



National Juvenile Justice Network Fact Sheet

New Registration Requirements for Juvenile Sex Offenders

The Adam Walsh Child Protection and Safety Act of 2006, H.R. 4472

The Adam Walsh Child Protection and Safety Act of 2006, H.R. 4472, was signed into law on July 27, 2006. The law establishes new guidelines for placing juveniles adjudicated delinquent on both national and state sex offender registries. This fact sheet explains the new registration requirements for juveniles adjudicated in the juvenile justice system. Youth prosecuted in the adult system are treated as adults under this law and are subject to registration and notification requirements accordingly.

Which Youth Must Register?

Youth who are adjudicated delinquent who are 14 years of age or older and who have committed an offense comparable to or more severe than Section 2241 of Title 18 of the U.S. Code – aggravated sexual abuse. Consensual sexual conduct is not considered a sexual offense if the victim is at least 13 years old and the offender is no greater than four years older than the victim.

What Information Must Be Contained in a Registry?

The youth must provide the following information for the registry:

- Name; date of birth; social security number (not public); home address; address of place of employment; address of school where offender may be a student; license plate and registration number of vehicle; e-mail addresses; telephone numbers; and passport and immigration document information.

The jurisdiction must add the following information to the registry:

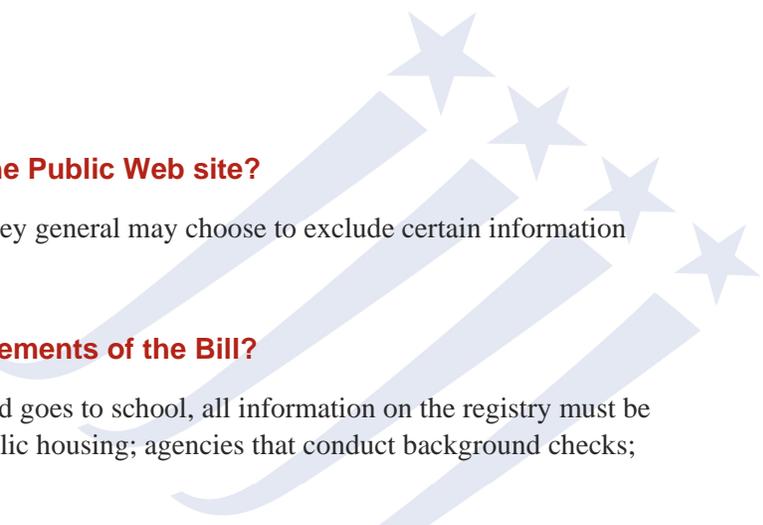
- Physical description of registrant; legal definition of the offense requiring registration; criminal history (arrests that did not lead to a conviction are not public; the law is silent on prior juvenile adjudications); photo; fingerprints; DNA; photocopy of driver's license; and identity of victim (not public).

What Information Is Available to the Public?

Name; address; employer's address; school address; license plate number; physical description; text of the sex offense; and current photograph.

What Cannot Be Included on the Public Web site?

Victim's identity; social security number; arrests not resulting in convictions; and passport and immigration information.



What Can States Choose not to Include on the Public Web site?

Name of employer; name of school; the state's attorney general may choose to exclude certain information such as e-mail addresses.

What Are the Community Notification Requirements of the Bill?

In the areas where the youth offender lives, works and goes to school, all information on the registry must be sent to the following: law enforcement; schools; public housing; agencies that conduct background checks; and child.

What Information on the Registry Must the State Provide to the Public?

Each state's registry must be made public and must be easily accessible and searchable. The registry must also contain the warning that the information contained within cannot be used to "unlawfully injure, harass or commit a crime against any individual named in the registry."

Where Must a Youth Register?

A youth must register in all the jurisdictions where s/he resides, is in school, and is employed.

How Long Must the Youth Be on the Registry?

All the youth adjudicated delinquent on the registry fall into a "Tier III" offender category, and must register for life. Youth can be removed from the registry after 25 years, if the youth has maintained a clean record for 25 years by not committing any new sex or felony offenses, successfully completing any supervised release, and completing a sex offender treatment program.

How Often Must Youth Verify Their Information?

Youth must verify that their information is correct every three months.

What Happens if a Youth Does not Register?

Youth who are required to register and who do not comply can be fined, and face a penalty of no less than one year and a maximum of ten years in prison.

Does One's Status as a Sex Offender Have Other Sentencing Ramifications?

Youth on the registry are subject to a variety of increased mandatory minimum sentences for future offenses.

Recommendations:

Your state may need to alter its laws or regulations about juvenile sex offenders in order to implement the new federal law. As your state rewrites its own laws, pay close attention to ensure that youth are afforded the maximum protection possible. States have until July 27, 2009 to come into compliance with the Act.

1. Make the case that “substantial compliance” with the Adam Walsh Act is met by any of the following:
 - Keeping juveniles adjudicated delinquent off the state registry entirely;
 - Removing youth from the public registry;
 - Only placing youth on a registry after a panel or a judge has determined them to be a public safety risk;
 - Allowing youth to petition to be taken off the registry;
 - Not making the registry retroactive for juveniles.
2. Do a cost analysis of implementing the Adam Walsh Act (including costs of tracking and future costs of loss of productivity of youth, etc.) versus loss of Byrne funding.
3. If implementing the Adam Walsh Act:
 - Make sure that your state requirements do not go beyond the federal requirements for which youth need to need to register on the state registry; what information needs to be included on the registry; and community notification procedures.
 - Guard that your state keeps confidential that information which it is not obligated to make public.
 - Develop statutes that make it a crime to inappropriately use information on the sex offender registry.
 - Strengthen your state’s juvenile code so that youth cannot waive right to counsel without a parent or guardian present.
4. If your state’s laws are already more inclusive in defining which youth must be in the state registry, then:
 - Make sure that the information your state sends to the federal registry does not go beyond the federal requirements; and
 - Use this new law as an opportunity to advocate for a scaling back of your state’s laws in order to comport with the more narrowly defined federal law.

For More Information:

Legislation: <<http://thomas.loc.gov/>> by searching by bill number (H.R. 4472) or Public Law Number (109-248).

Visit US DOJ’s SMART office online for information about implementing the Adam Walsh Act, www.ojp.usdoj.gov/smart/.

National Juvenile Justice Network, www.njjn.org.

Sign up for the Adam Walsh Act listserv for updates on states’ implementation of the Act., info@njjn.org.

National Center on Sexual Behavior of Youth, www.NCSBY.org.

National Association to End Sexual Violence, www.NAESV.org.

Association for the Treatment of Sexual Abusers, www.atsa.com.

No Easy Answers: Sex Offender Laws in the U.S., Human Rights Watch, 2007.

An American Tragedy, Frank Zimring, 2004.

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