

**Sex Offender Registration & Notification Act (SORNA):  
The Risks of Exposure to Sex Offender Registration and Notification in Other States**

2016 Juvenile Defender Conference on Defending Sex Cases in Delinquency Court  
UNC School of Government

Nicole Pittman  
Director, Center on Youth Registration Reform at Impact Justice

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**Goals**

- Overview of the Impact of Placing Children on Sex Offender Registries
- Overview of the Landscape of Youth Registration Laws in the U.S.
- Understanding the risk of a North Carolinian's (with a juvenile sex offender adjudication) exposure to sex offender registration and notification in other states.
- Discuss Possible Solutions and Action Steps

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**FOCUS**

North Carolina rarely places children adjudicated in juvenile court on the registry BUT we are in a mobile society and we want to know if our children may be required to register in other states.

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**IMPACTS OF REGISTERING CHILDREN**

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**900K**

**CURRENT # OF PEOPLE ON REGISTRIES IN AMERICA**

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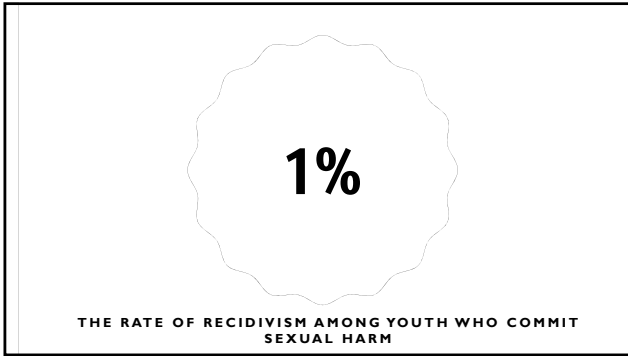
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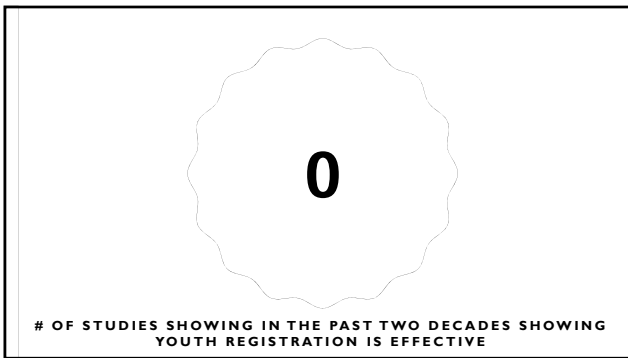
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**100%**

**IDENTIFIED AS VICTIMS IN THE CHILD WELFARE SYSTEM IN THE YEAR BEFORE THEIR OFFENSE**

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**“A Child on the registry is a family on the registry, and often a victim on the registry.”**



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**IMPACTS OF REGISTRATION ON YOUTH:**

 <p><b>Psychological Impacts</b> 85%</p> <ul style="list-style-type: none"> <li>• Stigmatization, isolation, depression</li> <li>• Suicide</li> </ul>	 <p><b>Housing Problems</b> 44%</p> <ul style="list-style-type: none"> <li>• Restrictions on movement</li> <li>• Homelessness</li> </ul>
 <p><b>Increased Exposure to Violence</b> 52%</p> <ul style="list-style-type: none"> <li>• Vigilante violence</li> <li>• Harassment and threats</li> </ul>	 <p><b>Barriers to Education</b> 52%</p> <ul style="list-style-type: none"> <li>• Barred from schools</li> </ul>
 <p><b>Impact on Families</b> 77%</p> <ul style="list-style-type: none"> <li>• Forced separation</li> <li>• Children of registrants</li> </ul>	 <p><b>Barriers to Employment</b> 63%</p> <ul style="list-style-type: none"> <li>• Professional licenses and certifications</li> </ul>
	 <p><b>Economic Issues</b></p> <ul style="list-style-type: none"> <li>• Registration fees and costs</li> </ul>

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**BOBBY GARZA**



**Bobby**, at age 8, two years before arrest for indecent exposure.

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**BOBBY GARZA**



**Bobby**, at age 31, in prison on July 2015.

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Photograph taken by Eric Berkowitz

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**THE LANDSCAPE**

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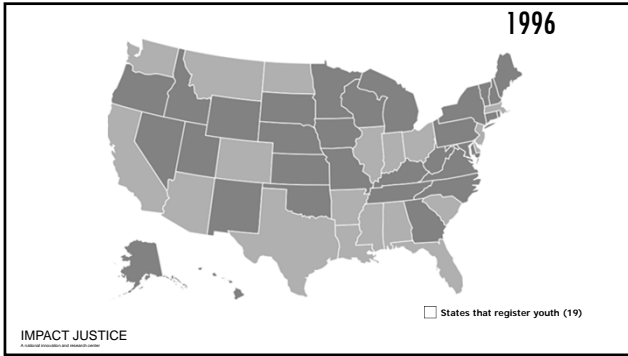
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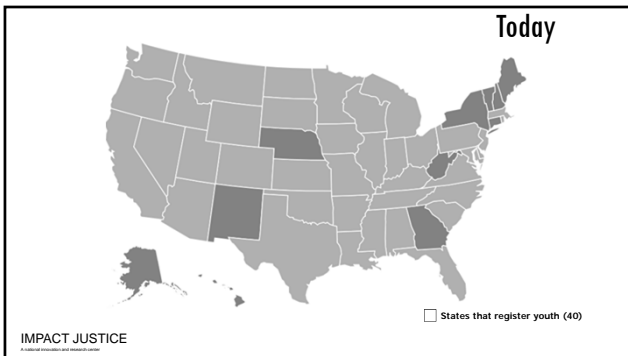
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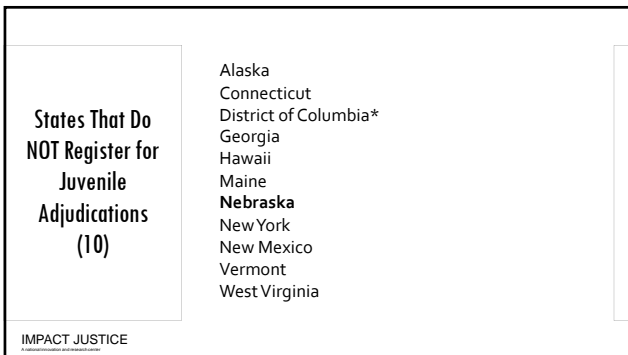
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**THE RISK OF EXPOSURE:**  
NEBRASKA CASE STUDY

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**THE RISK OF EXPOSURE TO SORNA**  
A Nebraska Case Study

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**NEBRASKA EXAMPLE**



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**NEBRASKA Hypothetical [3]**

"In Nebraska, we do not require juveniles to register as a sex offender under any circumstances. But we are in a mobile society and I just want to make sure I am protecting my clients from having to possibly register in other states." *Juvenile Defender Dennis Marks email, sent June 29, 2016*

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**NEBRASKA Hypothetical [3]**

"[A] registrant's actual registration under another jurisdiction's law is conclusive evidence that the registrant was 'required' to register within the meaning of § 29-4003(1)(a)(iv)." *Skaggs v. Nebraska State Patrol, 804 N.W.2d 611 (Neb. 2011)*

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**LINCOLN JOURNAL STAR**  
JournalStar.com

**State appeals decision barring state from adding boy to state's sex offender list**

By LORI PILGER / Lincoln Journal Star | Apr 8, 2016 | 1/23

The Nebraska Attorney General's office has filed notice it will appeal a federal judge's decision to block the state from putting a 13-year-old boy who moved here from Minnesota on its public list of sex offenders.

In his ruling last month, Senior U.S. District Judge Richard G. Kopf wrote that it made no sense to believe Nebraska statutes were intended to be more punitive to juveniles adjudicated elsewhere than those that go through the system here.

If the boy had done in Nebraska exactly what he did in Minnesota, Kopf said, he would not have been required to register as a sex offender.

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**THE PROBLEM**

Interstate Commission on Juveniles

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**The Problem**

Interstate Commission for Juveniles  
Serving Juveniles While Protecting Communities

MEGAN'S LAW

The Adam Walsh Child Protection and Safety Act

U.S. Department of Justice  
**Office of Justice Programs**  
**SMART** Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

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**The Problem**

<p><b>Interstate Compact on Juveniles</b></p> <p><b>RULE 1-101: Definitions</b>  <b>Juvenile Sex Offender:</b> a juvenile having been adjudicated for an offense involving sex or of a sexual nature as determined by the <b>sending state</b> or who may be required to register as a sex offender in the sending or receiving state.</p>	<p><b>Interstate Compact on Juveniles</b></p> <p><b>RULE 4-103: Transfer of Supervision Procedures for Juvenile Sex Offenders</b>          Juvenile sex offender shall abide by the registration laws in the <b>receiving state</b>, i.e., felony or sex offender registration, notification or DNA testing.</p>
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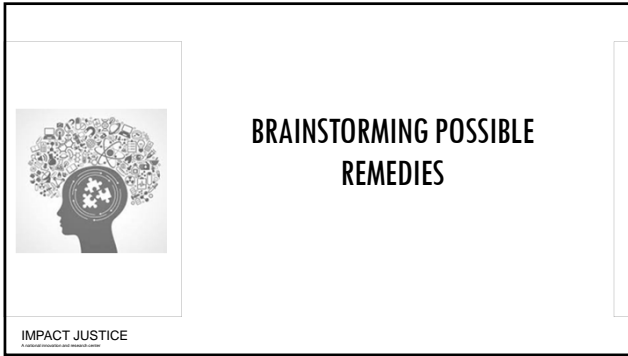
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**BRAINSTORMING POSSIBLE REMEDIES**

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**POSSIBLE SOLUTIONS**

#1 MOTION TO SET ASIDE

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**Motion**  
TO SET ASIDE JUVENILE ADJUDICATION

**See Alaska Motion**

- Motion to move the court to set-aside an adjudication as a juvenile delinquent for Sexual abuse of a Minor in the Fourth Degree [or Registerable Offense].
- Petitioner seeks this remedy not because her home state, Alaska, requires juveniles to register as sex offenders, but because over thirty other states do.
- Requesting Evidentiary Hearing

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**POSSIBLE SOLUTIONS**

**#2: Remove the Requirement to Register Children in North Carolina**

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**POSSIBLE SOLUTIONS**

**#2 ELIMINATE THE PRACTICE**

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**CENTER ON YOUTH REGISTRATION REFORM**

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**Center on Youth Registration Reform At Impact Justice**

Dedicated to eliminating the practice of placing children on sex offense registries

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-  Educating lawmakers
-  Organizing & Coalition Building
-  Resource Center
-  Shifting the Narrative

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**Partners**

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**National Momentum**

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**National Momentum**

**Federal Advisory Committee on Juvenile Justice**

*"Existing federal law should be amended to explicitly exempt all persons who were below the age of 18 at the time of their offense from all sex offender registration, community notification, and residency restriction laws."*

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**National Momentum**

**JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH**

Moore Center for Prevention of Child Abuse

**Research experts**

- ✓ Remove all requirements for the registration of youth
- ✓ Remove all language that encourages or appears to encourage the waiver of youth to adult court.
- ✓ Support evidence-based treatment services

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**Language**



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**Language: Non-Stigmatizing, Non-Pathologizing**



**✓** "Child accused of sexual harm"  
"Teen on the registry"

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**Contact Us**

**Nicole Pittman, Esq.**  
*Stoneleigh & Rosenberg Fellow,  
Director, Center on Youth  
Registration Reform*  
(215)520-7092

[npittman@impactjustice.org](mailto:npittman@impactjustice.org)  
[www.impactjustice.org](http://www.impactjustice.org)

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