utility service, and bill for telephone service. If those forms of proof of residence are not available, the offender may provide an affidavit of an adult resident living at the same address. The affidavit shall certify that the affiant understands his obligation to provide written notice pursuant to R.S. 15:542.1.4 to the appropriate law enforcement agency with whom the offender last registered when the offender no longer resides at the residence provided in the affidavit.
- (f) The crime for which he was convicted and the date and place of such conviction, and if known by the offender, the court in which the conviction was obtained, the docket number of the case, the specific statute under which he was convicted, and the sentence imposed.
- (g) A current photograph.
- (h) Fingerprints, palm prints, and a DNA sample.
- (i) Telephone numbers, including fixed location phone and mobile phone numbers assigned to the offender or associated with any residence address of the offender.
- (j) A description of every motorized vehicle registered to or operated by the offender, including license plate number and vehicle identification number, and a copy of the offender's driver's license and identification card. This information shall be provided prior to the offender's operation of the vehicle.
- (k) Social security number and date of birth.
- (l) A description of the physical characteristics of the offender, including but not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos, or other identifying marks on the body of the offender.
- (m) Every e-mail address, online screen name, or other online identifiers used by the offender to communicate on the internet. If the offender uses a static internet protocol address, that address shall also be provided to the appropriate law enforcement agency. Required notice must be given before any online identifier or static internet protocol address is used to communicate on the internet. For purposes of this Subparagraph, "static internet protocol address" is a numerical label assigned to a computer by an internet service provider to be the computer's permanent address on the internet.

- (n)
 - (i) Temporary lodging information regarding any place where the offender plans to stay for seven or more days. This information shall be provided at least three days prior to the date of departure unless an emergency situation has prevented the timely disclosure of the information.
 - (ii) Temporary lodging information regarding international travel shall be provided regardless of the number of days or nights the offender plans to stay. This information shall be provided at least twenty-one days prior to the date of departure unless an emergency situation has prevented the timely disclosure of the information. Upon receipt of this information by the bureau from the law enforcement agency pursuant to Subsection E of this Section, this information shall then be sent by the bureau to the United States Marshals Service's National Sex Offender Targeting Center for transmission to the proper authorities.
 - (o) Travel and immigration documents, including but not limited to passports and documents establishing immigration status.
- (2) Unless an earlier time period is specified in the provisions of Paragraph (1) of this Subsection, every offender required to register in accordance with this Section shall appear in person and provide the information required by Paragraph (1) of this Subsection to the appropriate law enforcement agencies within three business days of establishing residence in Louisiana. If the offender is a current resident of Louisiana and is not immediately taken into custody or incarcerated after conviction or adjudication, he shall provide the information on the date of conviction to the sheriffs of the parish where the offender was convicted or adjudicated and shall, within three business days after conviction or adjudication, provide the information to the sheriff of the parishes of the offender's residence, employment, and school. If incarcerated immediately after conviction or placed in a secure facility immediately after adjudication, the information required by Paragraph (1) of this Subsection shall be provided to the secretary of the Department of Public Safety and Corrections, or his designee, or the deputy secretary for youth services, or his designee, whichever has custody of the offender, within ten days prior to release from confinement. Once released from confinement, every offender shall appear in person within three business days to register with the appropriate law enforcement agencies pursuant to the provision of this Section. The offender shall register with the sheriff of the parish in which the residence address he initially supplied to the Department of Public Safety and Corrections is located, unless his residence address has changed and he has registered with the sheriff of the parish in which his new residence address is located.

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- (3) Knowingly providing false information to any law enforcement officer, office, or agency required to receive registration information pursuant to the provisions of this Chapter shall constitute a failure to register pursuant to R.S. 15:542.1.4(A)(1).
- D. The offender shall pay to the appropriate law enforcement agencies with whom he is required to register, except for the campus law enforcement agency of an institution of postsecondary education, an annual registration fee of sixty dollars to defray the costs of maintaining the record of the offender. The payment of such a fee shall be made in accordance with any rule regarding indigency adopted by the judges of the judicial district court in the jurisdiction or as determined by criteria established by the Department of Public Safety and Corrections. The offender shall pay such fee upon the initial registration and on the anniversary thereof. Failure by the offender to pay the fee within thirty days of initial registration shall constitute a failure to register and shall subject the offender to prosecution under the provisions of R.S. 15:542.1.4(A)(3). The offender shall not be prevented from registering in accordance with this Section for failure to pay the annual registration fee.
- E. Upon receipt of the registration information as required by the provisions of this Section, the law enforcement agency shall immediately forward such information to the bureau electronically.
- F. (1) Except as provided in Paragraphs (2) and (3) of this Subsection, the sex offender registration and notification requirements required by this Chapter are mandatory and shall not be waived or suspended by any court. Any order waiving or suspending sex offender registration and notification requirements shall be null, void, and of no effect. Any order waiving or suspending registration and notification requirements shall not be construed to invalidate an otherwise valid conviction.
- (2) Upon joint written motion by the district attorney and the petitioner, the court of conviction may waive sex offender registration and notification requirements imposed by the provisions of this Chapter for a person convicted of felony carnal knowledge of a juvenile (R.S. 14:80) on, before, or after January 1, 2008, when the victim is at least thirteen years of age and the offender was not more than four years older than the victim at the time of the commission of the offense. Relief shall not be granted unless the motion is accompanied by supporting documentary proof of the age of the victim and the age of the perpetrator at the time of commission of the offense. If the court of conviction was not a Louisiana district court, this joint motion may be brought in the district court of the parish of the offender's residence after the bureau has made the determination, pursuant to the provisions of R.S. 15:542.1.3, on the grounds that the elements of the offense of conviction are equivalent to the elements of R.S. 14:80 . The court may grant the motion upon clear and convincing evidence that the ages of the victim and offender at the time of commission of the offense were within the limitations provided in this Section.

- (3) (a) Any person who was convicted of carnal knowledge of a juvenile (R.S. 14:80) prior to August 15, 2001, may petition the court of conviction to be relieved of the sex offender registration and notification requirements of this Chapter if the offense for which the offender was convicted would be defined as misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1) had the offender been convicted on or after August 15, 2001. Offenders convicted of an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law may petition the district court of his parish of residence once the administrative procedures of R.S. 15:542.1.3 have been exhausted, and the elements of the offense of conviction have been found to be equivalent to the current definition of misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1).
- (b) The following procedures shall apply to the provisions of this Paragraph:
- (i) The petition shall be accompanied with supporting documentation to establish that the age of the perpetrator and the victim at the time the offense was committed are within the parameters set forth in R.S. 14:80.1.
 - (ii) The district attorney shall be served with a copy of the petition.
 - (iii) The court shall order a contradictory hearing to determine whether the offender is entitled to be relieved of the registration and notification requirements pursuant to the provisions of this Paragraph.
- (c) The provisions of this Paragraph shall not apply to any person who was convicted of more than one offense which requires registration pursuant to the provisions of this Chapter.
- (4) (a) Any person who was convicted of crime against nature (R.S. 14:89) prior to August 15, 2010, or the district attorney in the parish where the offender was convicted, may file a motion in the court of conviction to relieve the offender of the sex offender registration and notification requirements of this Chapter if the offense for which the offender was convicted would be defined as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after August 15, 2010. Offenders convicted of an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law may file a motion in the district court of his parish of residence once the administrative procedures of R.S. 15:542.1.3 have been exhausted, and the elements of the offense of conviction have been found to be equivalent to the current definition of crime against nature by

solicitation (R.S. 14:89.2). The provisions of this Subparagraph shall not apply to persons whose conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation of a person under the age of seventeen and would authorize sentencing of the offender pursuant to R.S. 14:89.2(B)(3), had the offender been convicted on or after August 15, 2010.

- (b) The motion shall be accompanied by supporting documentation to establish that the person was convicted of crime against nature prior to August 15, 2010, and that the offense for which the offender was convicted would be defined as crime against nature by solicitation (R.S. 14:89.2) had the offender been convicted on or after August 15, 2010. If the motion is filed by the offender and the district attorney objects, the district attorney shall have the burden of proof by use of an affidavit that the person being solicited was under the age of seventeen. If the motion is filed by the district attorney, an affidavit establishing that the facts of the case and the underlying conviction meet these requirements shall be deemed sufficient for the granting of relief.
- (c) If the offender files a motion pursuant to the provisions of this Paragraph, the district attorney, office of state police, and the Department of Justice, shall be served with a copy of the motion and any order granting relief. If the district attorney files a motion pursuant to the provisions of this Paragraph, the office of state police and the Department of Justice shall be served with a copy of the motion and any order granting relief.
- (d) If the supporting documentation described in Subparagraph (b) of this Paragraph is provided and meets the requirements of Subparagraph (4)(b), relief shall be granted unless the district attorney objects and provides supporting documentation proving that the offense for which the person was convicted, and which requires registration and notification pursuant to the provisions of this Chapter, involved the solicitation of a person under the age of seventeen.
- (e) If the district attorney proves by clear and convincing evidence that the conviction for crime against nature pursuant to R.S. 14:89 involved the solicitation of a person under the age of seventeen, the court shall deny the motion to be relieved of the sex offender registration and notification requirements as provided by the provisions of this Paragraph.
- (f) The provisions of this Paragraph shall not apply to any person who was convicted of one or more offenses which otherwise require registration pursuant to the provisions of this Chapter.

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Cite as La. R.S. § 15:542

History. Amended by Acts 2016, No. 375, s. 1, eff. 8/1/2016. Amended by Acts 2015, No. 256, s. 2, eff. 8/1/2015.

Amended by Acts 2015, No. 184, s. 2, eff. 8/1/2015.

Amended by Acts 2014, No. 602, s. 5, eff.

6/12/2014. Amended by Acts 2013, No. 408, s. 1, eff. 8/1/2013.

Acts 1992, No. 388, §1, eff. June 18, 1992; Acts 1995, No. 928, §1; Acts 1995, No. 1290, §2; Acts 1997, No. 134, §2; Acts 1997, No. 137, §2; Acts 1997, No. 928, §1, eff. July 10, 1997; Acts 1997, No. 1135, §1, eff. July 14, 1997; Acts 1997, No. 1148, §2, eff. July 14, 1997; Acts 1999, No. 930, §1; Acts 1999, No. 1150, §1; Acts 2001, No. 78, §1; Acts 2001, No. 1206, §§1 and 4; Acts 2002, 1st Ex. Sess., No. 83, §1; Acts 2003, No. 215, §1; Acts 2003, No. 574, §1; Acts 2004, No. 338, §1; Acts 2005, 1st Ex. Sess., No. 11, §1, eff. Jan. 21, 2006; Acts 2006, No. 204, §1; Acts 2006, No. 284, §1; Acts 2006, No. 663, §1; Acts 2006, No. 683, §1; Acts 2006, No. 791, §1; Acts 2007, No. 460, §2, eff. Jan. 1, 2008; Acts 2008, No. 147, §1; Acts 2008, No. 273, §1; Acts 2008, No. 814, §1, eff. July 8, 2008; Acts 2008, No. 816, §1; Acts 2010, No. 400, §1; Acts 2011, 1st Ex. Sess., No. 18, §1; Acts 2011, No. 216, §1; Acts 2012, No. 402, §1.

Maine Revised Statutes

§ 254. Sexual abuse of minors

1. A person is guilty of sexual abuse of a minor if:
 - A. The person engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person. Violation of this paragraph is a Class D crime; [2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (AMD) .]
 - A-1. The person violates paragraph A and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class C crime; [2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (NEW) .]
 - A-2. The person violates paragraph A and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class C crime; [2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (NEW) .]
 - B. [1989, Pt. A, §5 (RP) .]
 - C. The person is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. Violation of this paragraph is a Class E crime; [2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (AMD) .]
 - D. The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime; or
2. The person violates paragraph C and the actor is at least 10 years older than the student. Violation of this paragraph is a Class D crime. It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believed the other person is at least 16 years of age. [2003, c. 138, § 4 (AMD) .]
3. [2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (RP) .]

4. As used in this section, "related to the actor within the 2nd degree of consanguinity" has the meaning set forth in section 556.
[2001, c. 383, § 156 (AFF) ; 2001, c. 383, § 21 (NEW) .]

Cite as 17-A M.R.S. § 254

History. Amended by 2011, c. 464, §§6 through 8, eff. 9/28/2011.

1975, c. 499, § 1 (NEW) . 1975, c. 740, § 50 (AMD) . 1985, c. 495, §§9,10 (AMD) . 1989, c. 401, §A5 (AMD) . 1993, c. 451, § 1 (AMD) . 1995, c. 104, §§1-3 (AMD) . 1997, c. 460, §§2,3 (AMD) . 2001, c. 383, § 156 (AFF) . 2001, c. 383, § 21 (AMD) . 2003, c. 138, §§2-4 (AMD) .

Maryland Statutes

§ 3-307. Sexual offense in the third degree

- (a) A person may not:
- (1) (i) engage in sexual contact with another without the consent of the other; and
 - (ii)
 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
 2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
 3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or
 4. commit the crime while aided and abetted by another;
 - (2) engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;
 - (3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;
 - (4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or
 - (5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.
- (b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

Cite as Md. Code, CR § 3-307

History. Amended by 2016 Md. Laws, Ch. 633, Sec. 1, eff. 10/1/2016.

GENERAL LAWS OF MASSACHUSETTS

§ 272:4. Inducing person under 18 to have sexual intercourse

Whoever induces any person under 18 years of age of chaste life to have unlawful sexual intercourse shall be punished by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one-half years or by a fine of not more than \$1,000 or by both such fine and imprisonment.

Cite as Mass. Gen. Laws ch. 272, § 4

Chapter 272, Section 4 does not require registration:

§ 6:178C. Definitions – Sex Offender Registry

As used in sections 178C to 178P, inclusive, the following words shall have the following meanings:--

"Agency", an agency, department, board, commission or entity within the executive or judicial branch, excluding the committee for public counsel services, which has custody of, supervision of or responsibility for a sex offender as defined in accordance with this chapter, including an individual participating in a program of any such agency, whether such program is conducted under a contract with a private entity or otherwise. Each agency shall be responsible for the identification of such individuals within its custody, supervision or responsibility. Notwithstanding any general or special law to the contrary, each such agency shall be certified to receive criminal offender record information maintained by the department for the purpose of identifying such individuals.

"Employment", includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether compensated or uncompensated.

"Institution of higher learning", a post secondary institution.

"Mental abnormality", a congenital or acquired condition of a person that affects the emotional or volitional capacity of such person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes such person a menace to the health and safety of other persons.

"Predatory", an act directed at a stranger or person with whom a relationship has been established, promoted or utilized for the primary purpose of victimization.

Secondary addresses, the addresses of all places where a sex offender lives, abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not a sex offenders primary address; or a place where a sex offender routinely lives, abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not a sex offenders permanent address, including any out-of-state address.

"Sentencing court", the court that sentenced a sex offender for the most recent sexually violent offense or sex offense or the superior court if such sentencing occurred in another jurisdiction or the sex offender registry board to the extent permitted by federal law and established by the board's regulations.

"Sex offender", a person who resides, has secondary addresses, works or attends an institution of higher learning in the commonwealth and who has been 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 a person released from incarceration or parole or probation supervision or custody with the department of youth services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under section 14 of chapter 123A, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.

"Sex offender registry", the collected information and data that is received by the department pursuant to sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said sections 178C to 178P, inclusive.

"Sex offense", an indecent assault and battery on a child under 14 under section 13B of chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; indecent assault and battery on a person age 14 or over under section 13H of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under section 26 of said chapter 265; enticing a child under the age of 16 for the purposes of committing a crime under section 26C of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude under section 50 of said chapter 265; a second or subsequent violation of human trafficking for sexual servitude under section 52 of chapter 265; enticing away a person for prostitution or sexual intercourse under section 2 of chapter 272; drugging persons for sexual intercourse under section 3 of said

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chapter 272; inducing a minor into prostitution under section 4A of said chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; second and subsequent adjudication or conviction for open and gross lewdness and lascivious behavior under section 16 of said chapter 272, but excluding a first or single adjudication as a delinquent juvenile before August 1, 1992; incestuous marriage or intercourse under section 17 of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; possession of child pornography under section 29C of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; engaging in sexual contact with an animal under section 77C of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

"Sex offense involving a child", an indecent assault and battery on a child under 14 under section 13B of chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; kidnapping of a child under the age of 16 under section 26 of said chapter 265; enticing a child under the age of 16 for the purposes of committing a crime under section 26C of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude upon a person under 18 years of age under subsection (b) of section 50 of said chapter 265; inducing a minor into prostitution under section 4A of chapter 272; living off or sharing earnings of a minor prostitute under section 4B of said chapter 272; disseminating to a minor matter harmful to a minor under section 28 of said chapter 272; posing or exhibiting a child in a state of nudity under section 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under section 29B of said chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority.

"Sexually violent offense", indecent assault and battery on a child under 14 under section 13B of chapter 265; indecent assault and battery on a mentally retarded person under section 13F of said chapter 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section 22A of said chapter 265; assault with intent to commit rape under section 24 of said chapter 265; assault of a child with intent to commit rape under section 24B of said chapter 265; enticing a child under 18 via electronic communication to engage in prostitution, human trafficking or commercial sexual activity under section 26D of said chapter 265; trafficking of persons for sexual servitude under section 50 of chapter 265; a second or subsequent violation of human

trafficking for sexual servitude under section 52 of chapter 265; drugging persons for sexual intercourse under section 3 of chapter 272; unnatural and lascivious acts with a child under 16 under section 35A of said chapter 272; aggravated rape under section 39 of chapter 277; and any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274 or a like violation of the law of another state, the United States or a military, territorial or Indian tribal authority, or any other offense that the sex offender registry board determines to be a sexually violent offense pursuant to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. section 14071.

"Sexually violent predator", a person who has been convicted of a sexually violent offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sexually violent offense, or a person released from incarceration, parole, probation supervision or commitment under chapter 123A or custody with the department of youth services for such a conviction or adjudication, whichever last occurs, on or after August 1, 1981, and who suffers from a mental abnormality or personality disorder that makes such person likely to engage in predatory sexually violent offenses.

Cite as Mass. Gen. Laws ch. 6, § 6:178C

History. Amended by Acts 2018, c. 219, §1, eff. 11/7/2018.

Amended by Acts 2011, c. 178, §3, eff. 11/21/2011.

Amended by Acts 2011, c. 178, §2, eff. 11/21/2011.

Amended by Acts 2011, c. 178, §1, eff. 11/21/2011.

Amended by Acts 2010, c. 256, §38, eff. 2/2/2011.

Amended by Acts 2010, c. 267, §3, eff. 11/5/2010.

Amended by Acts 2010, c. 267, §2, eff. 11/5/2010.

Amended by Acts 2010, c. 267, §1, eff. 11/5/2010.

Amended by Acts 2006, c. 139, §6, eff. 7/1/2006.

Amended by Acts 2006, c. 139, §5, eff. 7/1/2006.

Amended by Acts 2003, c. 77, §§1, 2, 3, eff. 9/30/2003.

Michigan Statutes

§ 762.11. Criminal offense by individual between ages 17 and 24; assignment to status of youthful trainee; consent of prosecuting attorney; exceptions; employment or school attendance; electronic monitoring; definitions

- (1) Except as provided in subsections (2) and (3), if an individual pleads guilty to a criminal offense, committed on or after the individual's seventeenth birthday but before his or her twenty-fourth birthday, the court of record having jurisdiction of the criminal offense may, without entering a judgment of conviction and with the consent of that individual, consider and assign that individual to the status of youthful trainee. If the offense was committed on or after the individual's twenty-first birthday but before his or her twenty-fourth birthday, the individual shall not be assigned to youthful trainee status without the consent of the prosecuting attorney.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A felony for which the maximum penalty is imprisonment for life.
 - (b) A major controlled substance offense.
 - (c) A traffic offense.
 - (d) A violation, attempted violation, or conspiracy to violate section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520 b, 750.520 c, 750.520 d, and 750.520 e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520 d and 750.520 e.
 - (e) A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520 g, with the intent to commit a violation of section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520 b, 750.520 c, 750.520 d, and 750.520 e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520 d and 750.520 e.
- (3) The court shall not assign an individual to the status of youthful trainee if any of the following apply:
 - (a) The individual was previously convicted of or adjudicated for a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.
 - (b) If the individual is charged with a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the individual fails to carry the burden of proving by clear and convincing evidence that he or she is not likely to engage in further listed offenses.

- (c) The court determines that the offense involved any of the following:
- (i) A factor set forth in section 520b(1)(a) to (h) of the Michigan penal code, 1931 PA 328, MCL 750.520 b.
 - (ii) A factor set forth in section 520c(1)(a) to (l) of the Michigan penal code, 1931 PA 328, MCL 750.520 c.
 - (iii) A factor set forth in section 520d(1)(b) to (e) of the Michigan penal code, 1931 PA 328, MCL 750.520 d.
 - (iv) A factor set forth in section 520e(1)(b) to (f) of the Michigan penal code, 1931 PA 328, MCL 750.520 e.
- (4) If the court assigns an individual to the status of youthful trainee under this section, the court may require the individual to maintain employment or to attend a high school, high school equivalency program, community college, college, university, or trade school. If the individual is not employed or attending a high school, community college, college, university, or trade school, the individual may be required to actively seek employment or entry into a high school, high school equivalency program, community college, college, university, or trade school.
- (5) If the offense for which the individual is assigned to the status of youthful trainee status was committed on or after the individual's twenty-first birthday, the individual may, in addition to the other requirements of this section, be subject to electronic monitoring during his or her probationary term as provided under section 3 of chapter XI.
- (6) As used in this section:
- (a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.
 - (b) "Traffic offense" means a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local ordinance substantially corresponding to that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or a misdemeanor.

Cite as MCL 762.11

History. Amended by 2015, Act 31, s 1, eff. 8/18/2015. Amended by 2004, Act 239, s 1, eff. 10/1/2004.

Add. 1966, Act 301, Eff. Jan. 1, 1967 ;--Am. 1978, Act 77, Eff. Sept. 1, 1978 ;--Am. 1988, Act 4, Imd. Eff. Feb. 5, 1988 ;--Am. 1993, Act 293, Eff. Jan. 1, 1994 .

Mississippi Statutes

§ 45-33-23. Definitions – Registration of Sex Offenders, Sexually Violent Predators and Child Predators

For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

- (a) "Conviction" means that, regarding the person's offense, there has been a determination or judgment of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere regardless of whether adjudication is withheld. "Conviction of similar offenses" includes, but is not limited to, a conviction by a federal or military tribunal, including a court-martial conducted by the Armed Forces of the United States, a conviction for an offense committed on an Indian Reservation or other federal property, a conviction in any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and a conviction in a foreign country if the foreign country's judicial system is such that it satisfies minimum due process set forth in the guidelines under Section 111(5) (B) Public Law 109-248.
- (b) "Department" means the Mississippi Department of Public Safety unless otherwise specified.
- (c) "Jurisdiction" means any court or locality including any state court, federal court, military court, Indian tribunal or foreign court, the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianna Islands or the United States Virgin Islands, and Indian tribes that elect to function as registration jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh Child Safety Act.
- (d) "Permanent residence" means a place where the person abides, lodges, or resides for a period of fourteen (14) or more consecutive days.
- (e) "Registration" means providing information to the appropriate agency within the time frame specified as required by this chapter.
- (f) "Registration duties" means obtaining the registration information required on the form specified by the department as well as the photograph, fingerprints and biological sample of the registrant. Biological samples are to be forwarded to the Mississippi Forensics

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Laboratory pursuant to Section 45-33-37 ; the photograph, fingerprints and other registration information are to be forwarded to the Department of Public Safety immediately.

- (g) "Responsible agency" is defined as the person or government entity whose duty it is to obtain information from a criminal sex offender upon conviction and to transmit that information to the Mississippi Department of Public Safety.
- (i) For a criminal sex offender being released from the custody of the Department of Corrections, the responsible agency is the Department of Corrections.
 - (ii) For a criminal sex offender being released from a county jail, the responsible agency is the sheriff of that county.
 - (iii) For a criminal sex offender being released from a municipal jail, the responsible agency is the police department of that municipality.
 - (iv) For a sex offender in the custody of the youth court, the responsible agency is the youth court.
 - (v) For a criminal sex offender who is being placed on probation, including conditional discharge or unconditional discharge, without any sentence of incarceration, the responsible agency is the sentencing court.
 - (vi) For an offender who has been committed to a mental institution following an acquittal by reason of insanity, the responsible agency is the facility from which the offender is released. Specifically, the director of the facility shall notify the Department of Public Safety before the offender's release.
 - (vii) For a criminal sex offender who is being released from a jurisdiction outside this state or who has a prior conviction in another jurisdiction and who is to reside, work or attend school in this state, the responsible agency is both the sheriff of the proposed county of residence and the department.
- (h) "Sex offense" or "registrable offense" means any of the following offenses:
- (i) Section 97-3-53 relating to kidnapping, if the victim was below the age of eighteen (18);
 - (ii) Section 97-3-65 relating to rape; however, conviction or adjudication under Section 97-3-65(1) (a) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;

- (iii) Section 97-3-71 relating to rape and assault with intent to ravish;
- (iv) Section 97-3-95 relating to sexual battery; however, conviction or adjudication under Section 97-3-95(1) (c) when the offender was eighteen (18) years of age or younger at the time of the alleged offense, shall not be a registrable sex offense;
- (v) Section 97-5-5 relating to enticing a child for concealment, prostitution or marriage;
- (vi) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;
- (vii) Section 97-5-27 relating to the dissemination of sexually oriented material to children;
- (viii) Section 97-5-33 relating to the exploitation of children;
- (ix) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;
- (x) Section 97-29-3 relating to sexual intercourse between teacher and student;
- (xi) Section 97-29-59 relating to unnatural intercourse;
- (xii) Section 43-47-18 relating to sexual abuse of a vulnerable person;
- (xiii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor and Section 97-3-54.3 relating to aiding, abetting or conspiring to violate Section 97-3-54.1(1)(c);
- (xiv) Section 97-29-61(2) relating to voyeurism when the victim is a child under sixteen (16) years of age;
- (xv) Section 97-29-63 relating to filming another without permission where there is an expectation of privacy;
- (xvi) Section 97-29-45(1)(a) relating to obscene electronic communication;
- (xvii) Section 97-3-104 relating to the crime of sexual activity between law enforcement, correctional or custodial personnel and prisoners;

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- (xviii) Section 97-5-39(1) (e) relating to contributing to the neglect or delinquency of a child, felonious abuse or battery of a child, if the victim was sexually abused;
- (xix) Section 97-29-51 relating to procuring or promoting prostitution when the victim is a child under eighteen (18) years of age;
- (xx) Section 97-1-7 relating to attempt to commit any of the offenses referenced in this paragraph (h);
- (xxi) Any other offense resulting in a conviction in another jurisdiction which, if committed in this state, would be deemed to be such a crime without regard to its designation elsewhere;
- (xxii) Any offense resulting in a conviction in another jurisdiction for which registration is required in the jurisdiction where the conviction was had;
- (xxiii) Any conviction of conspiracy to commit, accessory to commission, or attempt to commit any offense listed in this section;
- (xxiv) Capital murder when one (1) of the above-described offenses is the underlying crime.
 - (i) "Temporary residence" is defined as any place where the person abides, lodges, or resides for a period of seven (7) or more consecutive days which is not the person's permanent residence.

Cite as Miss. Code § 45-33-23

Source: Laws, 2000, ch. 499, §2; Laws, 2001, ch. 500, §1; Laws, 2006, ch. 328, §3; Laws, 2006, ch. 563, §1;

Laws, 2006, ch. 583, §7; Laws, 2007, ch. 392, §1; Laws, 2009, ch. 411, §1; Laws, 2011, ch. 359, §1; Laws, 2012, ch. 557, §3, eff. 7/1/2012.

History. Amended by Laws, 2016, ch. 362, HB 1413, 2, eff. 4/6/2016.

Amended by Laws, 2015, ch. 452, SB 2159, 9, eff. 7/1/2015.

Amended by Laws, 2013, ch. 521, SB 2732, 1, eff. 1/1/2014

Missouri Revised Statutes

Title XXXVIII. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

§ 589.400. [Effective 1/1/2017] Registration of certain offenders with chief law officers of county of residence-time limitation-cities may request copy of registration-fees-automatic removal from registry-petitions for removal-procedure, notice, denial of petition-higher education students and workers-persons removed

1. Sections 589.400 to 589.425 shall apply to:
 - (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or
 - (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065 ; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or
 - (3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

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- (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or
 - (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241 , which shall include any attempt or conspiracy to commit such offense;
 - (6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241 , which shall include any attempt or conspiracy to commit such offense;
 - (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or
 - (8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.
2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense.

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Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:
 - (1) All offenses requiring registration are reversed, vacated or set aside;
 - (2) The registrant is pardoned of the offenses requiring registration;
 - (3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section;
or
 - (4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.
4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.
5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.
6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060 , or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

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7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068 , 566.090 , 566.093 , or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

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- (2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.
10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.
11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425 , unless such person is required to register for committing another offense after being removed from the registry.

Cite as § 589.400, RSMo

History. Amended by 2014 Mo. Laws, SB 491, s A, eff. 1/1/2017.

L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 758 merged with S.B. 969, et al., A.L. 2003 S.B. 5 merged with S.B. 184, A.L. 2004 H.B. 1055, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62

Note:

(2002) Person entering Alford plea to one of the enumerated offenses is subject to sex offender registration. *Haffner v. Saulters*, 77 S.W.3d 45 (Mo.App.E.D.).

(2005) Sex offender registration statutes are non-punitive civil regulation and thus do not constitute an ex post facto punishment; sections also do not violate the due process rights of registrants. *R. W. v. Sanders*, 168 S.W.3d 65 (Mo.banc).

(2006) Sections 589.400 to 589.425 are constitutional under ex post facto, due process, equal protection, bill of attainder, and special law provisions; however, application of registration requirement to persons who pled guilty or were found guilty prior to sections' effective date of January 1, 1995, violates constitutional ban on laws retrospective in operation. *Doe v. Phillips*, 194 S.W.3d 833 (Mo.banc).

Nebraska Revised Statutes

§ 28-319.01. Sexual assault of a child; first degree; penalty

(1) A person commits sexual assault of a child in the first degree:

(a) When he or she subjects another person under twelve years of age to sexual penetration and the actor is at least nineteen years of age or older; or

(b) When he or she subjects another person who is at least twelve years of age but less than sixteen years of age to sexual penetration and the actor is twenty-five years of age or older.

(2) Sexual assault of a child in the first degree is a Class IB felony with a mandatory minimum sentence of fifteen years in prison for the first offense.

(3) Any person who is found guilty of sexual assault of a child in the first degree under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-320.01 before July 14, 2006, of sexual assault of a child or attempted sexual assault of a child, (d) under section 28-320.01 on or after July 14, 2006, of sexual assault of a child in the second or third degree or attempted sexual assault of a child in the second or third degree, or (e) in any other state or federal court under laws with essentially the same elements as this section, section 28-319, or section 28-320.01 as it existed before, on, or after July 14, 2006, shall be guilty of a Class IB felony with a mandatory minimum sentence of twenty-five years in prison.

(4) In any prosecution under this section, the age of the actor shall be an essential element of the offense that must be proved beyond a reasonable doubt.

Cite as Neb. Rev. Stat. § 28-319.01

Source: Laws 2006, LB 1199, § 6;

Laws 2009, LB 97, §12.

Nevada Statutes

§ 200.368. Statutory sexual seduction: Penalties

A person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older at the time of the commission of the offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.
2. Except as otherwise provided in subsection 3, if the person is under the age of 21 years, for a gross misdemeanor.
3. If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.

Cite as NRS 200.368

Source: Added to NRS by 1977, 1627 [Ch. 598]; A 1979, 1426 [Ch. 655]; 1995, 1187 [Ch. 443]; 2001, 703 [Ch. 137]; 2015, 2236 [Ch. 399]

History. Amended by 2015, Ch. 399, §8.5, eff. 10/1/2015.

Added to NRS by 1977, 1627; A 1979, 1426; 1995, 1187; 2001, 703

NEW JERSEY PERMANENT STATUTES

§ 52:17B-182. Findings, declarations relative to a correctional, rehabilitative program for juvenile, youthful offenders

§ 52:17B-183. Definitions

As used in this act:

- a. "Commission" means the Juvenile Justice Commission in, but not of, the Department of Law and Public Safety established pursuant to P.L. 1995, c.284 (C. 52:17B-169 et seq.).
- b. "Commissioner" means the Commissioner of the Department of Corrections.
- c. "Juvenile offender" means a person at least 14 years old at the time of disposition who has been adjudicated delinquent for an act which, if committed by an adult, would constitute a crime, excluding an adjudication for any act which would constitute a crime of the first degree or a crime under chapter 14 of Title 2C of the New Jersey Statutes.
- d. **"Youthful offender" means a person between 18 and 30 years of age who has been convicted of a crime,** excluding any person convicted of:
 - (1) a crime of the first degree;
 - (2) a crime under chapter 14 of Title 2C of the New Jersey Statutes;
 - (3) a crime which requires the imposition of a mandatory term of imprisonment without eligibility for parole, unless the person has less than one year of the mandatory portion of the sentence remaining; or
 - (4) a crime of the second degree under any of the following: N.J.S. 2C:11-4, N.J.S. 2C:12-1, N.J.S. 2C:13-1, N.J.S. 2C:15-1, N.J.S. 2C:18-2 or N.J.S. 2C:39-4 for possession of a weapon with the purpose of using it unlawfully against the person of another.

Cite as N.J.S. § 52:17B-183

History. L.1995, c.330, s.3; amended 1997 c. 55.

New York Statutes

§ 720.10. Youthful offender procedure; definition of terms

As used in this article, the following terms have the following meanings:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than nineteen years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.
2. "Eligible youth" means a youth who is eligible to be found a youthful offender. Every youth is so eligible unless:
 - (a) the conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) rape in the first degree, criminal sexual act in the first degree, or aggravated sexual abuse, except as provided in subdivision three, or
 - (b) such youth has previously been convicted and sentenced for a felony, or
 - (c) such youth has previously been adjudicated a youthful offender following conviction of a felony or has been adjudicated on or after September first, nineteen hundred seventy-eight a juvenile delinquent who committed a designated felony act as defined in the family court act.
3. Notwithstanding the provisions of subdivision two, a youth who has been convicted of an armed felony offense or of rape in the first degree, criminal sexual act in the first degree, or aggravated sexual abuse is an eligible youth if the court determines that one or more of the following factors exist:
 - (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution. Where the court determines that the eligible youth is a youthful offender, the court shall make a statement on the record of the reasons for its determination, a transcript of which shall be forwarded to the state division of criminal justice services, to be kept in accordance with the provisions of subdivision three of section eight hundred thirty-seven-a of the executive law.

4. "Youthful offender finding" means a finding, substituted for the conviction of an eligible youth, pursuant to a determination that the eligible youth is a youthful offender.
5. "Youthful offender sentence" means the sentence imposed upon a youthful offender finding.
6. "Youthful offender adjudication". A youthful offender adjudication is comprised of a youthful offender finding and the youthful offender sentence imposed thereon and is completed by imposition and entry of the youthful offender sentence.

Cite as N.Y. Crim. Proc. Law § 720.10

North Carolina Statutes

§ 14-27.25. Statutory rape of person who is 15 years of age or younger

- (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.
- (b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.

Cite as N.C. Gen. Stat. § 14-27.25

History. Amended by 2015 N.C. Sess. Laws 181, s. 7-b, eff. 12/1/2015.
Renumbered from § 14-27.7A by 2015 N.C. Sess. Laws 181, s. 7-a, eff. 12/1/2015.
Amended by 2015 N.C. Sess. Laws 62, s. 1-a, eff. 12/1/2015.
1995, c. 281, s. 1.

§ 14-27.30. Statutory sexual offense with a person who is 15 years of age or younger

- (a) A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.
- (b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.

Cite as N.C. Gen. Stat. § 14-27.30

History. Added by 2015 N.C. Sess. Laws 181, s. 12, eff. 12/1/2015.

North Dakota Statutes

§ 12.1-20-03. Gross sexual imposition - Penalty

1. A person who engages in a sexual act with another, or who causes another to engage in a sexual act, is guilty of an offense if:
 - a. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
 - b. That person or someone with that person's knowledge has substantially impaired the victim's power to appraise or control the victim's conduct by administering or employing without the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance;
 - c. That person knows or has reasonable cause to believe that the victim is unaware that a sexual act is being committed upon him or her;
 - d. The victim is less than fifteen years old; or
 - e. That person knows or has reasonable cause to believe that the other person suffers from a mental disease or defect which renders him or her incapable of understanding the nature of his or her conduct.
2. A person who engages in sexual contact with another, or who causes another to engage in sexual contact, is guilty of an offense if:
 - a. The victim is less than fifteen years old;
 - b. That person compels the victim to submit by force or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being; or
 - c. That person knows or has reasonable cause to believe that the victim is unaware that sexual contact is being committed on the victim.
3. a. An offense under this section is a class AA felony if in the course of the offense the actor inflicts serious bodily injury upon the victim, if the actor's conduct violates subdivision a of subsection 1, or if the actor's conduct violates subdivision d of

subsection 1 and the actor was at least twenty-two years of age at the time of the offense. For any conviction of a class AA felony under subdivision a of subsection 1, the court shall impose a minimum sentence of twenty years' imprisonment, with probation supervision to follow the incarceration. The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted of a class AA felony under this section may not be sentenced to serve less than five years of incarceration.

- b. Otherwise the offense is a class A felony.
4. If, as a result of injuries sustained during the course of an offense under this section, the victim dies, the offense is a class AA felony, for which the maximum penalty of life imprisonment without parole must be imposed unless the defendant was a juvenile at the time of the offense.

Cite as N.D.C.C. § 12.1-20-03

History. Amended by S.L. 2017, ch. 109 (HB 1195), §1, eff. 8/1/2017. Amended by S.L. 2015, ch. 116 (HB 1030), §2, eff. 8/1/2015.

Oregon Statutes

§ 181.830. Relief from reporting requirement; circumstances; order

A person otherwise required to report under ORS 181.595, 181.596, 181.597 or 181.609 is not required to report, and if currently reporting is no longer required to report, if:

- (1) (a) The person has been convicted of:
 - (A) Rape in the third degree as defined in ORS 163.355 ;
 - (B) Sodomy in the third degree as defined in ORS 163.385 ;
 - (C) Sexual abuse in the third degree as defined in ORS 163.415 ;
 - (D) Contributing to the sexual delinquency of a minor as defined in ORS 163.435 ;
 - (E) Sexual misconduct as defined in ORS 163.445 ; or
 - (F) An attempt to commit an offense listed in subparagraphs (A) to (E) of this paragraph;
 - (b) The person has been found guilty except for insanity of an offense listed in paragraph (a) of this subsection;
 - (c) The person has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute an offense listed in paragraph (a)(A) or (B) of this subsection; or
 - (d) The person is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute an offense listed in paragraph (a) of this subsection;
- (2) (a) The person is less than five years older than the victim;

- (b) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;
 - (c) The victim was at least 14 years of age at the time of the offense or act;
 - (d) Except for the convictions or findings described in subsection (1) of this section, the person has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction of the juvenile court based on, a sex crime or an offense, in another United States court, for conduct that if committed in this state would constitute a sex crime; and
 - (e) Each conviction or finding described in subsection (1) of this section involved the same victim; and
- (3) The court enters an order relieving the person of the requirement to report under ORS 181.832 or 181.833.

Cite as ORS 181.830

History. 2007 c. 627, §1; 2009 c. 205, §1; 2009 c. 713, §23; 2011 c. 271, §20

Pennsylvania Statutes

§ 3122.1 Statutory sexual assault

- (a) **Felony of the second degree.**--Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:
- (1) four years older but less than eight years older than the complainant; or
 - (2) eight years older but less than 11 years older than the complainant.
- (b) **Felony of the first degree.**--A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

Cite as 18 Pa.C.S. § 3122.1

History. 1995, March 31, P.L. 985, No. 10 (Spec. Sess. No. 1), § 5, effective in 60 days. Amended 2011, Dec. 20, P.L. 446, No. 111, § 1, effective in 60 days [Feb. 21, 2012].

Section 3122, Subsection (1)(a)(1) does not require registration:

§ 9799.14 Sexual offenses and tier system

- (a) **Tier system established.** Sexual offenses shall be classified in a three-tiered system composed of Tier I sexual offenses, Tier II sexual offenses and Tier III sexual offenses.
- (b) **Tier I sexual offenses** The following offenses shall be classified as Tier I sexual offenses:
- (1) 18 Pa.C.S. § 2902(b) (relating to unlawful restraint).
 - (2) 18 Pa.C.S. § 2903(b) (relating to false imprisonment).
 - (3) 18 Pa.C.S. § 2904 (relating to interference with custody of children), except in cases where the defendant is the child's parent, guardian or other lawful custodian.
 - (4) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
 - (5) 18 Pa.C.S. § 3124.2(a) (relating to institutional sexual assault).
 - (6) 18 Pa.C.S. § 3126(a)(1) (relating to indecent assault).
 - (7) (Reserved).
 - (8) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).
 - (9) 18 Pa.C.S. § 6312(d) (relating to sexual abuse of children).
 - (10) 18 Pa.C.S. § 7507.1. (relating to invasion of privacy).
 - (11) 18 U.S.C. § 1801 (relating to video voyeurism).
 - (12) 18 U.S.C. § 2252(a)(4) (relating to certain activities relating to material involving the sexual exploitation of minors).
 - (13) 18 U.S.C. § 2252A (relating to certain activities relating to material constituting or containing child pornography).
 - (14) 18 U.S.C. § 2252B (relating to misleading domain names on the Internet).
 - (15) 18 U.S.C. § 2252C (relating to misleading words or digital images on the Internet).
 - (16) 18 U.S.C. § 2422(a) (relating to coercion and enticement).
 - (17) 18 U.S.C. § 2423(b) (relating to transportation of minors).

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- (18) 18 U.S.C. § 2423(c).
- (19) 18 U.S.C. § 2424 (relating to filing factual statement about alien individual). 18 U.S.C. § 2425 (relating to use of interstate facilities to transmit information about a minor).
- (20) 18 U.S.C. § 2425 (relating to use of interstate facilities to transmit information about a minor).
- (21) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country or under a former law of this Commonwealth.
- (22) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20) or (21).
- (23) A conviction for a sexual offense in another jurisdiction or foreign country that is not set forth in this section, but nevertheless requires registration under a sexual offender statute in the jurisdiction or foreign country.

(c) **Tier II sexual offenses** The following offenses shall be classified as Tier II sexual offenses:

- (1) 18 Pa.C.S. § 3011(b) (relating to trafficking in individuals).
 - (1.1) 18 PA.C.S. § 3122.1(a)(2) (relating to statutory sexual assault).
 -)
 - (1.2) 18 Pa.C.S. § 3124.2 (a.2) and (a.3).
 -)
 - (1.3) 18 PA.C.S. § 3126(a)(2), (3), (4), (5), (6) OR (8).
 -)
- (2) 18 PA.C.S. § 5902 (b.1) (relating to prostitution and related offenses).
- (3) 18 PA.C.S. § 5903(A)(3)(II), (4)(II), (5)(II) OR (6) (relating to obscene and other sexual materials and performances).
- (4) 18 PA.C.S. § 6312(b) AND (c).
- (5) 18 PA.C.S. § 6318 (relating to unlawful contact with minor).
- (6) 18 PA.C.S. § 6320 (relating to sexual exploitation of children).

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- (7) 18 U.S.C. § 1591 (relating to sex trafficking of children by force, fraud, or coercion).
 - (8) 18 U.S.C. § 2243 (relating to sexual abuse of a minor or ward).
 - (9) 18 U.S.C. § 2244 (relating to abusive sexual contact) where the victim is 13 years of age or older but under 18 years of age).
 - (10) 18 U.S.C. § 2251 (relating to sexual exploitation of children).
 - (11) 18 U.S.C. § 2251A (relating to selling or buying of children).
 - (12) 18 U.S.C. § 2252 (a)(1), (2) or (3).
 - (13) 18 U.S.C. § 2260 (relating to production of sexually explicit depictions of a minor for importation into the united states).
 - (14) 18 U.S.C. § 2421 (relating to transportation generally).
 - (15) 18 U.S.C. § 2422 (b).
 - (16) 18 U.S.C. § 2423 (a).
 - (17) A comparable military offense or similar offense under the laws of another jurisdiction or foreign country or under a former law of this commonwealth.
 - (18) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (1.1), (1.2), (1.3), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16) or (17).
- (d) **Tier III sexual offenses** The following offenses shall be classified as Tier III sexual offenses:
- (1) 18 Pa.C.S. § 2901(a.1) (relating to kidnapping).
 - (2) 18 Pa.C.S. § 3121 (relating to rape).
 - (3) 18 Pa.C.S. § 3122.1(b) (relating to statutory sexual assault).
 - (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
 - (6) 18 Pa.C.S. § 3124.2(a.1).
 - (7) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
 - (8) 18 Pa.C.S. § 3126(a)(7).
 - (9) 18 Pa.C.S. § 4302(b) (relating to incest).

- (10) 18 U.S.C. § 2241 (relating to aggravated sexual abuse).
- (11) 18 U.S.C. § 2242 (relating to sexual abuse).
- (12) 18 U.S.C. § 2244 where the victim is under 13 years of age.
- (13) A comparable military offense or similar offense under the laws of another jurisdiction or country or under a former law of this Commonwealth.
- (14) An attempt, conspiracy or solicitation to commit an offense listed in paragraph (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) or (13).
- (15) (Reserved).
- (16) Two or more convictions of offenses listed as Tier I or Tier II sexual offenses.
- (17) One conviction of a sexually violent offense and one conviction of a sexually violent offenses as defined in Section 9799.55 (relating to registration).

Cite as 42 Pa.C.S. § 9799.14

History. Amended by P.L. TBD 2018 No. 10, §9, eff. 2/21/2018.

Amended by P.L. 2014 No. 105, §8, eff. 8/31/2014.

Amended by P.L. 41 2014 No. 19, §4, eff. 3/14/2014.

Amended by P.L. 880 2012 No. 91, §6, eff. 12/20/2012.

2011, Dec. 20, P.L. 446, No. 111, § 12, effective in one year [Dec. 20, 2012]. .

SOUTH CAROLINA STATUTES

§ 24-19-10. Definitions

As used herein:

- (a) "Department" means the Department of Corrections.
- (b) "Division" means the Youthful Offender Division.
- (c) "Director" means the Director of the Department of Corrections.
- (d) **'Youthful offender' means an offender who is:**
 - (i) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63-19-1210, for allegedly committing an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class D, Class E, or Class F felony, as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of fifteen years or less;
 - (ii) seventeen but less than twenty-five years of age at the time of conviction for an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class D, Class E, or Class F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less;
 - (iii) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63-19-1210, for allegedly committing burglary in the second degree (Section 16-11-312). If the offender committed burglary in the second degree pursuant to Section 16-11-312(B), the offender must receive and serve a minimum sentence of at least three years, no part of which may be suspended, and the person is not eligible for conditional release until the person has served the three-year minimum sentence;
 - (iv) seventeen but less than twenty-one years of age at the time of conviction for burglary in the second degree (Section 16-11-312). If the offender committed burglary in the second degree pursuant to Section 16-11-312(B), the offender must receive and serve a minimum sentence of at least three years, no part of which

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may be suspended, and the person is not eligible for conditional release until the person has served the three-year minimum sentence;

- (v) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 63-19-1210 for allegedly committing criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C), and the alleged offense involved consensual sexual conduct with a person who was at least fourteen years of age at the time of the act; or
- (vi) seventeen but less than twenty-five years of age at the time of conviction for committing criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C), and the conviction resulted from consensual sexual conduct, provided the offender was eighteen years of age or less at the time of the act and the other person involved was at least fourteen years of age at the time of the act.
- (e) "Treatment" means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youthful offenders; this may also include vocational and other training considered appropriate and necessary by the division.
- (f) "Conviction" means a judgment in a verdict or finding of guilty, plea of guilty, or plea of nolo contendere to a criminal charge where the imprisonment is at least one year, but excluding all offenses in which the maximum punishment provided by law is death or life imprisonment.

Cite as S.C. Code § 24-19-10

History. Amended by 2016 S.C. Acts, Act No. 154 (HB 3545), s 4, eff. 4/21/2016.

Amended by 2012 S.C. Acts, Act No. 255 (HB 3667), s 10, eff. 6/18/2012.

Amended by 2010 S.C. Acts, Act No. 273 (SB 1154), s 31, eff. 6/2/2010.

South Dakota Statutes

§ 22-24B-19. Criteria for removal from registry as Tier I offender

To be eligible for removal from the registry as a Tier I offender, the petitioner shall show, by clear and convincing evidence, that all of the following criteria have been met:

- (1) At least five years have elapsed since the date the petitioner first registered pursuant to this chapter;
- (2) The crime requiring registration was for:
 - (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one years of age or younger at the time the offense was committed or attempted;
 - (b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1) ;
 - (c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen and sixteen and the petitioner was at least three years older than the victim, but only if the petitioner was twenty-one years of age or younger at the time the offense was committed; or
 - (d) An out-of-state, federal or court martial offense that is comparable to the elements of the crimes listed in (a), (b), or (c);
- (3) The circumstances surrounding the crime requiring registration did not involve a child under the age of thirteen;
- (4) The petitioner is not a recidivist sex offender;
- (5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and
- (6) Petitioner demonstrates to the satisfaction of the court that he or she does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does not count toward the five-year calculation, regardless of whether such incarceration or confinement was for the sex offense requiring registration or for some other offense.

Cite as SDCL 22-24B-19

Source: SL 2005, ch 120, §422; SL 2010, ch 119, §1.

History. Amended by S.L. 2016, ch. 127, s. 1, eff. 7/1/2016.

Tennessee Statutes

§ 39-13-506. Mitigated statutory rape - Statutory rape - Aggravated statutory rape

- (a) Mitigated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is at least four (4) but not more than five (5) years older than the victim.
- (b) **Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:**
- (1) **The victim is at least thirteen (13) but less than fifteen (15) years of age and the defendant is at least four (4) years but less than ten (10) years older than the victim;** or
 - (2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.
- (c) Aggravated statutory rape is the unlawful sexual penetration of a victim by the defendant, or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least ten (10) years older than the victim.
- (d)
 - (1) Mitigated statutory rape is a Class E felony.
 - (2)
 - (A) Statutory rape is a Class E felony.
 - (B) In addition to the punishment provided for a person who commits statutory rape for the first time, the trial judge may order, after taking into account the facts and circumstances surrounding the offense, including the offense for which the person was originally charged and whether the conviction was the result of a plea bargain agreement, that the person be required to register as a sexual offender pursuant to title 40, chapter 39, part 2.
 - (3) Aggravated statutory rape is a Class D felony.

Cite as T.C.A. § 39-13-506

History. Acts 1989, ch. 591, § 1; 1990, ch. 980, § 4; 1994, ch. 719, § 1; 2005, ch. 487, § 4; 2006, ch. 890, § 5; 2007, ch. 594, § 7; 2012, ch. 883, § 1.

Tennessee Statutes

§ 40-39-202. Part definitions

As used in this part, unless the context otherwise requires:

- (b) [Deleted by 2012 amendment.]
- (c) "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, a finding of guilt by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. "Conviction" includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction, whether upon a plea of guilty, a plea of nolo contendere or a finding of guilt by a jury or the court in any other state of the United States, other jurisdiction or other country. A conviction, whether upon a plea of guilty, a plea of nolo contendere or a finding of guilt by a jury or the court for an offense committed in another jurisdiction that would be classified as a sexual offense or a violent sexual offense if committed in this state shall be considered a conviction for the purposes of this part. An adjudication in another state for a delinquent act committed in another jurisdiction that would be classified as a violent juvenile sexual offense under this section, if committed in this state, shall be considered a violent juvenile sexual offense for the purposes of this part. "Convictions," for the purposes of this part, also include a plea taken in conjunction with § 40-35-313 or its equivalent in any other jurisdiction. "Conviction" also includes a juvenile delinquency adjudication for a violent juvenile sexual offense if the offense occurs on or after July 1, 2011;
- (d) "Designated law enforcement agency" means any law enforcement agency that has jurisdiction over the primary or secondary residence, place of physical presence, place of employment, school or institution of higher education where the student is enrolled or, for offenders on supervised probation or parole, the department of correction or court ordered probation officer;
- (e) "Employed or practices a vocation" means any full-time or part-time employment in the state, with or without compensation, or employment that involves counseling, coaching, teaching, supervising, volunteering or working with minors in any way, regardless of the period of employment, whether the employment is financially compensated, volunteered or performed for the purpose of any government or education benefit;
- (5) "Institution of higher education" means a public or private:
 - (A) Community college;
 - (B) College;

- (C) University; or
 - (D) Independent postsecondary institution;
- (6) "Law enforcement agency of any institution of higher education" means any campus law enforcement arrangement authorized by § 49-7-118 ;
- (7) "Local law enforcement agency" means:
- (A) Within the territory of a municipality, the municipal police department;
 - (B) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or
 - (C) Within the unincorporated territory of a county, the sheriff's office;
- (8) "Minor" means any person under eighteen (18) years of age;
- (9) "Month" means a calendar month;
- (10) "Offender" means sexual offender, violent sexual offender and violent juvenile sexual offender, unless otherwise designated. An offender who qualifies both as a sexual offender and a violent sexual offender or as a violent juvenile sexual offender and as a violent sexual offender shall be considered a violent sexual offender;
- (11) "Parent" means any biological parent, adoptive parent or step-parent, and includes any legal or court-appointed guardian or custodian; however, "parent" shall not include step-parent if the offender's victim was a minor less than thirteen (13) years of age;
- (12) "Primary residence" means a place where the person abides, lodges, resides or establishes any other living accommodations in this state for five (5) consecutive days;
- (13) "Register" means the initial registration of an offender, or the re-registration of an offender after deletion or termination from the SOR;
- (14) "Registering agency" means a sheriff's office, municipal police department, metropolitan police department, campus law enforcement agency, the Tennessee department of correction, a private contractor with the Tennessee department of correction or the board;

- (23) "Relevant information deemed necessary to protect the public" means that information set forth in § 40-39-206(d)(1)-(15);
- (24) "Report" means appearance before the proper designated law enforcement agency for any of the purposes set out in this part;
- (25) "Resident" means any person who abides, lodges, resides or establishes any other living accommodations in this state, including establishing a physical presence in this state;
- (26) "Secondary residence" means a place where the person abides, lodges, resides or establishes any other living accommodations in this state for a period of fourteen (14) or more days in the aggregate during any calendar year and that is not the person's primary residence; for a person whose primary residence is not in this state, a place where the person is employed, practices a vocation or is enrolled as a student for a period of fourteen (14) or more days in the aggregate during any calendar year; or a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and that is not the person's primary residence, including any out-of-state address;
- (27) "Sexual offender" means a person who has been convicted in this state of committing a sexual offense or has another qualifying conviction;

(28) "Sexual offense" means:

- (A) The commission of any act that, on or after November 1, 1989, constitutes the criminal offense of:
 - (i) Sexual battery, under § 39-13-505 ;
 - (ii) Statutory rape, under § 39-13-506, if the defendant has one (1) or more prior convictions for mitigated statutory rape under § 39-13-506(a), statutory rape under § 39-13-506(b) or aggravated statutory rape under § 39-13-506(c), or if the judge orders the person to register as a sexual offender pursuant to § 39-13-506(d) ;
 - (iii) Aggravated prostitution, under § 39-13-516, provided the offense occurred prior to July 1, 2010;
 - (iv) Sexual exploitation of a minor, under § 39-17-1003 ;
 - (v) False imprisonment where the victim is a minor, under § 39-13-302, except when committed by a parent of the minor;
 - (vi) Kidnapping, where the victim is a minor, under § 39-13-303, except when committed by a parent of the minor;
 - (vii) Indecent exposure, under § 39-13-511, upon a third or subsequent conviction;

- (c) Solicitation of a minor, under § 39-13-528 when the offense is classified as a Class D felony, Class E felony or a misdemeanor;
 - (d) Spousal sexual battery, for those committing the offense prior to June 18, 2005, under former § 39-13-507 [repealed];
 - (e) Attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision (20)(A);
 - (f) Solicitation, under § 39-12-102, to commit any of the offenses enumerated in this subdivision (20)(A);
 - (g) Conspiracy, under § 39-12-103, to commit any of the offenses enumerated in this subdivision (20)(A);
 - (h) Criminal responsibility, under § 39-11-402(2), to commit any of the offenses enumerated in this subdivision (20)(A);
 - (i) Facilitating the commission, under § 39-11-403, to commit any of the offenses enumerated in this subdivision (20)(A);
 - (j) Being an accessory after the fact, under § 39-11-411, to commit any of the offenses enumerated in this subdivision (20)(A);
 - (k) Aggravated statutory rape, under § 39-13-506(c) ;
 - (l) Soliciting sexual exploitation of a minor -- exploitation of a minor by electronic means, under § 39-13-529 ; or
 - (m) Promotion of prostitution, under § 39-13-515 ;
 - (n) Patronizing prostitution where the victim is a minor, under § 39-13-514 ;
 - (o) Observation without consent, under § 39-13-607, upon a third or subsequent conviction;
 - (p) Observation without consent, under § 39-13-607 when the offense is classified as a Class E felony;
 - (q) Unlawful photographing under § 39-13-605 when the offense is classified as a Class E or Class D felony.
 - (r) Sexual contact with inmates, under § 39-16-408;
 - (s) Unlawful photographing, under § 39-13-605, when convicted as a misdemeanor if the judge orders the person to register as a sexual offender pursuant to § 39-13-605.
- (B) The commission of any act, that prior to November 1, 1989, constituted the criminal offense of:

- (i) Sexual battery, under § 39-2-607 [repealed];
 - (ii) Statutory rape, under § 39-2-605 [repealed], only if the facts of the conviction satisfy the definition of aggravated statutory rape;
 - (iii) Assault with intent to commit rape or attempt to commit sexual battery, under § 39-2-608 [repealed];
 - (iv) Incest, under § 39-4-306 [repealed];
 - (v) Use of a minor for obscene purposes, under § 39-6-1137 [repealed];
 - (vi) Promotion of performance including sexual conduct by a minor, under § 39-6-1138 [repealed];
 - (vii) Criminal sexual conduct in the first degree, under § 39-3703 [repealed];
 - (viii) Criminal sexual conduct in the second degree, under § 39-3704 [repealed];
 - (ix) Criminal sexual conduct in the third degree, under § 39-3705 [repealed];
 - (x) Kidnapping where the victim is a minor, under § 39-2-303 [repealed], except when committed by a parent of the minor;
 - (xi) Solicitation, under § 39-1-401 [repealed] or § 39-118(b) [repealed], to commit any of the offenses enumerated in this subdivision (20)(B);
 - (xii) Attempt, under § 39-1-501 [repealed], § 39-605 [repealed], or § 39-606 [repealed], to commit any of the offenses enumerated in this subdivision (20)(B);
 - (xiii) Conspiracy, under § 39-1-601 [repealed] or § 39-1104 [repealed], to commit any of the offenses enumerated in this subdivision (20)(B); or
 - (xiv) Accessory before or after the fact, or aider and abettor, under title 39, chapter 1, part 3 [repealed], to any of the offenses enumerated in this subdivision (20)(B);
- (21) "SOR" means the TBI's centralized record system of offender registration, verification and tracking information;
- (22) "Student" means a person who is enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher learning;
- (23) "TBI" means the Tennessee bureau of investigation;
- (24) "TBI registration form" means the Tennessee sexual offender registration, verification and tracking form;
- (25) "TDOC" means the Tennessee department of correction;

- (26) "TIES" means the Tennessee information enforcement system;
- (27) (A) "Violent juvenile sexual offender" means a person who is adjudicated delinquent in this state for any act that constitutes a violent juvenile sexual offense; provided, that the person is at least fourteen (14) years of age but less than eighteen (18) years of age at the time the act is committed;
- (B) Upon an adjudication of delinquency in this state for an act that constitutes a violent juvenile sexual offense, the violent juvenile sexual offender shall also be considered a violent sexual offender under this part, unless otherwise set out in this part;
- (28) "Violent juvenile sexual offense" means an adjudication of delinquency, for any act committed on or after July 1, 2011, that, if committed by an adult, constitutes the criminal offense of:
- (A) Aggravated rape, under § 39-13-502 ;
- (B) Rape, under § 39-13-503 ;
- (C) Rape of a child, under § 39-13-522, provided the victim is at least four (4) years younger than the offender;
- (D) Aggravated rape of a child, under § 39-13-531 ; or
- (E) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision (28)(A);
- (F) "Violent juvenile sexual offense" also means an adjudication of delinquency, for any act committed on or after July 1, 2014, that, if committed by an adult, constitutes the criminal offense of:
- (i) Aggravated sexual battery, under § 39-13-504 ;
- (ii) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision (28)(B);
- (29) "Violent sexual offender" means a person who has been convicted in this state of committing a violent sexual offense or has another qualifying conviction;
- (30) "Violent sexual offense" means the commission of any act that constitutes the criminal offense of:
- (A) Aggravated rape, under § 39-2-603 [repealed] or § 39-13-502 ;
- (B) Rape, under § 39-2-604 [repealed] or § 39-13-503 ;
- (C) Aggravated sexual battery, under § 39-2-606 [repealed] or § 39-13-504 ;
- (D) Rape of a child, under § 39-13-522 ;
- (E) Attempt to commit rape, under § 39-2-608 [repealed];

- (F) Aggravated sexual exploitation of a minor, under § 39-17-1004 ;
- (G) Especially aggravated sexual exploitation of a minor under § 39-17-1005 ;
- (H) Aggravated kidnapping where the victim is a minor, under § 39-13-304, except when committed by a parent of the minor;
- (I) Especially aggravated kidnapping where the victim is a minor, under § 39-13-305, except when committed by a parent of the minor;
- (J) Sexual battery by an authority figure, under § 39-13-527 ;
- (K) Solicitation of a minor, under § 39-13-528 when the offense is classified as a Class B or Class C felony;
- (L) Spousal rape, under § 39-13-507(b)(1) [repealed];
- (M) Aggravated spousal rape, under § 39-13-507(c)(1) [repealed];
- (N) Criminal exposure to HIV, under § 39-13-109(a)(1) ;
- (O) Statutory rape by an authority figure, under § 39-13-532 ;
- (P) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision (30);
- (Q) Solicitation, under § 39-12-102, to commit any of the offenses enumerated in this subdivision (30);
- (R) Conspiracy, under § 39-12-103, to commit any of the offenses enumerated in this subdivision (30);
- (S) Criminal responsibility, under § 39-11-402(2), to commit any of the offenses enumerated in this subdivision (30);

Cite as T.C.A. § 40-39-202

History. Amended by 2018 Tenn. Acts, ch. 719, s 1, eff. 7/1/2018.

Amended by 2016 Tenn. Acts, ch. 941, s 2, eff. 7/1/2016.

BTexas Statutes

Article 62.301. Exemption From Registration For Certain Young Adult Sex Offenders

- (a) If eligible under Subsection (b) or (c), a person required to register under this chapter may petition the court having jurisdiction over the case for an order exempting the person from registration under this chapter at any time on or after the date of the person's sentencing or the date the person is placed on deferred adjudication community supervision, as applicable.
- (b) A person is eligible to petition the court as described by Subsection (a) if:
- (1) the person is required to register only as a result of a single reportable conviction or adjudication, other than an adjudication of delinquent conduct; and
 - (2) the court has entered in the appropriate judgment or has filed with the appropriate papers a statement of an affirmative finding described by Article 42.017 or 42A.105(c) .
- (c) A defendant who before September 1, 2011, is convicted of or placed on deferred adjudication community supervision for an offense under Section 21.11 or 22.011, Penal Code, is eligible to petition the court as described by Subsection (a). The court may consider the petition only if the petition states and the court finds that the defendant would have been entitled to the entry of an affirmative finding under Article 42.017 or 42A.105(c) , as appropriate, had the conviction or placement on deferred adjudication community supervision occurred after September 1, 2011.
- (c-1) At a hearing on the petition described by Subsection (a), the court may consider:
- (1) testimony from the victim or intended victim, or a member of the victim's or intended victim's family, concerning the requested exemption;
 - (2) the relationship between the victim or intended victim and the petitioner at the time of the hearing; and
 - (3) any other evidence that the court determines is relevant and admissible.

- (d) After a hearing on the petition described by Subsection (a), the court may issue an order exempting the person from registration under this chapter if it appears by a preponderance of the evidence that:
- (1) the exemption does not threaten public safety;
 - (2) the person's conduct did not occur without the consent of the victim or intended victim as described by Section 22.011(b), Penal Code;
 - (3) the exemption is in the best interest of the victim or intended victim; and
 - (4) the exemption is in the best interest of justice.
- (e) An order exempting the person from registration under this chapter does not expire, but the court shall withdraw the order if after the order is issued the person receives a reportable conviction or adjudication under this chapter.

Cite as Tex. Code Crim. Proc. § 62.301

History. Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. 770, Sec. 2.27, eff. 1/1/2017. Amended by Acts 2011, 82nd Leg., R.S., Ch. 134, Sec. 3, eff. September 1, 2011.

Vermont Statutes

§ 3252. Sexual assault

- (a) No person shall engage in a sexual act with another person and compel the other person to participate in a sexual act:
 - (1) without the consent of the other person; or
 - (2) by threatening or coercing the other person; or
 - (3) by placing the other person in fear that any person will suffer imminent bodily injury.
- (b) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person.
- (c) **No person shall engage in a sexual act with a child who is under the age of 16, except:**
 - (1) **where the persons are married to each other and the sexual act is consensual; or**
 - (2) **where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual.**
- (d) No person shall engage in a sexual act with a child who is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild.
- (e) No person shall engage in a sexual act with a child under the age of 16 if:
 - (1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild; or
 - (2) the actor is at least 18 years of age, resides in the victim's household, and serves in a parental role with respect to the victim.
- (f)
 - (1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life, and, in addition, may be fined not more than \$25,000.00.
 - (2) A person who violates subsection (c) of this section shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than \$10,000.00.
- (g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

Cite as 13 V.S.A. § 3252

History. Added 1977, No. 51, § 1; amended 1985, No. 83, § 2; 1989, No. 293 (Adj. Sess.), § 5; 2005, No. 192 (Adj. Sess.), §10, eff. May 26, 2006.

Virginia Statutes

§ 19.2-311. Indeterminate commitment to Department of Corrections in certain cases; duration and character of commitment; concurrence by Department

- A. The judge, after a finding of guilt, when fixing punishment in those cases specifically enumerated in subsection B of this section, may, in his discretion, in lieu of imposing any other penalty provided by law and, with consent of the person convicted, commit such person for a period of four years, which commitment shall be indeterminate in character. In addition, the court shall impose a period of confinement which shall be suspended. Subject to the provisions of subsection C hereof, such persons shall be committed to the Department of Corrections for confinement in a state facility for youthful offenders established pursuant to § 53.1-63. Such confinement shall be followed by at least one and one-half years of supervisory parole, conditioned on good behavior. The sentence of indeterminate commitment and eligibility for continuous evaluation and parole under § 19.2-313 shall remain in effect but eligibility for use of programs and facilities established pursuant to § 53.1-63 shall lapse if such person (i) exhibits intractable behavior as defined in § 53.1-66 or (ii) is convicted of a second criminal offense which is a felony. A sentence imposed for any second criminal offense shall run consecutively with the indeterminate sentence.
- B. The provisions of subsection A of this section shall be applicable to first convictions in which the person convicted:
1. Committed the offense of which convicted before becoming twenty-one years of age;
 2. Was convicted of a felony offense other than any of the following: capital murder, murder in the first degree or murder in the second degree or a violation of §§ 18.2-61, 18.2-67.1, 18.2-67.2 or subdivision A 1 of § 18.2-67.3 ; and
 3. Is considered by the judge to be capable of returning to society as a productive citizen following a reasonable amount of rehabilitation.
- C. Subsequent to a finding of guilt and prior to fixing punishment, the Department of Corrections shall, concurrently with the evaluation required by § 19.2-316, review all aspects of the case to determine whether (i) such defendant is physically and emotionally suitable for the program, (ii) such indeterminate sentence of commitment is in the best interest of the Commonwealth and of the person convicted, and (iii) facilities are available for the confinement of such person. After the review such person shall be again brought before the court, which shall review the findings of the Department. The court may impose a sentence as authorized in subsection A, or any other penalty provided by law.

- D. Upon the defendant's failure to complete the program established pursuant to § 53.1-63 or to comply with the terms and conditions through no fault of his own, the defendant shall be brought before the court for hearing. Notwithstanding the provisions for pronouncement of sentence as set forth in § 19.2-306, the court, after hearing, may pronounce whatever sentence was originally imposed, pronounce a reduced sentence, or impose such other terms and conditions of probation as it deems appropriate.

Cite as Va. Code § 19.2-311

History. Code 1950, § 19.1-295.1; 1966, c. 579; 1974, cc. 44, 45; 1975, c. 495; 1976, c. 498; 1980, c. 531; 1988, c. 38; 1990, c. 701; 1994, cc. 859, 949; 1996, cc. 755, 914; 1997, c. 387; 2000, cc. 668, 690.

Wisconsin Statutes

§ 948.093 Underage sexual activity.

Whoever has sexual contact with a child who has attained the age of 15 years but has not attained the age of 16 years, or whoever has sexual intercourse with a child who has attained the age of 15 years, is guilty of a Class A misdemeanor if the actor has not attained the age of 19 years when the violation occurs. This section does not apply if the actor is the child's spouse.

Cite as Wisc, Stats. § 948.093

History. 2017 a. 174.

2017–18 Wisconsin Statutes updated by 2017 Wis. Acts 368 to 370 and through all Supreme Court and Controlled Substances Board Orders filed before and in effect on January 17, 2019. Published and certified under s. 35.18.