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Megan's Law: Juvenile Sex Offender Registration (2009 Update)

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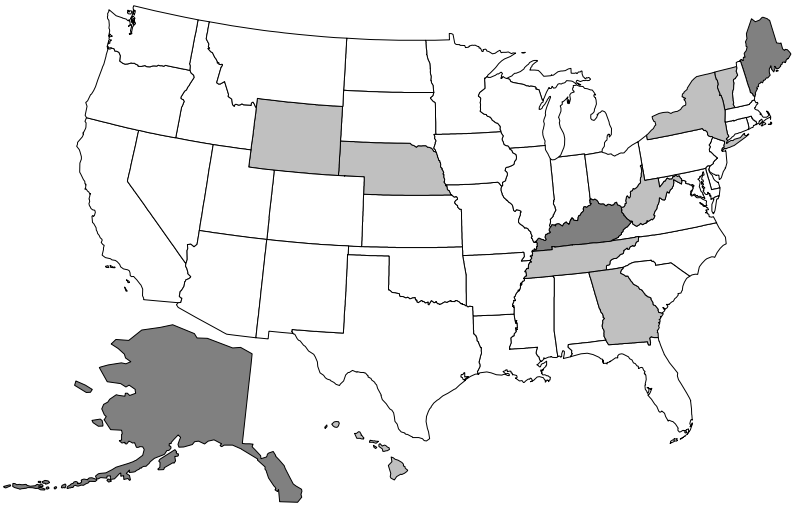
Juvenile Sex Offender Registration



*DE, FL, IA, LA, MO, NH, NC, OK, and VA also have a provision under which juveniles tried and convicted in criminal court must register.

Currently, all jurisdictions have enacted a version of "Megan's Law," a law that requires convicted criminal sex offenders to register with police, and permits the community to be notified of necessary and relevant information about such offenders. However, not all states apply their registration requirement to juveniles.

Thus far in the 2009 legislative session, the following 39 states permit or require adjudicated juveniles to register as sex offenders: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wisconsin.

The following 13 jurisdictions have statutes or case law specifically requiring juveniles tried and convicted in criminal court to register: Alaska, Delaware, the District of Columbia, Florida, Iowa, Kentucky, Louisiana, Maine, Missouri, New Hampshire, North Carolina, Oklahoma, and Virginia.

In 2005, Hawaii joined Georgia and specifically excludes adjudicated juveniles from the sex offender registration requirement.

In 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 was signed into law. As of February 1, 2009, no state has been certified to be in substantial compliance with the federal Act. States are required to comply with the Act by July 2009 or lose 10 percent of the state's federal funds. Recently the deadline for compliance was extended to July 2010.

Under the terms of the federal Act, the term "convicted", used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as defined in the federal statutes), or was an attempt or conspiracy to commit such an offense.

Such a juvenile potentially would face a lifetime of sex offender registration under the federal Act. However, this registration period could be reduced to 25 years, if such a juvenile maintains a clean record for those 25 years.

On July 2009, the Governor of Arizona approved legislation establishing the Arizona Federal Sex Offender Registration Notification Act Study Committee. The purpose of this Study Committee is to examine: the effectiveness of current state sex offender laws to prevent recidivism and protect the community; the standards set forth in the federal Act; and the impact on the state of adopting the federal standards.

In another forum, the Adam Walsh Act is currently being challenged on a number of constitutional grounds in both federal and state courts.

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