



National Juvenile Justice Network

New Registration Requirements for Juvenile Sex Offenders

The Adam Walsh Child Protection and Safety Act of 2006, HR 4472

The Adam Walsh Child Protection and Safety Act of 2006, HR 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 US 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 4 years older than the victim.

What Information Must be Contained in a Registry?

The youth must provide the following information for the registry:

- Name
- Social Security Number (not public)
- Home Address
- Address of Place of Employment (public only if state desires)
- Address of School Where Offender May be a Student (public only if state desires)
- License Plate Number

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
- Identity of Victim (not public)

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; child welfare agencies; volunteer organizations; and any organization, company or individual that requests notification.

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 FOR ACTION:

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 re-writes its own laws or regulations regarding sex offender registries and starts to implement these changes, pay close attention to ensure that youth are afforded the maximum protection possible under the law. Note that states have three years from the date of the Act, or one year after the Attorney General releases registry software to the states, to come into compliance with the law.

1. Make sure that your state requirements do not go beyond the federal requirements for:
 - Which youth need to register on the state registry;
 - What information needs to be included on the registry; and
 - Community notification procedures.
2. Guard that your state keeps confidential that information which it is not obligated to make public (place of employment and school).
3. As these new laws are implemented in your state, make sure that youth are not over-charged in the court process in an effort to catapult them onto the registry.
4. If your state's laws are already more inclusive about 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.

You can view the legislation online at <http://thomas.loc.gov/> by searching by bill number (HR 4472) or by Public Law Number (109-248).