



Update on State Compliance with the Adam Walsh Act

An NJJN advisory on the federal government's apparent willingness to pay heed to states' concerns about the Adam Walsh Act's mandates for youth

Youth and the SORNA Title of the Adam Walsh Act

- **Juveniles:** The Act requires states to place on their public sex offender registries, in the Tier III category, youth ages 14 and above who have been adjudicated delinquent for an attempted, conspired, or completed offense that involves a "sexual act" by force, threat of serious violence, or rendering the victim unconscious or drugged. "Sexual act" includes "any degree of genital or anal penetration, and any oral-genital or oral-anal contact."
- **Retroactivity:** The Act requires states to retroactively place individuals on the public sex offender registry if they were convicted or adjudicated delinquent of a sex offense prior to the Act's implementation, and they are either currently under the supervision of the criminal or juvenile justice system for any offense or subsequently come into contact with the criminal or juvenile justice system for any offense.

The State of States' Compliance

As of February 2, 2010, only three jurisdictions have been deemed in compliance with SORNA: the state of Ohio; the Confederated Tribes of the Umatilla Indian Reservation; and the Confederated Tribes and Bands of the Yakama Nation.

Meaning of Substantial Compliance – The Example of Ohio

In September 2009, Ohio achieved compliance with SORNA without meeting all of SORNA's requirements. Thus in this instance, the SMART Office allowed for a more lenient definition of "substantial compliance" than it had indicated it would in the past. Ohio specifically fails to meet SORNA's mandates because:

- **Not All Youth Must Register:** Youth aged 14 and older in Ohio who are not designated a "Serious Youth Offender" are not placed on the public sex offender registry, in spite of having met the conviction requirement for SORNA.
- **Retroactivity Doesn't Include Everyone:** People who have committed a sex offense, who were not registered as of the implementation of the Act, and who later come into contact with the criminal or juvenile justice system are not required to register.

For more information about juvenile sex offenders and the Adam Walsh Act, please visit NJJN's Web site at www.njjn.org and go to the [sex offender issue area](#).

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