

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
SIXTEENTH JUDICIAL CIRCUIT
AT KANSAS CITY**

JOHN DOE I, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 0616-CV-35929
)	Division 15
JAMES F. KEATHLEY, et al.)	
)	
Defendants.)	

**SUGGESTIONS IN SUPPORT OF
DEFENDANT KEATHLEY'S MOTION FOR SUMMARY JUDGMENT**

Defendant Keathley, through counsel, moves for summary judgment in its favor, pursuant to Mo. R. Civ. P. 74.04. There exists no genuine issue of material fact and defendant is entitled to judgment as a matter of law. In support of his Motion for Summary Judgment, defendant states as follows:

Plaintiffs John Does I, II, III, IV, V, VIII, and IX are individuals who have been convicted before January 1, 1995, in other states of sex offenses and who now reside in Missouri. Plaintiff John Doe VI was convicted of a sex offense in a military court before January 1, 1995, and now resides in Missouri. Plaintiffs John Does VII, X, and XI were convicted of misdemeanor sex offenses in Missouri after January 1, 1999. Plaintiffs seek a declaration that application of the Sex Offender Registration Act (SORA; also known as Megan's Law), §§ 589.400 to 589.425, RSMo, to them and requiring them to register as sex offenders under SORA is inconsistent with the Missouri Supreme Court's opinions in *Doe v.*

Phillips, 194 S.W.3d 833 (Mo. banc 2006), and *Doe v. Blunt*, 225 S.W.3d 421 (Mo. banc) and, thereby, unconstitutional. The Court in these cases did not, however, consider out-of-state, federal, and military offenders in the *Doe* decision and its reasoning does not apply these offenders. Neither did these decisions consider the impact of federal law and regulations that require all sex offenders to register in their states of residence, regardless of the date of their conviction.

All plaintiffs are required to register as sex offenders in Missouri because federal law requires them to register. John Does I, II, III, IV, V, VI, VIII, and IX are also required to register because they have been required to register in other jurisdictions and/or they became Missouri residents after the effective date of SORA. John Doe X is also required to register because his plea of guilty to a sex offense occurred after the date on which that offense became one that required registration under SORA.

SUMMARY JUDGMENT STANDARD

If the summary judgment motion materials filed “show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law, the court shall enter summary judgment forthwith.” Mo.R.Civ.P. 74.04(c)(6). The moving party may rely on pleadings, discovery, exhibits, or affidavits to demonstrate the lack of a genuine issue of fact. Mo.R.Civ.P. 74.04(c)(1). It is no longer necessary for the movant to show entitlement to summary judgment by unassailable proof. *Hayes v. Hatfield*, 758 S.W.2d 470, 472 (Mo. App. 1988). “[T]here is no issue for trial unless there is sufficient evidence favoring the nonmoving party for a jury to return a verdict for that party If the

evidence is merely colorable . . . or is not significantly probative . . . summary judgment may be granted.” *American Bank of Princeton v. Stiles*, 731 S.W.2d 332, 338 (Mo. App. 1987), quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-50 (1986). When a summary judgment is made and supported, the adverse parties may not rest upon their allegations, but, rather, their response, by affidavit or other evidentiary material, must set forth specific facts showing there is a genuine issue for trial. Mo.R.Civ.P. 74.04(c)(2). Where the “disputed” issues raised by the non-movant “are merely argumentative, imaginary or frivolous, summary judgment is proper.” *ITT Commercial Fin. Corp. v. Mid-America Marine Supply Co.*, 854 S.W.2d 371, 382 (Mo. banc 1993). In the *ITT* case, the Supreme Court of Missouri stated its intention to “dispel any remaining doubt that summary judgments play an essential role in our system.” 854 S.W.2d at 376.

ARGUMENT

I. All Plaintiffs Required to Register in Missouri Due to Federal Law

Under 42 U.S.C. § 16913(a): “A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides” A “sex offender” is “an individual who was convicted of a sex offense.” 42 U.S.C. § 16911(1). The definition of “sex offense” includes “a criminal offense that has an element involving a sexual act or sexual contact with another.” 42 U.S.C. § 16911(5)(A)(i). The term “criminal offense” includes criminal offenses under state law. 42 U.S.C. § 16911(6).

Under 42 U.S.C. § 16913(d), the United States Attorney General was directed to specify whether the sex offender registration requirements of the federal registration law are

to apply to persons convicted before July 27, 2006 (the effective date of the federal law). In 28 C.F.R. § 72.3, the United States Attorney General sets out the determination that the requirements of the federal sex offender law “apply to all sex offenders, including sex offenders convicted of the offense for which registration is required prior to the enactment of that Act.”

The criminal offenses to which all plaintiffs pled guilty had elements involving a sexual act or sexual contact with another. Stipulation of Facts (Stip.) ¶¶ 11, 17, 22, 30, 36, 41, 48, 53, 59, 68, and 73. As offenders whose offenses involved sexual acts or sexual contact with others, plaintiffs here are sex offenders as defined by federal law and, thereby have an obligation, under 42 U.S.C. § 16913(a), to register as sex offenders in the jurisdiction in which they reside. Plaintiffs all reside in Missouri. Second Amended Petition ¶¶ 5-16. As Missouri residents, plaintiffs have an obligation under federal law to register in Missouri.

Moreover, Missouri’s SORA requires registration of any Missouri resident who “has been or is required to register under federal . . . law.” § 589.4001.1(5) and .2. Therefore, because plaintiffs have a duty to register under federal law, they are also required to register in Missouri.

Because the requirement that plaintiffs register is a federal requirement, *Doe v. Phillips*, 194 S.W.3d 833 (Mo. banc 2006), does not bar the obligation that they register. The Supremacy Clause of the United States Constitution overrides the bar to registration of the Missouri Constitution found by the Missouri Supreme Court.

II. Out-of-State Offenders

Background

In *Doe v. Phillips*, the Supreme Court considered registration under the Sex Offender Registration Act (SORA), §§ 589.400 to 589.425, RSMo, only as prescribed by § 589.400.1(1) and (2), which require registration for specified offenses committed in Missouri. But registration is also required of Missouri residents who have been convicted of, or pled guilty to, committing or attempting to commit an offense in another state or country or under federal or military law that, if committed in Missouri, would be a violation of Chapter 566, RSMo, or a felony violation of any offense set out in § 589.400.1(2). § 589.400.1(5). This subdivision further mandates registration by Missouri residents who have been required to register as sex offenders in another state or under federal or military law. *Id.* In its *Doe* decision the Supreme Court did not consider out-of-state, federal, and military offenders and its reasoning does not apply to these offenders. The *Doe* opinion does not even mention § 589.400.1(5).¹

The only constitutional problem the Supreme Court noted in *Doe v. Phillips* was that application of SORA's registration requirements to persons convicted before the Act's effective date constituted an impermissible retrospective application of law. The Court concluded that mandating registration of persons whose offenses occurred before SORA became effective amounted to the imposition of a new duty upon these persons based solely

¹ Although the conviction of John Doe II from the *Doe* case was from Kansas, *see* 194 S.W.3d at 848, that fact did not factor into the arguments of the parties or the decision of the Court.

on their pre-SORA offenses. 194 S.W.3d at 852.

The apparent purpose of the Missouri Constitution's prohibition on laws that operate retrospectively is to ensure that citizens have fair notice of the consequences of their actions at the time of those actions. *Cf. Weaver v. Graham*, 450 U.S. 24, 28-29 (1981) ("Through [the *ex post facto*] prohibition, the Framers sought to assure that legislative Acts give fair warning of their effect and permit individuals to rely on their meaning until explicitly changed"); *Miller v. Mitchell*, 25 S.W.3d 658, 663 (Mo. App. W.D. 2000) (identifying similar purpose of constitutional prohibition on *ex post facto* laws, which are specifically defined as retrospective). The Court's conclusion in *Doe* that this constitutional provision bars application of SORA's registration requirements with respect to offenders convicted or pleading guilty before the Act became effective is easily understood in light of this purpose. Such pre-SORA offenders would not have had fair notice at the time they were convicted or pled guilty that a consequence of that conviction or plea would, some day, be an obligation to appear at their local Sheriff's Office to provide specified information about themselves, to update this information whenever it changed, and to confirm the information two to four times a year.

General Analysis

A person moving into Missouri after SORA's effective date who has committed an offense elsewhere that would be a registrable offense if it occurred here will be aware, regardless of the date of that out-of-state offense, that the effect of that offense is that registration will be required after the move to Missouri. By moving to Missouri, such

offenders are voluntarily submitting themselves to the operation of SORA. Unlike the pre-1995 Missouri offenders considered by the Court in *Doe*, persons with pre-1995 out-of-state offenses who move to Missouri have fair notice of the consequences of the move and the ability to exercise an informed choice: they can move to Missouri and register, or they can avoid registration by not moving to Missouri. Though the duty to register is contingent on conduct occurring before the enactment of SORA, the duty actually arises from the post-SORA decision to move to Missouri and, thereby, become subject to Missouri law. Because there is fair notice of the registration requirement before out-of-state offenders move to Missouri, application of SORA to these out-of-state offenders is not an unconstitutional retrospective application of the law.

Neither is imposition of the duty to register upon persons moving to Missouri who have previously been required to register as sex offenders in other states, or under federal or military law, a new duty implicating the prohibition on laws that apply retrospectively. For these persons who have been required to register elsewhere, registration in Missouri is nothing more than the continuation of a previously existing obligation to register imposed by another jurisdiction. As a pre-existing obligation, the continued duty to register in Missouri is not inconsistent with the retrospective law bar.

Further, a large majority of the states do not have constitutional provisions forbidding retrospective laws. 16B Am. Jur. 2d *Constitutional Law* § 695 (1998).² Thus, it is

²This article identifies eight states with constitutional prohibitions on retrospective or retroactive laws. 16B Am. Jur. 2d *Constitutional Law* § 695 n.27 (1998).

permissible for most other states to require registration of sex offenders whose offenses occurred before the enactment of their sex offense registration laws.³ If sex offenders who have been required to register in other states because of offenses occurring before 1995 are able to move to Missouri without being required to register here, Missouri will become an attractive state for such offenders to relocate to. Missouri could well become a haven for sex offenders from other states. Persons who move away from states that have imposed registration requirements upon them should not be permitted to evade that requirement by moving here. Missouri's prohibition on retrospective laws does not prevent Missouri from blocking such evasion because application of SORA to persons with pre-1995 sex offenses from other states merely continues an already existing obligation.

Because requiring sex offender registration of Missouri residents with pre-1995 sex offenses from other jurisdictions and of Missouri residents who have been required to register by the law of another jurisdiction does not impose any new obligation or duty based on past conduct, the holding in *Doe v. Phillips* does not apply to such offenders, and they may constitutionally be required to register under SORA.

³ Even in Ohio, a state that does have a constitutional prohibition on retroactive laws, the state Supreme Court has determined that this prohibition does not bar application of Ohio's sex offender registration law to conduct occurring before the effective date of that law. *State v. Cook*, 700 N.E.2d 570, 576-79 (Ohio 1998), *cert. denied*, 119 S. Ct. 1122 (1999).

John Doe I

In approximately 1989, John Doe I was convicted in California of a violation of Cal. Penal Code § 220, attempted assault to commit rape. Stip. ¶ 11. The acts for which John Doe I was convicted in California, if committed in Missouri, would be a violation of § 566.030, RSMo. *Id.* Doe I moved to Missouri in 1993. *Id.* at 13.

California has had a sex registration law since 1947. *Di Genova v. State Bd. of Ed.*, 367 P.2d 865, 879 (Cal. 1962). That law requires registration of persons convicted of violations of Cal. Penal Code § 220. Cal. Penal Code § 290(a)(2)(A). Registration has been required for such offenses since at least 1988. Cal. Penal Code § 290(a) (a Westlaw copy of § 290 as it existed in 1988 is attached as Exhibit A). Thus, Doe I was required to register in California following his conviction.

Because Doe I has been required to register under California law, he is required to register in Missouri while he resides here. § 589.400.1(5). As discussed above, this requirement does not constitute a retrospective application of law because it is the continuation of an already existing duty.

John Doe II

In approximately 1987, John Doe II was convicted in Nevada of two counts of lewdness with a minor, in violation of Nev. Rev. Stat. § 201.230. Stip. ¶ 17. The acts for which John Doe II was convicted in Nevada, if committed in Missouri, would be a violation of § 566.067, RSMo. *Id.* Doe II moved to Missouri in 2000. *Id.* at ¶ 18.

Persons convicted of a violation of § 566.067 are required to register in Missouri. § 589.400.1(1). Because Doe II's offense, if committed in Missouri, would be a violation of Chapter 566, RSMo, Doe II is required to register while he resides in Missouri. 589.400.1(5). As discussed above this requirement to register does not constitute a retrospective application of law because Doe II has voluntarily submitted to the application of SORA by moving to Missouri after its enactment.

Additionally, Nevada required persons convicted of violating Nev. Rev. Stat. § 201.230 to register at the time of Doe II's conviction for that offense in 1987. Nev. Rev. Stat. §§ 207.152 (setting out registration requirement for sex offenders) & 207.151 (defining "sex offender" to include persons convicted of violating § 201.230) (Westlaw copies of §§ 207.152 & 207.151 as they existed in 1987 are attached as Exhibit B). Thus, Doe II was required to register in Nevada following his conviction.

Because Doe II has been required to register under Nevada law, he is required to register in Missouri while he resides here. § 589.400.1(5). As discussed above, this requirement does not constitute a retrospective application of law because it is the continuation of an already existing duty.

John Doe III

On January 26, 1990, John Doe III was convicted in Minnesota of two counts of Criminal Sexual Conduct in the Second Degree, in violation of Minn. Stat. § 609.343, Subd. 1(b). Stip. ¶ 22. John Doe III's victims were a 14-year-old male and a 15-year-old male. *Id.* The acts for which John Doe III was convicted in Minnesota, if committed in Missouri,

would be a violation of § 566.068, RSMo, or § 566.090, RSMo. *Id.* Doe II moved to Missouri in 1993. *Id.* at ¶ 24.

Doe III was required to register as a sex offender under Minnesota law. *Id.* at ¶ 25. Because Doe III has been required to register under Minnesota law, he is required to register in Missouri while he resides here. § 589.400.1(5). This is so, even though he no longer has to register under Minnesota law now that he has completed his probation. *Stip.* ¶ 25. Missouri law requires registration of any person who “has been” required to register in another state. *Id.* Doe III “has been” required to register in another state, regardless of any later expiration of that registration requirement under the law of the other state.

And, as discussed above, the requirement that Doe III register in Missouri does not constitute a retrospective application of law because it is the continuation of his pre-existing duty to register under Minnesota law. It is immaterial that this pre-existing Minnesota duty has expired. It is the imposition of the duty to register by another state that is material. Any particular form of registration (such as with whom, how often, and what information must be provided) or time limits on registration are incidental only. That Missouri law may require Doe III to continue to register while he resides in this state does not create a new obligation. He had to register before, and he is merely being required to continue to register.

John Doe IV

Although John Doe IV moved to Missouri before the enactment of SORA and he has never been required to register under Texas law, as discussed above in Part I, he is still required to register, as are all the other plaintiffs, under federal law.

John Doe V

In April 1993, John Doe V was convicted in California of one count of lewd or lascivious act with a child under 14 in violation of Cal. Penal Code § 288. Stip. ¶ 36. The acts for which John Doe V was convicted in California, if committed in Missouri, would be a violation of § 566.067, RSMo. *Id.* Doe V moved to Missouri in 2004. Stip. ¶ 37.

Persons convicted of a violation of § 566.067 are required to register in Missouri. § 589.400.1(1). Because Doe V's offense, if committed in Missouri, would be a violation of Chapter 566, RSMo, Doe V is required to register while he resides in Missouri. 589.400.1(5). As discussed above this requirement to register does not constitute a retrospective application of law because Doe V has voluntarily submitted to the application of SORA by moving to Missouri after its enactment.

Additionally, as noted above, California has had a sex registration law since 1947. *Di Genova*, 367 P.2d at 879. That law requires registration of persons convicted of violations of Cal. Penal Code § 288. Cal. Penal Code § 290(a)(2)(A). Registration has applied to the crime of lewd acts upon children since at least 1968. *Dixon v. Municipal Court*, 73 Cal. Rptr. 587, 588 (Cal. App. 1968). *See also* Exhibit A (§ 290 as it existed in 1988, requiring registration of persons convicted of violations of Cal. Penal Code § 288). Thus, Doe V was required to register in California following his conviction.

Because Doe V has been required to register under California law, he is required to register in Missouri while he resides here. § 589.400.1(5). As discussed above, this

requirement does not constitute a retrospective application of law because it is the continuation of an already existing duty.

John Doe VI

John Doe VI was convicted on February 21, 1985, in a military courts martial at Homestead Air Force Base, Florida, of one count of Article 125 (10 U.S.C. § 125 (U.C.M.J. Art. 125)), sodomy, and three counts of Article 134 (10 U.S.C. § 134 (U.C.M.J. Art. 134)), for acts involving his daughter. Stip. ¶ 41. The acts for which John Doe VI was convicted at court martial in Florida, if committed in Missouri, would be a violation of § 566.062, RSMo. *Id.* Doe VI moved to Missouri in 1996, immediately upon his release from military confinement. *Id.* at ¶ 43.

Persons convicted of a violation of § 566.062 are required to register in Missouri. § 589.400.1(1). Because Doe VI's offense, if committed in Missouri, would be a violation of Chapter 566, RSMo, Doe VI is required to register while he resides in Missouri. § 589.400.1(5). As discussed above this requirement to register does not constitute a retrospective application of law because Doe VI has voluntarily submitted to the application of SORA by moving to Missouri after its enactment.

Additionally, under Pub. L. 105-119, 111 Stat. 2440, 2466 (1997), the enactment of a note to 10 U.S.C. § 951 directed the Secretary of Defense to specify offenses under the Uniform Code of Military Justice for which state law should require sex offender registration under 42 U.S.C. § 14071(a). Under this authority, the Secretary identified the military offenses that would require registration in Enclosure 27 to Dep't of Defense Instr. No.

1325.7. This instruction and enclosure may be found at < <http://www.dtic.mil/whs/directives/corres/pdf/132507p.pdf> (at pdf document pages25 &109) > last viewed on November 11, 2007. (Copies of the relevant pages of this instruction are attached as Exhibit C.) Enclosure 27 establishes that persons convicted of violating Articles 125 and 134 (for acts with a minor) trigger state sex offender registration requirements. Thus, Doe VI is required by military law to register in the state where he resides.

Because Doe VI has been required to register under military law, he is required to register in Missouri while he resides here. § 589.400.1(5). As discussed above, this requirement does not constitute a retrospective application of law because it is the continuation of an already existing duty.

John Doe VIII

On October 18, 1983, John Doe VIII was convicted in California of lewd and lascivious crimes against a child, in violation of Cal. Penal Code § 288. Stip. ¶ 53. The acts for which John Doe VIII was convicted in California, if committed in Missouri, would be a violation of § 566.067, RSMo. *Id.* Doe VIII moved to Missouri in 1993. *Id.* at ¶ 55.

As noted above, California requires registration of persons convicted of violations of Cal. Penal Code § 288. Cal. Penal Code § 290(a)(2)(A). As also noted above, registration has applied to the crime of lewd acts upon children since at least 1968. *Dixon v. Municipal Court*, 73 Cal. Rptr. 587, 588 (Cal. App. 1968). Thus, Doe VIII was required to register in California following his conviction.

Because Doe VIII has been required to register under California law, he is required to register in Missouri while he resides here. § 589.400.1(5). As discussed above, this requirement does not constitute a retrospective application of law because it is the continuation of an already existing duty.

John Doe IX

On August 27, 1969, John Doe IX was convicted in California of a violation of Cal. Penal Code § 288 for a lewd or lascivious act upon the body of a female under 14. Stip. ¶ 59.

John Doe IX had been arrested for this offense on August 3, 1968. *Id.* The acts for which John Doe IX was convicted in California, if committed in Missouri, would be a violation of § 566.067, RSMo. *Id.* Doe IX moved to Missouri in about 1973 or 1974. *Id.* at ¶ 61.

Doe IX's situation is comparable to Doe VIII's situation in all material respects and Doe IX must register in Missouri for the same reasons as does Doe VIII.

III. Missouri Misdemeanant Offenders

John Doe VII

Although John Doe VII pled guilty to a misdemeanor sex offense that did not require registration at the time of his plea, as discussed above in Part I, he is still required to register, as are all the other plaintiffs, under federal law.

John Doe X

On July 23, 2002, John Doe X pled guilty to an offense which occurred sometime in 1999, specifically, sexual misconduct in the first degree, pursuant to § 566.090, RSMo, a class A misdemeanor. John Doe X's victim was a 15-year-old female. Stip. ¶ 68.

Misdemeanor offenses of Chapter 566, RSMo, became registrable offenses under SORA in 2000. Stip. ¶¶ 97-98. In 2002, SORA was amended to require registration for misdemeanor offenses of Chapter 566 only if the victim of the offense was less than 18 years old. Stip. ¶¶ 100-02.

Because Doe X pled guilty to a misdemeanor offense of Chapter 566 against a victim younger than 18 years old after such offenses became registrable offenses, Doe X is required to register as a sex offender. *See Doe v. Blunt*, 225 S.W.3d 421, 422 (Mo. banc 2007); *Doe v. Phillips*, 194 S.W.3d 833, 852-53 (Mo. banc 2006).

John Doe XI

Although John Doe XI pled guilty to a misdemeanor sex offense that did not require registration at the time of his plea, as discussed above in Part I, he is still required to register, as are all the other plaintiffs, under federal law.

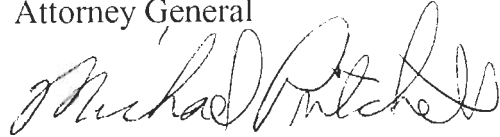
CONCLUSION

Under the stipulated facts, all the Doe plaintiffs are required to register as a matter of law. Therefore, summary judgment should be entered in favor of defendants on all plaintiffs' claims.

WHEREFORE, based on the foregoing, the Stipulation of Facts, and the Suggestions in Support of Defendant Keathley's Motion for Summary Judgment filed contemporaneously with this Motion, defendant prays this Court to grant summary judgment in his favor.

Respectfully submitted by

JEREMIAH W. (JAY) NIXON
Attorney General



MICHAEL PRITCHETT
Missouri Bar No. 33848
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102
Telephone (573) 751-3321
Fax (573) 751-9456

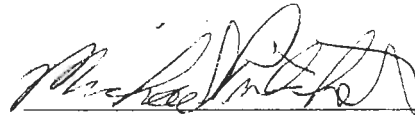
ATTORNEYS FOR DEFENDANT
KEATHLEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 26th day of November, 2007, to:

Arthur A. Benson II
Jamie Kathryn Lansford
Arthur Benson & Associates
4006 Central Avenue
P.O. Box 119007
Kansas City, MO 64171-9007

Lisa N. Gentleman
Jackson County Counselor's Office
415 East 12th Street, 2d Floor
Kansas City, MO 64106



MICHAEL PRITCHETT

WEST'S ANNOTATED CALIFORNIA CODES

PENAL CODE

PART 1

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES
AGAINST PUBLIC DECENCY AND GOOD MORALS

CHAPTER 5. BIGAMY, INCEST, AND THE CRIME AGAINST NATURE

(Information regarding effective dates, repeals, etc. is provided subsequently
in this document.)

§ 290. Registration of sex offenders

(a) Duty to register; time. Any person who, since July 1, 1944, has been or is hereafter convicted in this state of the offense of assault with intent to commit rape or sodomy under Section 220, or of any offense defined in subdivisions (1), (2), (3), (4), and (6) of Section 261, or of any offense defined in Section 264.1, 266, 267, 285, 286, 288, 288a, 289, or 647.6 or former Section 647a, subdivision (d) of Section 647, or subdivision 1 or 2 of Section 314, or of any offense involving lewd and lascivious conduct under Section 272; or any person who since that date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since that date or at any time hereafter is discharged or paroled from a penal institution where he or she was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since that date or at any time hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code; or any person who has been since that date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall, within 30 days after the effective date of this section or within 14 days of coming into any county or city, or city and county in which he or she temporarily resides or is domiciled for that length of time register with the chief of police of the city in which he or she is domiciled or the sheriff of the county if he or she is domiciled in an unincorporated area.

(b) Notice of duty to register; prisoner or inmate. Any person who, after August 1, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he or she was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he or she was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code shall, prior to discharge, parole, or release, be informed of his or her duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to the person. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of Justice. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send one copy to the Department of Justice and one copy to the appropriate law enforcement agency having jurisdiction over the place the person expects to reside upon discharge, parole, or release. If the conviction which makes the person subject to this section is a felony conviction, the official in charge shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon discharge, parole, or release: one copy to the prosecuting agency which prosecuted the person; and one copy to the Department of Justice. The official in charge of the place of

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EXHIBIT A

confinement shall retain one copy. All such forms shall, if the conviction which makes the person subject to this section is a felony conviction, be transmitted within such times as to be received by the local law enforcement agency, and prosecuting agency 30 days prior to the discharge, parole, or release of the person.

(c) Notice of duty to register; probationer or one paying fine. Any person who, after August 1, 1950, is convicted in this state of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to release or discharge, be informed of the duty to register under this section by the court in which the person has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The court shall obtain the address where the person expects to reside upon release or discharge and shall report within three days the address to the Department of Justice. The court shall give one copy of the form to the person, and shall send one copy to the Department of Justice, and shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release.

(d) Persons discharged or paroled from Youth Authority; destruction of records. (1) Any person who, on or after January 1, 1986, is discharged or paroled from the Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of the following offenses shall be subject to registration under the procedures of this section: assault with intent to commit rape, sodomy, or oral copulation, or any violation of Section 264.1, 288, or 289 under Section 220; or any offense defined in Section 288, paragraph (1) of subdivision (b) or subdivision (c) or (d) of Section 286, paragraph (1) of subdivision (b) or subdivision (c) or (d) of Section 288a, subdivision (2) of Section 261, or subdivision (a) of Section 289; or any offense under Section 264.1 involving rape in concert with force or fear of bodily injury or penetration by any foreign object in concert with force or fear of bodily injury.

(2) Any person who is discharged or paroled from the Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of the offense set forth in Section 647.6, occurring on or after January 1, 1988, shall be subject to registration under the procedures of this section.

(3) Prior to discharge or parole from the Youth Authority, all persons subject to registration shall be informed of the duty to register under the procedures set forth in this section. Youth Authority officials shall transmit the required forms and information to the Department of Justice.

(4) The duty to register under this section for offenses adjudicated by a juvenile court shall terminate when a person reaches the age of 25.

(5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person required to register attains the age of 25 or has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code, whichever event occurs first. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case which are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.

(e) Contents of registration. The registration shall consist of (a) a statement in writing signed by the person, giving such information as may be required by the Department of Justice, and (b) the fingerprints and photograph of the person. Within three days thereafter, the registering law enforcement agency shall forward the statement, fingerprints, and photograph to the Department of Justice.

West's Ann.Cal.Penal Code § 290

(f) Change of address. If any person required to register pursuant to this section changes his or her residence address, the person shall inform, in writing within 10 days, the law enforcement agency with whom he or she last registered of the new address. The law enforcement agency shall, within three days after receipt of this information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(g) Violation; offense; sentence. Any person required to register under this section who violates any of its provisions is guilty of a misdemeanor. Any person who has been convicted of assault with intent to commit rape, oral copulation, or sodomy, or of any violation of Section 261, 264.1, 286, 288, 288a, or 289, and who is required to register under this section who willfully violates any of the provisions of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. In no event does the court have the power to absolve a person who willfully violates this section from the obligation of spending at least 90 days of confinement in the county jail and of completing probation of at least one year.

(h) Violation; parole revocation. Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the Board of Prison Terms, the Youthful Offender Parole Board, or the court, as the case may be, shall order the parole or probation of the person revoked.

(i) Confidential records. The statements, photographs, and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

(j) Temporary release; notice to local law enforcement agency. In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including fire fighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This provision does not apply to any person temporarily released under guard from the institution where he or she is confined.

(k) Mentally disordered sex offender defined. As used in this section, "mentally disordered sex offender" includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which, on or before January 1, 1976, was contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(l) Notice of reduction of registration period. Every person who, prior to January 1, 1985, is required to register under this section, shall be notified whenever he or she next reregisters of the reduction of the registration period from 30 to 14 days. This notice shall be provided in writing by the registering agency. Failure to receive this notification shall be a defense against the penalties prescribed by subdivision (f) if the person did register within 30 days.

(Added by Stats.1985, c. 1474, § 2. Amended by Stats.1986, c. 1299, § 7; Stats.1987, c. 753, § 3; Stats.1987, c. 1418, § 3.1.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES
AGAINST PUBLIC DECENCY AND GOOD MORALS

Heading of Title 9, Of Crimes Against the Person and Against Public Decency and Good Morals, enacted in 1872, was amended by Stats.1982, c. 1111, p. 4024, § 2, to read as it now appears.

HISTORICAL NOTE

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1988 Main Volume Historical Note

The 1986 amendment made certain nonsubstantive changes.

The 1987 amendment inserted "647.6 or former section" in subd. (a); required a copy of the form stating that the duty of the person to register if a felony conviction be sent to the department of justice rather than the court where the person was prosecuted and one copy be retained by the official in charge of the place of confinement and made conforming changes in subd. (b); inserted par. (2) of subd. (d) relating to a person convicted of a violation of § 647.6 and redesignated former pars. (2) to (4) as pars. (3) to (5); substituted the "Youthful Offender Parole Board" for the "Youth Authority" in subd. (h); and deleted former subd. (m) which made the section operative Jan. 1, 1988.

Under the provisions of § 9.2 of Stats.1987, c. 1418, the 1987 amendments of this section by c. 753 and c. 1418 were given effect and incorporated in the form set forth in § 3.1 of c. 1418. An amendment of this section by § 3 of Stats.1987, c. 1418, failed to become operative under the provisions of § 9.2 of that Act.

Former § 290, added by Stats.1947, c. 1124, § 1, amended by Stats.1949, 1st Ex.Sess., c. 13, § 1; Stats.1950, 1st Ex.Sess., c. 70, § 1; Stats.1953, c. 400, § 1; Stats.1955, c. 169, § 1; Stats.1961, c. 560, § 3; Stats.1961, c. 2147, § 8; Stats.1967, c. 716, § 1; Stats.1970, c. 1301, § 4; Stats.1972, c. 1377, § 70; Stats.1975, c. 71, § 12; Stats.1979, c. 944, § 8; Stats.1984, c. 1419, § 1; Stats.1985, c. 929, § 4; Stats.1985, c. 1474, § 1, relating to the same subject matter, was repealed by its own terms on Jan. 1, 1988.

Former § 290, enacted in 1872, relating to unlawful mutilation or removal of dead bodies, was repealed by Stats.1939, c. 60, p. 1000, § 40000. See, now, Health & S.C. § 7052.

Derivation: Former § 290, added by Stats.1947, c. 1124, § 1, amended by Stats.1949, 1st Ex.Sess., c. 13, § 1; Stats.1950, 1st Ex.Sess., c. 70, § 1; Stats.1953, c. 400, § 1; Stats.1955, c. 169, § 1; Stats.1961, c. 560, § 3; Stats.1961, c. 2147, § 8; Stats.1967, c. 716, § 1; Stats.1970, c. 1301, § 4; Stats.1972, c. 944, § 8; Stats.1984, c. 1419, § 1; Stats.1985, c. 929, § 4; Stats.1985, c. 1474, § 1.

Petition to seal court records by person arrested for misdemeanor while a minor, see § 851.7.

LAW REVIEW COMMENTARIES

1988 Main Volume Law Review Commentaries

Child sexual abuse in California: Legislative and judicial responses. (1985) 15 Golden Gate L.Rev. 437.

Criminal malpractice. Otto M. Kaus and Ronald E. Mallen (1974) 21 U.C.L.A. Law Rev. 1191.

Consenting adult homosexuals:

Enforcement techniques. (1966) 13 U.C.L.A.Law R. 686.

Interval between arrest and trial. (1966) 13 U.C.L.A.Law R. 743.

LIBRARY REFERENCES

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NV ST 207.152

Page 1

N.R.S. 207.152

NEVADA REVISED STATUTES

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TITLE 15. CRIMES AND PUNISHMENTS.
CHAPTER 207. MISCELLANEOUS CRIMES.
Registration of Sex Offenders

207.152. Registration with sheriff or police chief; duties upon change of address.

1. Each **sex offender** shall, within 48 hours after July 1, 1961, or thereafter within 48 hours after his arrival in a county in which he resides or is temporarily present for 48 hours or more, register with the sheriff of the county or the metropolitan police department, if any, or with the chief of police, if any, if such **sex offender** resides or is temporarily present in an incorporated city.

2. Within 10 days after changing his address each such **sex offender** shall notify in writing the law enforcement agency with which he last registered, and such agency shall forward to the law enforcement agency having jurisdiction of the area in which the new residence is located registration data concerning such **sex offender**.

(1961, p. 197; 1973, p. 923.)

NOTES, REFERENCES, AND ANNOTATIONS

LEGAL PERIODICALS

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

N. R. S. 207.152

NV ST 207.152

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EXHIBIT B

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Page 1

N.R.S. 207.151

NEVADA REVISED STATUTES

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TITLE 15. CRIMES AND PUNISHMENTS.

CHAPTER 207. MISCELLANEOUS CRIMES.

Registration of Sex Offenders

207.151. "**Sex offender**" defined.

"**Sex offender**" as used in NRS 207.151 to 207.157, inclusive, means any person who, after July 1, 1956, has been or is convicted of:

1. Assault with intent to commit a sexual assault under NRS 200.400.
2. A violation of any of the provisions of NRS 200.366, 200.368, 200.710, 200.720, 201.180, 201.210, 201.220 or 201.230.
3. An attempt to commit any offense listed in subsections 1 and 2.
4. A second or subsequent violation of the provisions of NRS 200.730.
5. An offense in any place other than the State of Nevada which, if committed in this state, would be punishable as an offense listed in subsection 1, 2 or 3.

(1961, p. 197; 1967, p. 520; 1977, p. 1633; 1985, p. 1413.)

NOTES, REFERENCES, AND ANNOTATIONS

LEGAL PERIODICALS

Review of Selected Nevada Legislation, Crimes, 1985 Pac. L.J. Rev. Nev. Legis. 109.

N. R. S. 207.151

NV ST 207.151

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7/23/07



Department of Defense

INSTRUCTION

NUMBER 1325.7

July 17, 2001

Incorporating Change 1 June 10, 2003

USD(P&R)

SUBJECT: Administration of Military Correctional Facilities and Clemency and Parole Authority

- References:
- (a) DoD Instruction 1325.7, "Administration of Military Correctional Facilities and Clemency and Parole Authority," December 17, 1999 (hereby canceled)
 - (b) DoD Directive 1325.4, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," September 28, 1999
 - (c) DoD Directive 1300.17, "Accommodation of Religious Practices Within the Military Services," February 3, 1988
 - (d) Title 10, United States Code
 - (e) through (k), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues reference (a) to implement policy, assign responsibilities, and prescribe procedures under references (a) and (b) to carry out the administration and operation of military correctional programs and facilities and the administration and operation of military clemency and parole programs.
- 1.2. Deletes automatic classification of officers and cadets as Level III prisoners.
- 1.3. Implements statute requiring prisoners with sentences of life without parole to be confined for 20 years before being considered for clemency.
- 1.4. Requires supervised release for prisoners not granted parole prior to their minimum release date except when supervision is deemed inappropriate by a Service Clemency and Parole Board.

EXHIBIT C

6.17.12.1. Each Service shall provide a program to restore or reenlist prisoners in accordance with the needs of that Service. A prisoner is afforded no right by this Instruction to participate in any particular restoration program.

6.17.12.2. In selecting prisoners and parolees for restoration or reenlistment, consideration should be given to the parolee's demonstrated motivation for future honorable service; Service needs; demonstrated ability to perform military duties in a creditable manner; mental and physical fitness for continued service; and the impact of the parolee's restoration or reenlistment on the morale, good order, and discipline of the Service.

6.18. Release Procedures

6.18.1. Commanders of correctional facilities shall ensure that DD Form 2708, "Receipt For Inmate or Detained Person" (enclosure 4), or comparable documentation is prepared and maintained to reflect that a prisoner has been taken out of a correctional facility for any reason.

6.18.2. Commanders of correctional facilities shall ensure that DD Form 2717, "Department of Defense Voluntary/Involuntary Appellate Leave Action" (enclosure 21), or comparable documentation is prepared and maintained when a prisoner with an unexecuted punitive discharge is released from confinement.

6.18.3. Commanders of correctional facilities shall ensure that DD Form 2718, "Inmate's Release Order" (enclosure 22), or comparable documentation is prepared and maintained upon each prisoner's final release from the facility.

6.18.4. Facility commanders shall not release a prisoner whose sentence has been set aside by the decision of an appellate court until such release is specifically directed by The Judge Advocate General of the prisoner's Service or other competent authority.

6.18.5. Notice to prisoners subject to sex offender registration requirements.

6.18.5.1. Before final release from confinement, DoD correctional facility commanders will advise prisoners convicted of an offense requiring registration as a sex offender (see enclosure 27 for list of covered offenses) of the registration requirements of the State in which the prisoner will reside upon release from confinement. The notice provided to a prisoner shall contain information that the prisoner is subject to a registration requirement as a sex offender in any State in which the person resides, is employed, carries on a vocation, or is a student.

6.18.5.2. Confinement facilities shall obtain the prisoner's acknowledgement in writing that the prisoner was informed of the registration requirements using *DD Form 2708, "Notice of Release Acknowledgment of Convicted*

"Offender Registration Requirements" (enclosure 28), or equivalent. The documentation shall be made part of the prisoner's permanent file and maintained by the prisoner's branch of Service according to policies and regulations prescribed by the Secretary of the Military Department concerned.

6.18.5.3. Facility commanders shall ensure that all available records concerning an inmate are reviewed upon entering the facility to determine if the prisoner has been convicted of a sexually violent offense or criminal offense against a victim who is a minor. The notice requirements described in subparagraph 6.18.5.1. apply to prisoners who were convicted of a covered offense at any time prior to beginning serving the current term of confinement.

6.18.6. Release Notification to State and Local Law Enforcement Officials.

6.18.6.1. Before release of prisoners convicted of sexually violent offenses or criminal offenses against a victim who is a minor (see enclosure 27 for list of covered offenses), facility commanders shall provide written notice of the release to the chief law enforcement officer of the State; the chief law enforcement officer of the local jurisdiction in which the prisoner will reside; and to the State or local agency responsible for the receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the person will reside. Facility commanders shall ensure that all available records concerning an inmate are reviewed to determine if the prisoner to be released has been convicted of a covered sexually violent offense or criminal offense against a victim who is a minor.

6.18.6.1.1. The chief law enforcement officer of the local jurisdiction is the appropriate municipal or county law enforcement agent with jurisdictional authority consistent with the inmate's release address. When multiple jurisdictions have overlapping authority, the more geographically specific agency should be notified. Facility commanders may refer to the Directory of Law Enforcement Administrators to identify appropriate State and local chief law enforcement officers.

6.18.6.1.2. The written notice provided pursuant to subparagraph 6.18.6.1. shall include the place where the prisoner intends to reside and information that the prisoner shall be subject to registration. The notice shall also include the criminal history including a description of the offense of which the prisoner was convicted and any restrictions or conditions of release.

6.18.6.1.3. Notice shall be provided at least 5 days before release date if the expected place of residence following release is known to the confinement facility.

6.18.6.1.4. The Secretaries of the Military Departments will establish a system to verify that required notifications have been made for prisoners, military

E27. ENCLOSURE 27LISTING OF OFFENSES REQUIRING SEX OFFENDER PROCESSING

Convictions of any of the following offenses punishable under the Uniform Code of Military Justice shall trigger requirements to notify State and local law enforcement agencies and to provide information to inmates concerning sex offender registration requirements.

UCMJ Article	DIBRS Code	Offense
120	120A	Rape
120	120B1/2	Carnal Knowledge
125	125A	Forcible Sodomy
125	125B1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer (involving any sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
	134-B6	Prostitution Involving a Minor
134	134-C1	Indecent Assault
134	134-C4	Assault with Intent to Commit Rape
134	134-C6	Assault with Intent to Commit Sodomy
134	134-R1	Indecent Act with a Minor
134	134-R3	Indecent Language to a Minor
134	134-S1	Kidnapping of a Minor (by a person not parent)
134	134-Z	Pornography Involving a Minor
134	134-Z	Conduct Prejudicial to Good Order and Discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
134	134-Y2	Assimilative Crime Conviction (of a sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
80		Attempt (to commit any of the foregoing)
81		Conspiracy (to commit any of the foregoing)
82	082-A	Solicitation (to commit any of the foregoing)

E28. ENCLOSURE 28

DD FORM 2791

NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS		
1. TO	STATE LAW ENFORCEMENT	LOCAL LAW ENFORCEMENT
a. ADDRESS (Include ZIP Code)		b. DATE (YYYYMMDD)
<p>Pursuant to 10 U.S.C. 951 (Note) and DODI 1325.7, paragraph 6.18.5, the Department of Defense is notifying your office of the release of an offender who, based on available information, was convicted of a sex offense or a crime against a victim who was a minor. The offender is subject to sex offender registration under Federal law. For additional information, please contact the point of contact with facility of release who is identified below.</p> <p style="text-align: center;">PRIVACY ACT STATEMENT</p> <p>AUTHORITY: 10 U.S.C. 951 (Note); DODI 1325.7, paragraph 6.18.5; and E.O. 9397. PRINCIPAL PURPOSE(S): To notify an offender of the requirement to register upon release from confinement or military service with the state authorities as a sex offender, to record the offender's acknowledgement of receiving notice of and information pertaining to the requirement, and to obtain an offender's expected place of residence following release. ROUTINE USE(S): To State and local law enforcement authorities for purposes of notification that a sex offender will be residing in a local community and to State and local officials for purposes of registering the individual as a sex offender. DISCLOSURE: Voluntary; however, failure to provide an expected place of residency may result in denial of your request for parole or delay your release from confinement or military service.</p>		
2. NAME OF OFFENDER (Last, First, Middle Initial)	3. DATE OF BIRTH (YYYYMMDD)	4. SOCIAL SECURITY NUMBER
5. CURRENT AND PRIOR CRIMINAL HISTORY OF SEXUAL OFFENSE(S)		
SPECIFIC OFFENSE TITLE AND DESCRIPTION (5 words or more)	DATE OF CONVICTION (YYYYMMDD)	PLACE OF CONVICTION
6. FINAL RELEASE DATE (YYYYMMDD)	7. RELEASE CONDITIONS OR RESTRICTIONS	
8. OFFENDER'S ACKNOWLEDGEMENT OF SEX OFFENDER REGISTRATION REQUIREMENTS I, _____ (Full Name - Last, First, Middle) _____ (Rank) _____ (Service) _____ (Social Security Number), was convicted and sentenced for the commission of <input type="checkbox"/> a sexual offense <input type="checkbox"/> sexual offenses <input type="checkbox"/> an offense involving a _____ year old minor. I have been informed that I will be released from confinement or military service on or about: _____ (YYYYMMDD). I certify that upon release from confinement or military service I will reside at the following address: _____ (Initial) _____ (Street, Apartment Number, City, State and ZIP Code). I hereby acknowledge that I was informed that upon my release from confinement or military service, I am subject to registration requirements as a sex offender in any State or U.S. territory in which I will reside, be employed, carry on a vocation, or be a student. I was further informed that the chief local law enforcement officer of the jurisdiction in which I will reside upon release from confinement or military service is being provided written notice of the date of my release from confinement or military service, the offense(s) of which I was convicted, and that I am subject to a registration requirement as a sex offender. This notice will also be submitted to state law enforcement and sex offender officials. I understand that I must contact the office that follows, to ensure that sex offender registration requirements are met: _____ (Initial) _____ (Organization, Address (include ZIP Code), and Telephone Number). I acknowledge that I was informed that every change in my address must be reported in the manner provided by State law. I also acknowledge being informed that if I move to another state, I must report the change of address to the responsible agency in the state I am leaving, and comply with the registration requirements in the new state of residence. I understand that the failure to register may constitute grounds to revoke parole. Finally, I understand that if I fail to register and/or change or update such registration information as required under a State sex offender registration program, I may be subject to criminal prosecution. Signed on this _____ day of _____, _____.		
WITNESS: (Signed Name) _____	OFFENDER: (Signed Name) _____	
(Printed Name) _____	(Printed Name) _____	
9. CONFINEMENT FACILITY OR COMMAND RELEASING OFFENDER a. NAME OF FACILITY OR COMMAND b. ADDRESS (Include ZIP Code)		
10. CONFINEMENT FACILITY OR COMMAND POINT OF CONTACT a. NAME (Last, First, Middle Initial) b. ADDRESS (Include ZIP Code) c. TELEPHONE NUMBER (Include Area Code)		
11. CONFINEMENT FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER a. TYPED NAME (Last, First, Middle Initial) b. SIGNATURE c. DATE SIGNED (YYYYMMDD)		
In the event you are not the law enforcement agency with jurisdiction authority consistent with the offender's release address, please forward these documents to the appropriate authority.		

DD FORM 2791, APR 2003

REPLACES PREVIOUS EDITION AND DD FORM 2791-1, WHICH ARE OBSOLETE.

PRISONER'S ACKNOWLEDGEMENT OF SEX OFFENDER REGISTRATION REQUIREMENTS

PRIVACY ACT STATEMENT

AUTHORITY: Public Law 105-119, section 115(a)(8); 10 U.S.C. 951 (Note).

PRINCIPAL PURPOSE(S): To notify an offender of the requirement to register upon release from confinement with state authorities as a sex offender and to record the inmate's acknowledgment of receiving notice of and information pertaining to the requirement. To obtain an offender's expected place of residence following release.

ROUTINE USE(S): To State and local law enforcement authorities for purposes of notification that a sex offender will be residing in a local community and to State or local officials for purposes of registering the individual as a sex offender.

DISCLOSURE: Voluntary. Failure to provide an expected place of residence may result in denial of your request for parole or delay your release from confinement.

S A M P L E

I, _____
(Full Name - Last, First, Middle) _____
(Rank) _____
(Service) _____
(Social Security Number) _____
 was convicted and sentenced for the commission of a sexual offense sexual offenses an offense involving a minor.

I have been informed that I will be released from confinement on or about: _____
(YYYYMMDD)

I certify that upon release from confinement I will reside at the following address:

(Street, Apartment Number)

(City, State, and ZIP Code)

I hereby acknowledge that I was informed that upon my release from confinement, I am subject to registration requirements as a sex offender in any State or U.S. territory in which I will reside, be employed, carry on a vocation, or be a student. I was further informed that the chief local law enforcement officer of the jurisdiction in which I will reside upon release from confinement is being provided written notice of the date of my release from confinement, the offense(s) of which I was convicted, and that I am subject to a registration requirement as a sex offender. A similar notice will also be submitted to state law enforcement and sex offender officials. I understand that I must contact the office that follows, to ensure that sex offender registration requirements are met:

(Organization)

(Address)

(City, State, and ZIP Code) _____
(Telephone Number)

I acknowledge that I was informed that every change in my address must be reported in the manner provided by State law. I also acknowledge being informed that if I move to another state, I must report the change of address to the responsible agency in the state I am leaving, and comply with the registration requirements in the new state of residence. I understand that the failure to register may constitute grounds to revoke parole.

Finally, I understand that if I fail to register and/or change or update such registration information as required under a State sex offender registration program, I may be subject to criminal prosecution.

Signed on this _____ day of _____, _____.

<p>WITNESS: _____ <small>(Signed Name)</small></p> <p>_____ <small>(Printed Name)</small></p> <p>_____ <small>(Rank)</small> _____ <small>(Service)</small></p>	<p>PRISONER: _____ <small>(Signed Name)</small></p> <p>_____ <small>(Printed Name)</small></p> <p>_____ <small>(Rank)</small> _____ <small>(Service)</small></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------