

## S 1086

Sex Offender Registration and Notification Act

**Congress:** 109 (2005–2007, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** May 19, 2005

**Current Status:** Held at the desk.

**Latest Action:** Held at the desk. (May 8, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/senate-bill/1086>

### Sponsor

---

**Name:** Sen. Hatch, Orrin G. [R-UT]

**Party:** Republican • **State:** UT • **Chamber:** Senate

**Cosponsors** (42 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Biden, Joseph R., Jr. [D-DE]	D · DE		May 23, 2005
Sen. Ensign, John [R-NV]	R · NV		May 23, 2005
Sen. Martinez, Mel [R-FL]	R · FL		May 23, 2005
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Jun 13, 2005
Sen. Stevens, Ted [R-AK]	R · AK		Jun 13, 2005
Sen. Johnson, Tim [D-SD]	D · SD		Jun 21, 2005
Sen. Thune, John [R-SD]	R · SD		Jun 21, 2005
Sen. Crapo, Mike [R-ID]	R · ID		Jul 11, 2005
Sen. Schumer, Charles E. [D-NY]	D · NY		Jul 11, 2005
Sen. DeWine, Mike [R-OH]	R · OH		Jul 22, 2005
Sen. Nelson, Ben [D-NE]	D · NE		Jul 29, 2005
Sen. Isakson, Johnny [R-GA]	R · GA		Sep 6, 2005
Sen. McCain, John [R-AZ]	R · AZ		Oct 4, 2005
Sen. Gregg, Judd [R-NH]	R · NH		Oct 7, 2005
Sen. Cantwell, Maria [D-WA]	D · WA		Oct 17, 2005
Sen. Grassley, Chuck [R-IA]	R · IA		Oct 17, 2005
Sen. Kyl, Jon [R-AZ]	R · AZ		Oct 17, 2005
Sen. Sununu, John E. [R-NH]	R · NH		Oct 20, 2005
Sen. Cornyn, John [R-TX]	R · TX		Dec 12, 2005
Sen. Byrd, Robert C. [D-WV]	D · WV		Feb 2, 2006
Sen. Frist, William H. [R-TN]	R · TN		Feb 27, 2006
Sen. Lott, Trent [R-MS]	R · MS		Mar 3, 2006
Sen. Dorgan, Byron L. [D-ND]	D · ND		Mar 6, 2006
Sen. Feinstein, Dianne [D-CA]	D · CA		Mar 8, 2006
Sen. Burr, Richard [R-NC]	R · NC		Mar 13, 2006
Sen. Brownback, Sam [R-KS]	R · KS		Mar 15, 2006
Sen. Graham, Lindsey [R-SC]	R · SC		Mar 15, 2006
Sen. Nelson, Bill [D-FL]	D · FL		Mar 16, 2006
Sen. Boxer, Barbara [D-CA]	D · CA		Mar 27, 2006
Sen. Sessions, Jeff [R-AL]	R · AL		Mar 27, 2006
Sen. Salazar, Ken [D-CO]	D · CO		Mar 28, 2006
Sen. Talent, Jim [R-MO]	R · MO		Mar 28, 2006
Sen. Dole, Elizabeth [R-NC]	R · NC		Mar 29, 2006
Sen. Inhofe, James M. [R-OK]	R · OK		Apr 25, 2006
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Apr 25, 2006
Sen. Coleman, Norm [R-MN]	R · MN		Apr 26, 2006
Sen. Burns, Conrad R. [R-MT]	R · MT		May 1, 2006
Sen. Conrad, Kent [D-ND]	D · ND		May 3, 2006
Sen. Dayton, Mark [D-MN]	D · MN		May 3, 2006
Sen. DeMint, Jim [R-SC]	R · SC		May 4, 2006
Sen. Obama, Barack [D-IL]	D · IL		May 4, 2006

Cosponsor	Party / State	Role	Date Joined
Sen. Allen, George [R-VA]	R · VA		May 5, 2006

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Oct 20, 2005

## Subjects & Policy Tags

### Policy Area:

Crime and Law Enforcement

## Related Bills

Bill	Relationship	Last Action
109 HR 2423	Identical bill	Jun 9, 2005: Subcommittee Hearings Held.

Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Act, Sex Offender Registration and Notification Act, or Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005 - **Title I: Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Program** - (Sec. 101) Directs the Attorney General to establish guidelines for states' sex offender registration programs to be known collectively as the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

(Sec. 103) Directs the Attorney General to carry out a Sex Offender Management Assistance program of grants to offset costs of implementing this title. Requires each grant to be distributed directly to the participating state for distribution to public entities, including local governments and law enforcement agencies. Allows up to 10% of a grant to be used to participate in databases that identify individuals in custody.

Directs a state to submit a grant application assuring that it has substantially implemented this title and has made the failure of a covered individual to register as required a felony.

Directs the Attorney General to: (1) study the feasibility of incorporating into the program the activities of any technical assistance or training program established as a result of provisions of the Violent Crime Control and Law Enforcement Act of 1994 (VCLEA) regarding assistance to victims of sexual assault; and (2) submit to Congress an annual report identifying the extent to which each participating state has implemented this title.

Makes a participating state that has substantially implemented this title within two years eligible for a bonus payment.

(Sec. 104) Requires adults or juveniles who are convicted as adults of sexually violent offenses, certain offenses against minors, or other specified crimes (covered individuals) to provide specified information to designated persons in their domicile, work, or school states for the rest of their lives (with specified exceptions). Requires such an individual, initially and thereafter as specified, to register with and appear before such designated persons to provide identification, home, work, school, and vehicle information and to have a photograph and fingerprints taken. Authorizes the Attorney General to specify the applicability of such requirements to individuals who were convicted of such offenses before enactment of this Act. Requires such individuals to keep registration information current. Sets penalties for violations.

(Sec. 105) Sets forth the notification, registration, and verification duties of the Attorney General and the designated state officials.

Requires: (1) the Attorney General to maintain a National Sex Offender Registry at the Federal Bureau of Investigation (FBI), which shall include information concerning covered individuals who are required to register in the sex offender registry of any jurisdiction; and (2) each participating state to submit the information concerning each covered individual to the Attorney General and participate in the Registry (established under Title II).

Requires: (1) a participating state that is unable to verify the address of or locate a covered individual to promptly notify the Attorney General; (2) the Attorney General to revise the National Sex Offender Registry to reflect that information, add the name of the individual to the wanted person file of the National Crime Information Center (NCIC), and create a wanted persons record if an arrest warrant is issued; and (3) the Attorney General to assist states and other jurisdictions in locating and apprehending individuals who violate sex offender registration requirements. Authorizes appropriations.

(Sec. 106) Requires each participating state to maintain a single comprehensive registry of information collected under

this title and a single public information program. Require such program to include: (1) an Internet site that provides for integration with other state sites, the correction of errors, and the designation of three tiers of covered persons (for graduated offenses and registration requirements); and (2) requirements for law enforcement agencies in participating states to release information collected to schools, child care providers, businesses that provide services or products to children, and residents within a prescribed radius of the home or work address of the individual.

Directs the Attorney General, every six months, to collect from each state and release to the public information on the number of covered individuals included in each state's registry and on such individuals' compliance with this title.

(Sec. 107) Directs the Attorney General to develop and make available software that can be used by participating states to comply with all requirements under this title for managing and exchanging information.

(Sec. 108) Authorizes a federally recognized Indian tribe to elect to carry out this title or delegate its functions to participating states within which the territory of the tribe is located. Provides that a tribe shall be treated as if it had made the latter election if: (1) it is a tribe subject to the law enforcement jurisdiction of a participating state under the federal criminal code for offenses committed by or against Indians in Indian country; (2) the tribe does not make or rescinds such an election within one year of this Act's enactment; or (3) the Attorney General determines that the tribe has not implemented the requirements of this title and is not likely to become capable of doing so within a reasonable period.

(Sec. 109) Requires notification of the chief law enforcement officer of Indian country of the release of a sex offender. Requires an appropriate state official to ensure that notice of the release of a covered individual into the jurisdiction of any Indian tribe is provided to that tribe. Directs the Attorney General to make grants to tribes for the development of electronic databases to provide access to information in the National Sex Offender Registry.

(Sec. 110) Makes this Act's requirements inapplicable to any individual who is only subject to such requirements because of a delinquent adjudication that occurred when the individual was a minor, unless that individual was charged and convicted as an adult.

(Sec. 112) Makes the federal government, participating states and political subdivisions, and their agencies, officers, employees, and agents immune from liability for good faith conduct under this Act.

(Sec. 113) Provides that nothing in this title shall be deemed to require a state to take any action that would violate its constitution. Prohibits the Attorney General from withholding funds to any participating state that declines to implement any provisions of this title on the ground that to do so would violate its constitution or a ruling by its highest court.

(Sec. 115) Authorizes appropriations.

**Title II: Dru Sjodin National Sex Offender Public Database Act of 2005** - Dru Sjodin National Sex Offender Public Database Act of 2005 - (Sec. 202) Directs the Attorney General to maintain a national Internet site, to be known as the National Sex Offender Public Registry, through which the public can access information in the public sex offender Internet sites of all states by means of single-query searches. Requires the Registry to provide specified information on the identity, domicile, place of employment, educational institution, qualifying offenses, dates of release, parole, or probation, and compliance status of specified covered individuals.

(Sec. 203) Authorizes the Attorney General to make grants to participating states to: (1) provide timely notice to a state official responsible for considering whether to pursue a civil commitment proceeding upon the impending release of any person incarcerated for a sexually violent offense or deemed to be at high risk for recommitting any covered offense

against a minor; and (2) monitor, for not less than one year, any person who has been deemed such a risk, who has been unconditionally released from incarceration, and who has not been civilly committed under state law. Authorizes appropriations.

**Title III: Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005** - Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005 - (Sec. 302) Requires a person convicted of a federal crime of violence against an individual under age 12 with the intent to commit a serious sex crime to be sentenced to: (1) 30 years to life if the crime results in the death of a person under age 12; (2) 20 years to life if the crime is a kidnapping or maiming or results in serious bodily injury; and (3) 10 years to life if a dangerous weapon was used during and in relation to the crime.

(Sec. 303) Increases penalties for: (1) aggravated sexual abuse of children under age 12; (2) engaging in a sex act with a person who has not attained age 12 that results in death; (3) sexual exploitation of children; and (4) using misleading domain names to direct children to harmful material on the Internet.

**Title IV: Jessica Lunsford and Sarah Lunde Act** - Jessica Lunsford and Sarah Lunde Act - (Sec. 402) Directs the Attorney General to: (1) award grants to assist state and local governments in carrying out programs to outfit persons of age 18 or older who commit sexual offenses against minors with electronic monitoring units; and (2) report to Congress by April 1, 2008, on program effectiveness. Authorizes appropriations.

**Title V: Miscellaneous Provisions** - (Sec. 501) Directs the Attorney General to ensure access (subject to specified restrictions) to the Interstate Identification Index by: (1) the National Center for Missing and Exploited Children; and (2) governmental social service agencies with child protection responsibilities. Shields the Center from liability (with exceptions) in any: (1) civil tort action for damages related to such access; and (2) civil or criminal action for the performance of its CyberTipline responsibilities and functions or for its efforts to identify child victims.

(Sec. 503) Amends the Crime Control Act of 1990 to require state reporting requirements regarding missing children to ensure that: (1) no state law enforcement agency's policy requires the removal of a missing person entry from its law enforcement system or the NCIC computer database based solely on the person's age; and (2) missing child information is entered into the state law enforcement system and the NCIC computer networks within two hours of its receipt (currently, immediately) and made available to the Missing Children Information Clearinghouse or other agency designated within the state.

(Sec. 504) Directs the Bureau of Prisons to establish: (1) non-residential sex offender management programs to provide treatment, monitoring, and supervision of, and aftercare during prerelease custody for, sex offenders; and (2) residential sex offender treatment programs to provide treatment to sex offenders who volunteer and are deemed to be in need of treatment. Requires at least one of each program to be established in each region within the Bureau. Authorizes appropriations.

(Sec. 505) Authorizes appropriations for grants to the American Prosecutors Research Institute.

(Sec. 506) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to states, local governments, Indian tribes, other public and private entities, and multi-jurisdictional or regional consortia for any activity to assist a state in enforcing sex offender registration requirements.

(Sec. 507) Directs the Attorney General, at the request of the chief executive of a state, to conduct fingerprint-based checks of the national crime information databases for local or state educational agencies on individuals under

consideration for employment in work with or around children. Allows the Attorney General and the states to charge for such checks. Limits the release of information. Sets penalties for knowingly exceeding authority or knowingly releasing information in violation of this provision.

(Sec. 508) Authorizes the Bureau of Justice Assistance to make grants to each law enforcement agency that serves a jurisdiction with 50,000 or more residents (or fewer upon a showing of need) to: (1) hire additional law enforcement personnel, or train existing staff, to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders; (2) investigate the use of the Internet to facilitate the sexual abuse of children; and (3) purchase computer hardware and software to investigate sexual abuse of children over the Internet, access databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries. Authorizes appropriations.

(Sec. 510) Amends the Immigration and Nationality Act to make failure of an alien to provide registration information as a sex offender under this Act a deportable offense.

(Sec. 511) Repeals under VCCLEA: (1) the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program; and (2) provisions establishing an FBI database to track sexually violent predators and persons convicted of crimes against minors or sexually violent offenses.

**Title VI: Comprehensive Examination of Sex Offender Issues** - (Sec. 601) Directs the National Institute of Justice (NIJ) to conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, focusing on: (1) the impact of this Act; (2) the utility of the National Sex Offender Public Registry (3) the effectiveness of treatment programs in reducing recidivism among sex offenders; and (4) the potential benefits to law enforcement agencies and the privacy implications of access to taxpayer and Social Security information pertaining to sex offenders. Requires the study to include recommendations for reducing the number of sex crimes against children and increasing the compliance rates with registration requirements. Directs NIJ to report the results of the study within five years to Congress, the public (through the Internet), each of the governors, the Mayor of the District of Columbia, territory heads, and the top official of the various Indian tribes. Authorizes appropriations.

## **Actions Timeline**

---

- **May 8, 2006:** Received in the House.
- **May 8, 2006:** Held at the desk.
- **May 5, 2006:** Message on Senate action sent to the House.
- **May 4, 2006:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S4079-4090; text as passed Senate: CR S4079-4089)
- **May 4, 2006:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S4079-4090; text as passed Senate: CR S4079-4089)
- **Oct 20, 2005:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Oct 20, 2005:** Committee on the Judiciary. Reported by Senator Specter with an amendment in the nature of a substitute. Without written report.
- **Oct 20, 2005:** Committee on the Judiciary. Reported by Senator Specter with an amendment in the nature of a substitute. Without written report.
- **Oct 20, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 251.
- **May 19, 2005:** Introduced in Senate
- **May 19, 2005:** Sponsor introductory remarks on measure. (CR S5539)
- **May 19, 2005:** Read twice and referred to the Committee on the Judiciary.