

Exhibit D



OFFICE OF JUSTICE PROGRAMS

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**SMART****Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking**

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SORNA

SORNA refers to the Sex Offender Registration and Notification Act which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs. Additionally, SORNA:

- Extends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia, and the principal U.S. territories, to include also federally recognized Indian tribes.
- Incorporates a more comprehensive group of sex offenders and sex offenses for which registration is required.
- Requires registered sex offenders to register and keep their registration current in each jurisdiction in which they reside, work, or go to school.
- Requires sex offenders to provide more extensive registration information.
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information.
- Expands the amount of information available to the public regarding registered sex offenders.
- Makes changes in the required minimum duration of registration for sex offenders.

Substantial Implementation Reports: States and Territories

For more information about the state/U.S. territory registration and notification systems that have been found to have substantially implemented SORNA, please see the following SMART Office reviews.

[Alabama](#)[Commonwealth of the Northern Mariana Islands](#)[Colorado](#)[Delaware](#)[Florida](#)[Guam](#)[Kansas](#)[Louisiana](#)[Maryland](#)[Michigan](#)[Mississippi](#)[Missouri](#)[Nevada](#)[Ohio](#)[Pennsylvania](#)[South Carolina](#)[South Dakota](#)[Tennessee](#)[U.S. Virgin Islands](#)[Wyoming](#)

Substantial Implementation Reports: Indian Country

For more information about those Indian nation, tribe, and pueblo registration and notification systems that have been found to have substantially implemented SORNA, please see the following SMART Office reviews. Please note that most of these systems closely follow the [Model Tribal Code](#). Since most Indian Nations initiated their sex offender registration programs in response to SORNA, in most instances, they have not deviated from SORNA requirements. Because SMART Office Substantial Implementation Reviews are meant to highlight jurisdictions' deviations from SORNA requirements, these reports may not be illustrative of the complexity of the registration and notification systems that these jurisdictions have put in place.

[Absentee-Shawnee Tribe of Oklahoma](#)[Bay Mills Indian Community](#)[Bois Forte Band of Chippewa](#)[Cherokee Nation](#)[Chickasaw Nation](#)[Chippewa Cree Tribe of the Rocky Boy's Indian Reservation](#)[Chitimacha Tribe of Louisiana](#)[Citizen Potawatomi Nation](#)[Comanche Nation](#)[Colorado River Indian Tribe](#)[Confederated Tribes of the Umatilla Indian Reservation](#)[Confederated Tribes of Warm Springs](#)[Confederated Tribes and Bands of the Yakama Nation](#)[Eastern Shoshone Tribe of the Wind River Reservation](#)[Fort McDowell Yavapai Tribal Council](#)[Fort Mojave Indian Tribe](#)[Gila River Indian Community](#)[Grand Traverse Band of Ottawa and Chippewa Indians](#)[Hannahville Indian Community](#)[Hopi Tribe](#)[Hualapai Tribe](#)[Iowa Tribe of Kansas and Nebraska](#)[Iowa Tribe of Oklahoma](#)[Jicarilla Apache Nation](#)[Kalispel Tribe of Indians](#)[Kaw Nation](#)[Keweenaw Bay Indian Community](#)[Kickapoo Tribe of Oklahoma](#)

[Kootenai Tribe of Idaho](#)
[Little Traverse Bay Bands of Odawa Indians](#)
[Lower Elwha Klallam Tribe](#)
[Match-e-be-nash-she-wish Band of Pottawatomi Indians \(Gun Lake Tribe\)](#)
[Menominee Indian Tribe of Wisconsin](#)
[Mescalero Apache Tribe](#)
[Miami Tribe of Oklahoma](#)
[Mississippi Band of Choctaw Indians](#)
[Modoc Tribe of Oklahoma](#)
[Muscogee \(Creek\) Nation](#)
[Northern Arapaho Tribe of the Wind River Reservation](#)
[Nottawaseppi Huron Band of the Potawatomi](#)
[Ohkay Owingeh](#)
[Omaha Tribe of Nebraska](#)
[Osage Nation](#)
[Pascua Yaqui Tribe](#)
[Poarch Band of Creek Indians](#)
[Prairie Band Potawatomi Nation](#)
[Pueblo of Acoma](#)
[Pueblo of Isleta](#)
[Pueblo of Santa Ana](#)
[Quinault Indian Nation](#)
[Sac & Fox of the Mississippi in Iowa \(Meskwaki\)](#)
[Santee Sioux Nation](#)
[Salt River Pima-Maricopa Indian Community](#)
[Sault Ste. Marie Tribe of Chippewa Indians of Michigan](#)
[Seminole Nation of Oklahoma](#)
[Shoshone-Bannock Tribes](#)
[Seneca-Cayuga Tribe of Oklahoma](#)
[Shoshone-Paiute Tribes of the Duck Valley Indian Reservation](#)
[Sisseton Wahpeton Oyate of the Lake Traverse Reservation](#)
[Skokomish Indian Tribe](#)
[Southern Ute Indian Tribe](#)
[Spokane Tribe](#)
[Standing Rock Sioux Tribe](#)
[Tohono O'odham Nation](#)
[United Keetoowah Band of Cherokee Indians in Oklahoma](#)
[Upper Skagit Indian Tribe](#)
[Washoe Tribe of Nevada and California](#)
[Winnebago Tribe of Nebraska](#)
[Wyandotte Nation](#)
[Yavapai-Apache Nation](#)

More about SORNA

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Federal role in the administration of SORNA

The Federal Government is working to assist with the implementation of SORNA and protect the public from sexual abuse and exploitation through:

- Stepped-up federal investigation and prosecution efforts to assist jurisdictions in enforcing sex offender registration requirements;
- New statutory provisions for the FBI's National Sex Offender Registry (part of the [National Crime Information Center](#)) and the [Dru Sjodin National Sex Offender Public Website](#) that compile information obtained from registration programs across the country and make it readily available to law enforcement or the public;
- Federal development of software tools, which jurisdictions will be able to use to facilitate the operation of their registration and notification programs in conformity with the SORNA standards; and
- Establishment of the SMART Office to administer the national standards for sex offender registration and notification and to assist jurisdictions in their implementation efforts.

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The SMART Office

SORNA established the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office), a component of the Office of Justice Programs within the U.S. Department of Justice. The SMART Office is authorized by law to administer the standards for sex offender registration and notification that are set forth in SORNA. It is further authorized to cooperate with and provide assistance to states, local governments, tribal governments, and other public and private entities in relation to sex offender registration and notification and other measures for the protection of the public from sexual abuse or exploitation. The SMART Office is a key federal partner and resource for jurisdictions as they continue to develop and strengthen their sex offender registration and notification programs.

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SORNA Final Guidelines

The [Final Guidelines](#) provide all jurisdictions with guidance, explanation and advice regarding the administration and implementation of SORNA. The Attorney General has issued these Guidelines to promote and assist in the implementation of the SORNA standards.

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Jurisdictions included under SORNA

The 50 States, the District of Columbia, the five principal U.S. territories, and federally recognized Indian tribes that elect to function as registration jurisdictions are all defined as "jurisdictions" under SORNA. "Jurisdiction", as used by SORNA, does not include counties, cities, towns, or other political subdivisions located within states, tribes or territories. However, this definition does not limit the ability of states, tribes or territories to carry out these functions through their political subdivisions or other entities within the jurisdiction.

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SORNA Applicability

SORNA refers to the persons required to register under its standards as "sex offenders," and SORNA defines "sex offender" to mean "an individual who was convicted of a sex offense."

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Sex offenses under SORNA

The convictions for which SORNA requires registration include convictions for sex offenses by any U.S. jurisdiction, including convictions for sex offenses under federal, military, state, territorial, tribal or local law. Foreign convictions are also covered if certain conditions are satisfied.

Generally speaking, the following are considered sex offenses under SORNA:

- **SEXUAL ACTS AND SEXUAL CONTACT OFFENSES.** These include criminal offenses that have an element involving a sexual act or sexual contact with another. The offenses covered include all sexual offenses whose elements involve: (i) any type or degree of genital, oral, or anal penetration, or (ii) any sexual touching of or contact with a person's body, either directly or through the clothing.
- **SPECIFIED OFFENSES AGAINST MINORS.** A criminal offense against a minor that involves any of the following:
 - Non-Parental Kidnapping
 - Non-Parental false imprisonment
 - Solicitation to engage in sexual conduct
 - Use in a sexual performance
 - Solicitation to practice prostitution
 - Video voyeurism
 - Possession, production, or distribution of child pornography
 - Criminal sexual conduct involving a minor
 - Use of the internet to facilitate criminal sexual conduct involving a minor
 - Any conduct that by its nature is a sex offense against a minor
- **SPECIFIED FEDERAL OFFENSES.** These include the following specific offenses:
 - 18 U.S.C. §1591 (Sex Trafficking of Children)
 - 18 U.S.C. §2241 (Aggravated Sexual Abuse)
 - 18 U.S.C. §2242 (Sexual Abuse)
 - 18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward)
 - 18 U.S.C. §2244 (Abusive Sexual Contact)
 - 18 U.S.C. §2245 (Offenses Resulting in Death)
 - 18 U.S.C. §2251 (Sexual Exploitation of Children)
 - 18 U.S.C. §2251A (Selling or Buying of Children)
 - 18 U.S.C. §2252 (Material Involving the Sexual Exploitation of Minors)
 - 18 U.S.C. §2252A (Material Containing Child Pornography)
 - 18 U.S.C. §2252B (Misleading Domain Names on the Internet)
 - 18 U.S.C. §2252C (Misleading Words or Digital Images on the Internet)
 - 18 U.S.C. §2260 (Production of Sexually Explicit Depictions of a Minor for Import in to the United States)
 - 18 U.S.C. §2421 (Transportation of a Minor for Illegal Sexual Activity)
 - 18 U.S.C. §2422 (Coercion and Enticement of a Minor for Illegal Sexual Activity)
 - 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places))
 - 18 U.S.C. §2424 (Failure to File Factual Statement about an Alien Individual)
 - 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)
- **SPECIFIED MILITARY OFFENSES.** These include sex offenses under the Uniform Code of Military Justice, as specified by the Secretary of Defense. These offenses are primarily located at 28 C.F.R. §571.72(b).
- **ATTEMPTS AND CONSPIRACIES.** These include attempts and conspiracies to commit offenses that are otherwise covered by the definition of "sex offenses."

See Part IV.A-D of the Final Guidelines for more detail.

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Offenses that involve consensual sexual conduct

SORNA section 111(5)(C) addresses the minimum standards for requiring sex offender registration for consensual sexual conduct under the Adam Walsh Act. SORNA does NOT require registration in the following situations: 1) If both participants are adults, and neither is under the custodial authority of the other (e.g., inmate/prison guard) and the conduct was consensual, then this conduct does not constitute a registerable sex offense for purposes of the Adam Walsh Act. 2) With respect acts involving at least one minor (person under 18) who engages in consensual sexual conduct, the following minimum standards apply: Where both participants are at least 13 years old and neither participant is more than 4 years older than the other, a sex offense conviction based on consensual sexual conduct does not require registration under the Adam Walsh Act. In all situations, jurisdictions have discretion to exceed the minimum standards of SORNA and require registration upon convictions based on consensual sexual conduct.

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Convictions under SORNA

A sex offender is "convicted" for SORNA purposes if the sex offender has been subject to penal consequences based on the conviction, however it may be styled. Likewise, the sealing of a criminal record or other action that limits the publicity or availability of conviction information, but does not deprive the conviction of continuing legal validity, does not change its status as a "conviction" for purposes of SORNA.

"Convictions" for SORNA purposes include convictions of juveniles who are prosecuted as adults. It does not include juvenile delinquency adjudications, except under the circumstances specified in 42 U.S.C. §16911(b), which stipulate juvenile registration only if the juvenile was at least 14 years old at the time of the offense and was adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act with another by force, by the threat of serious violence, or by rendering unconscious or drugging the victim.

See Part IV.A of the Final Guidelines for more detail.

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Other SORNA Resources:

- [SORNA Tools](#)
- [Submitting Substantial Implementation Materials to the SMART Office](#)

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