

# Virginia State Crime Commission

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## Sex Offender Registry

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2011

# Sex Offender Registry

## Executive Summary

During the 2011 Regular Session of the Virginia General Assembly, Senate Joint Resolution 348 was enacted, which directed the Crime Commission to study and report on sex offender registry requirements. The resolution specifically directed the Crime Commission to focus on the requirements imposed by the federal government and the extent to which Virginia is currently in compliance with those requirements. The resolution also directed the Crime Commission to determine whether registration and notification laws are effective methods of reducing sexual victimizations.

Sex offender registry laws are a relatively new development in the field of public safety. To date, there have been only a few peer reviewed academic studies that have examined the effectiveness of registries in reducing sex crimes. Those that have been published have not reached a definitive conclusion on this issue. The different laws and registry schemes used in other states prevents generalizing the results of these studies to Virginia. While criminologists, sociologists, and other researchers will continue to study the effects of sex offender registries in the coming years, at this point, any attempt to derive a final conclusion from the available studies would be premature.

In 2006, Congress passed the Sex Offender Registration and Notification Act, or SORNA, requiring states to maintain sex offender registries and providing detailed requirements on how those registries must be maintained and updated, as well as which criminal convictions must result in registration, and for what lengths of time. SORNA categorizes all sex offenders into three “Tiers,” depending upon the seriousness of the crime for which the offender was convicted. States are free to develop their own systems of categorization, provided that all offenders are on the states’ registries for as long as they would be under the federal scheme. SORNA requires juvenile sex offenders, 14 years of age or older, who have been convicted of violent sex offenses to be registered. This requirement applies even if the juvenile was tried as a juvenile and did not receive an adult conviction.

Virginia categorizes all sex offenders into two “Tiers”: registered sex offenders, and offenders who have been convicted of a “sexually violent offense.” Under Virginia law, juveniles who have been adjudicated delinquent of a sex offense may be required to register, if the prosecutor requests this, and the trial judge makes a specific determination that the circumstances of the offense require the juvenile to be registered. Registration of juveniles is not automatic, however. As of July 17, 2011, there were a total of 18,287 offenders in total on Virginia’s sex offender registry; 3,308 were convicted of a registerable sex offense, and 14,979 were convicted of a “sexually violent offense.”

States which fail to substantially comply with the requirements of SORNA are subject to a ten percent reduction in the amount of Byrne funding they receive. While the amount

of Byrne funding Virginia has received has varied considerably over the years, in Fiscal Year 2010, Virginia received approximately \$5,934,000, meaning that Virginia could lose approximately \$600,000 if it is determined that Virginia's statutes do not substantially comply with SORNA. It was preliminarily determined that Virginia's laws do not meet the requirements of SORNA, due to the fact that juvenile offenders who have committed violent sex crimes are not automatically required to be registered. This determination by the federal government was reviewed pursuant to a formal request by Virginia. On December 6, 2011, the federal government formally re-affirmed its determination that Virginia is not in compliance with SORNA due to this issue.

As Virginia law already allows for the registration of juvenile offenders in cases where it is determined that the facts of the crime are particularly serious, the Crime Commission recommended that Virginia not amend its sex offender registry laws to require mandatory registration for juveniles. Doing so would interfere with the discretion of judges to limit registration of juveniles to those cases where it would be most appropriate.

For the complete report on the Sex Offender Registry study,  
please see Senate Document 8 (2012) at:

<http://leg2.state.va.us/DLS/h&sdocs.nsf/5c7ff392dd0ce64d85256ec400674ecb/1342e660f75433a285257989005c9167?OpenDocument>