

# Sex Offender Registry Requirements Across the United States

## What is the Sex Offender Registry?

Every state and U.S. territory requires those convicted of sex offenses to be added to a registry to be monitored and tracked after their release back into the community. Information about the offender is collected and shared with local and federal authorities, as well as the general public. Requirements and restrictions are often placed on registered sex offenders. That registration process is unique in each state and U.S. territory.

## What is SORNA?

The Sex Offender Registration and Notification Act (SORNA) was passed in 2006 as part of the Adam Walsh Child Protection and Safety Act to provide federal standards for jurisdictions to follow. SORNA calls for states and U.S. territories to meet minimum requirements for sex offender registration and notification.

## Why Are the Requirements for Sex Offender Registration Different Everywhere?

While SORNA's guidelines streamlined registration and notification requirements across the country, these requirements are far from uniform. Each jurisdiction determines the details of their own registration process. This leaves a patchwork of rules for sex offenders that vary widely depending on where a registrant lives or works.

## Where PIN Comes In

Probation Information Network developed a list of questions regarding the sex offender registration requirements across the country. These are questions that might concern the public, victims and their advocates, or those who are facing registration or are currently registered and their loved ones. We then searched the statutes or code of each jurisdiction for the laws surrounding sex offender registration and notification. Where necessary, we consulted with the law enforcement agency in charge of the jurisdiction's registry to provide clear and concise answers to the following questions:

- **What is the duration of registration?**

How long must a sex offender remain on the registry? The length of time a sex offender must comply with registration requirements varies widely depending on the jurisdiction where the registrant lives, and the level of the offense committed. All but 2 jurisdictions offer a path for eventual removal from the registry for at least some of their registrants.

- **Must the immediate community be notified directly, either by the offender or law enforcement?**

Every jurisdiction has passive community notification in the form of a public sex offender registry website. Concerned citizens are free to search the website and can sign up for email notifications if a sex offender moves into their neighborhood. Some jurisdictions go even further and require active notification, where either law enforcement or the offender themselves is required to directly

notify the immediate community that a sex offender is in the area. This can take many forms, including electronic, mail, or in-person notification, publication in local newspapers, and community meetings.

- **What are the residence distance restrictions?**

Are there any restrictions on where a registered sex offender can live? Some jurisdictions restrict registrants from living within a measured distance of certain places. This restriction could be for all registrants, or only for higher-level offenders or those under supervision. Some jurisdictions do not have a state-wide restriction but do allow local jurisdictions to enact their own.

- **What are the employment distance restrictions?**

Registered sex offenders are usually restricted from certain types of employment, and from working at establishments that specifically cater to minors. Some jurisdictions go even further and restrict registrants from working within a measured distance of certain places.

- **Is an employer's information included on the public registry?**

Returning citizens of every type need to find employment upon reentry, and sex offenders are no exception. Some jurisdictions include registrants' employment information on the public registry website. This could be the employer's address or in some cases the name of the employer.

- **Are online identifiers included on the public registry?**

Some jurisdictions require registered sex offenders to report any identifiers they use online, such as email addresses and social media user names. In some jurisdictions that information is included on the public registry website, separate from the registrant's profile, in a feature that allows the public to search by specific identifiers.

- **Is a state-issued ID required to be labeled?**

Some jurisdictions require a state-issued ID, such as a driver's license, to be labeled to identify the holder as a registered sex offender. This label could be the words "Sex Offender" printed on the ID in a prominent place or a more subtle designation known to law enforcement.

- **What is the cost of registration?**

Is there a fee to register as a sex offender? Some jurisdictions pass on some of their administrative costs to the registrants. This could be a one-time fee paid only upon initial registration, or an ongoing fee paid annually or quarterly. Some jurisdictions charge a fee every time a registrant updates their information.

- **How long can a registrant be in the state for work or education before registration is required?**

Does a sex offender have to register if they work or go to school in a different state? It depends on the state, and how long the registrant will be there. Some jurisdictions require registrants to notify authorities immediately, while others allow limited stays without requiring registration. Registrants currently under supervision usually need permission from their Parole or Probation Officer before traveling and should always consult their supervising officer.

- **How long can a registrant visit the state before registration is required?**

Can a registered sex offender go on vacation? Does a sex offender have to register if they visit a different state? It depends on the state, and how long the registrant will be there. Some jurisdictions require registrants to notify authorities immediately, while others allow limited stays without requiring registration. Registrants currently under supervision usually need permission from their Parole or Probation Officer before traveling and should always consult their supervising officer.

The answers provided are taken directly from the laws found on the state or territory's legislative website or, where necessary, from the website of the law enforcement agency in charge of the jurisdiction's registry. In some cases, we contacted state or territory officials for clarification and have directly quoted those conversations.

## **Disclaimer**

While we stand by our research, it is for informational purposes only. It should not be considered legal advice and, while we strive to provide accurate and up to date information, it is not guaranteed to be complete or correct. We provide links to each jurisdiction's legislative and law enforcement websites and maintain a directory of lawyers who specialize in sex offender registration laws. For those currently under supervision, consult with your Parole or Probation Officer for guidance.

# **Arizona Sex Offender Registry Requirements**

## **What is the duration of registration?**

A.R.S. § 13-3821.

M. A person who is required to register pursuant to this section because of a conviction or adjudication of guilty except insane for the unlawful imprisonment of a minor or the kidnapping of a minor is required to register, absent additional or subsequent convictions or adjudications, for a period of ten years from the date that the person is released from prison, jail, probation, community supervision or parole and the person has fulfilled all restitution obligations. Notwithstanding this subsection, a person who has a prior conviction or adjudication of guilty except insane for an offense for which registration is required pursuant to this section is required to register for life.

## **Must the immediate community be notified directly, either by the offender or law enforcement?**

A.R.S. § 13-3825.

C. The community notification requirements are as follows:

1. For level two and level three offenders, the notification must be disseminated in a nonelectronic format to the surrounding neighborhood, area schools, appropriate community groups and prospective employers. The notification must include the offender's photograph and exact address and a summary of the offender's status and criminal background. A press release and the notification containing all required offender information must be given to the local electronic and print media to enable information to be placed in a local publication.

2. For level one offenders, the local law enforcement agency that is responsible for notification shall maintain information about the offender. The local law enforcement agency may disseminate this information to other law enforcement agencies and may give notification to the people with whom the offender resides.

I. Information concerning a person who is required to register pursuant to section 13-3821, who is subject to the provisions of community notification and who is a student at a public or private institution of postsecondary education or who is employed or carries on a vocation, with or without compensation, at a public or private institution of postsecondary education shall be promptly made available by the county sheriff to the law enforcement agency having jurisdiction for performing community notification pursuant to subsection C of this section. The law enforcement agency shall notify the institution's administration and shall complete appropriate campus notification pursuant to subsection C of this section.

N. The court may continue, defer or terminate community notification after a hearing held pursuant to section 13-923.

## What are the residence distance restrictions?

A.R.S. § 13-3727.

A. It is unlawful for a person who has been convicted of a dangerous crime against children as defined in section 13-705, or who has been convicted of an offense committed in another jurisdiction that if committed in this state would be a dangerous crime against children as defined in section 13-705, and who is required to register pursuant to section 13-3821 to:

1. If the person is classified as a level three offender pursuant to section 13-3825, reside within one thousand feet of the real property comprising any of the following:
  - (a) A private school, as defined in section 15-101, or a public school that provides instruction in kindergarten programs and any combination of kindergarten programs and grades one through eight.
  - (b) A private school, as defined in section 15-101, or a public school that provides instruction in any combination of grades nine through twelve.
  - (c) A child care facility as defined in section 36-881.
2. Knowingly establish a residence and reside within one thousand feet of the real property on which the person's former victim resides.
3. Establish a residence and reside within one thousand feet of the real property on which the person's former victim resides.

B. Subsection A, paragraph 1 of this section does not apply to any of the following:

1. A person who establishes the person's residence before September 19, 2007 or before a new school or child care facility is located.
2. A person who is a minor.
3. A person who is currently serving a term of probation.
4. A person who has had the person's civil rights restored pursuant to chapter 9 of this title.
5. A person who has not been convicted of a subsequent offense in the previous ten years, excluding any time the person was incarcerated in any federal, state, county or local jail or prison facility.

C. Subsection A, paragraphs 2 and 3 of this section do not apply to:

1. A person who is required to register pursuant to section 13-3821, subsection A, paragraph 19.
2. A person who receives written consent to establish the residence from the victim or, if the victim is a minor, from the parent or guardian of the minor unless the parent or guardian of the minor is the person who was convicted.

D. It is a defense to a prosecution for a violation of subsection A, paragraph 3 of this section if the person established the residence without knowledge that the victim resided within one thousand feet, the person moved within thirty days after receiving actual knowledge of the victim's residence and the person did not have contact with the victim during that thirty-day period.

E. Notwithstanding any other law and as a matter of statewide concern, a county, city or town shall not enact an ordinance that provides for distance restrictions greater than those found in this section.

F. For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a child care facility or a school or on which the person's former victim resides.

G. A person who violates this section is guilty of a class 1 misdemeanor, except that a person who commits a second or subsequent violation of subsection A, paragraph 2 or 3 of this section is guilty of a class 6 felony.

#### **What are the employment distance restrictions?**

None.

#### **Is an employer's information included on the public registry?**

No.

#### **Are online identifiers included on the public registry?**

Offenders must register online identifiers. While this information is not included on an offender's registry profile, there is a separate search feature that allows the public to search by specific online identifiers for Levels 2 & 3.

A.R.S. § 13-3821.

P. Any person who is required to register under subsection A of this section shall register the person's required online identifier and the name of any website or internet communication service where the identifier is being used or is intended to be used with the sheriff from and after December 31, 2007, regardless of whether the person was required to register an identifier at the time of the person's initial registration under this section.

A.R.S. § 13-3827.

D. The department of public safety shall maintain a separate database and search function on the website that contains any required online identifier of sex offenders whose risk assessments have been determined to be a level two or level three and the name of any website or internet communication service where the required online identifier is being used. This information shall not be publicly connected to the name, address and photograph of a registered sex offender on the website.

E. The department of public safety may disseminate a registered sex offender's required online identifier and the name of any corresponding website or internet communication service to a business or organization that offers electronic communication services for comparison with information that is held by the requesting business or organization. The requesting business or organization shall notify the department of public safety when a comparison of the information indicates that a registered sex offender's required online identifier is being used on the business's or organization's system. The requesting business or organization shall not further disseminate that the person is a registered sex offender.

K. For the purpose of this section, "required online identifier":

1. Means:

- (a) Any email address information, instant message or chat information.
- (b) A social networking platform account name or identifier.
- (c) Any identifier used for communicating on a mobile application or internet website.
- (d) A mobile telephone number.
- (e) Any mobile device identification information.

(f) Any other similar internet communication name.

2. Does not include a social security number, date of birth, personal password or pin number.

### **Is a state-issued ID required to be labeled?**

Yes, with a designation known to law enforcement.

All sex offenders are required to obtain a credential from the MVD annually, which looks identical to any other license except when a law enforcement official checks the status of the credential it indicates that the individual is subject to sex offender registration. Failure to obtain this credential is a Class 6 felony with a mandatory \$250 assessment.

– Arizona Department of Public Safety, Sex Offender Compliance Unit

A.R.S. § 13-3821.

J. On the person's initial registration and every year after the person's initial registration during the month of the person's birthdate, the person shall report in person to the sheriff of the county in which the person is registered and confirm in writing all information required by this section, any required online identifier and the name of any website or internet communication service where the identifier is being used and the person shall obtain a new nonoperating identification license or a driver license from the motor vehicle division in the department of transportation and shall carry a valid nonoperating identification license or a driver license. Notwithstanding sections 28-3165 and 28-3171, the license is valid for one year from the date of issuance, and the person shall submit to the department of transportation proof of the person's address and place of residence. The motor vehicle division shall annually update the person's address and photograph and shall make a copy of the photograph available to the department of public safety or to any law enforcement agency. The motor vehicle division shall provide to the department of public safety daily address updates for persons required to register pursuant to this section.

A.R.S. § 13-3824.

B. Notwithstanding subsection A of this section, a person who fails to comply with section 13-3821, subsection J is guilty of a class 6 felony and, in addition to any other penalty prescribed by law, the court shall order the person to pay an additional assessment of two hundred fifty dollars. This assessment is not subject to any surcharge. The court shall transmit the monies received pursuant to this subsection to the county treasurer. The county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the state general fund. Notwithstanding any other law, the court shall not waive the assessment imposed pursuant to this subsection.

### **What is the cost of registration?**

A.R.S. § 13-3821.

Q. On conviction of or adjudication of guilty except insane for any offense for which a person is required to register pursuant to this section, in addition to any other penalty prescribed by law, the court shall order the person to pay an additional assessment of two hundred fifty dollars. This assessment is not subject to any surcharge. The court shall transmit the monies received pursuant to this section to the county treasurer. The county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the state general fund. Notwithstanding any other law, the court shall not waive the assessment imposed pursuant to this section.

### **How long can a registrant be in the state for work or education before registration is required?**

A.R.S. § 13-3821.

E. A person who has been convicted, adjudicated guilty except insane or adjudicated delinquent and who is required to register in the convicting or adjudicating state for an act that would constitute an offense specified in subsection A or C of this section and who is not a resident of this state shall be required to register pursuant to this section if the person is either:

1. Employed full-time or part-time in this state, with or without compensation, for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year.
2. Enrolled as a full-time or part-time student in any school in this state for more than fourteen consecutive days or for an aggregate period of more than thirty days in a calendar year. For the purposes of this paragraph, "school" means an educational institution of any description, public or private, wherever located in this state.

### **How long can a registrant visit the state before registration is required?**

A.R.S. § 13-3821.

A. A person who has been convicted of or adjudicated guilty except insane for a violation or attempted violation of any of the following offenses or who has been convicted of or adjudicated guilty except insane or not guilty by reason of insanity for an offense committed in another jurisdiction that if committed in this state would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 and that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section or who is required to register by the convicting or adjudicating jurisdiction, within ten days after the conviction or adjudication or within ten days after entering and remaining in any county of this state, shall register with the sheriff of that county.