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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2018**

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND  
COMMUNITY NOTIFICATION

Introduced By: Representatives Craven, O'Brien, Marshall, Morin, and Casey

Date Introduced: February 09, 2018

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 11-37.1-2, 11-37.1-3, 11-37.1-4, 11-37.1-5, 11-37.1-6, 11-37.1-7,  
2 11-37.1-8, 11-37.1-9, 11-37.1-10, 11-37.1-11 and 11-37.1-12 of the General Laws in Chapter 11-  
3 37.1 entitled "Sexual Offender Registration and Community Notification" are hereby amended to  
4 read as follows:

5           **11-37.1-2. Definitions.**

6           (a) "Aggravated offense" means, and includes, offenses involving sexual penetration of  
7 victims of any age through the use of force, or the threat of use of force, or offenses involving  
8 sexual penetration of victims who are fourteen (14) years of age or under.

9           (b) "Board", "board of review", or "sex offender board of review" means the sex offender  
10 board of review appointed by the governor pursuant to § 11-37.1-6.

11           (c) (1) "Conviction" or "convicted" means, and includes, any instance where:

12           (i) A judgment of conviction has been entered against any person for any offense  
13 specified in subsection (e) or (k), or a federal offense, a foreign offense, or a military offense,  
14 regardless of whether an appeal is pending; or

15           (ii) There has been a finding of guilty for any offense specified in subsection (e) or (k), or  
16 a federal offense, a foreign offense, or a military offense, regardless of whether an appeal is  
17 pending; or

18           (iii) There has been a plea of guilty or nolo contendere for any offense specified in

1 subsection (e) or (k), [or a federal offense, a foreign offense, or a military offense](#), regardless of  
2 whether an appeal is pending; or

3 (iv) There has been an admission of sufficient facts or a finding of delinquency for any  
4 offense specified in subsection (e) or (k), [or a federal offense, a foreign offense, or a military](#)  
5 [offense](#), regardless of whether or not an appeal is pending.

6 (2) Provided, in the event that a conviction, as defined in this subsection, has been  
7 overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall  
8 no longer be required to register as required by this chapter and any records of a registration shall  
9 be destroyed. Provided, further, that nothing in this section shall be construed to eliminate a  
10 registration requirement of a person who is again convicted of an offense for which registration is  
11 required by this chapter.

12 (d) [Deleted by P.L. 2003, ch. 162, § 1 and by P.L. 2003, ch. 170, § 1].

13 (e) "Criminal offense against a victim who is a minor" means, and includes, any of the  
14 following offenses or any offense in another jurisdiction that is substantially the equivalent of the  
15 following or for which the person is or would be required to register under ~~42 U.S.C. § 14071 or~~  
16 ~~18 U.S.C. § 4042(e)~~ [34 U.S.C. § 20911 as amended](#):

17 (1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1 or  
18 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age of  
19 eighteen (18) years;

20 (2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-6,  
21 11-37-8, 11-37-8.1, 11-37-8.3;

22 (3) Any violation of §§ 11-37-6, 11-37-8, 11-37-8.1, or 11-37-8.3;

23 (4) Any violation of § 11-1-10, where the underlying offense is a violation of chapter 34  
24 of this title and the victim, or person solicited to commit the offense, is under the age of eighteen  
25 (18) years;

26 (5) Any violation of § 11-9-1(b) or (c);

27 (6) Any violation of § 11-9-1.3;

28 (7) Any violation of § 11-9-1.5;

29 (8) ~~Any violation of § 11-37.1-10;~~

30 (9) Any violation of § 11-37-8.8;

31 (10) Any violation of § 11-64-2, where the victim is under the age of eighteen (18) years;

32 (11) Murder in violation of § 11-23-1, where the murder was committed in the  
33 perpetration of, or attempted perpetration of, kidnapping and where the victim of the offense is  
34 under eighteen (18) years of age; or

1 (12) Any violation of §§ 11-67-6, 11-67.1-3(b), 11-67.1-4(b), 11-67.1-5(c), 11-67.1-6(b),  
2 or 11-67.1-7(b).

3 (13) Any conviction for an attempt or conspiracy to commit an offense enumerated in this  
4 subsection.

5 (f) "Designated state law enforcement agency" means the attorney general, or his or her  
6 designee.

7 (g) "Employed, carries on a vocation" means and includes the definition of "employed,  
8 carries on a vocation" under ~~42 U.S.C. § 14071~~ 34 U.S.C. § 20911.

9 (h) "Institutions of higher education" means any university, two- or four-year (2 or 4)  
10 college or community college.

11 (i) "Mental abnormality" means a congenital or acquired condition of a person that affects  
12 the emotional or volitional capacity of the person in a manner that predisposes that person to the  
13 commission of criminal sexual acts to a degree that makes the person a menace to the health and  
14 safety of other persons.

15 (j) "Predator" means a person whose act(s) is (are) or was (were) directed at a stranger, or  
16 at a person with whom a relationship has been established or promoted for the primary purpose of  
17 victimization.

18 (k) "Sexually violent offense" means, and includes, any violation of §§ 11-37-2, 11-37-4,  
19 11-37-6, 11-37-8, 11-37-8.1, 11-37-8.3, 11-67-2 (where the victim was subject to commercial  
20 sexual activity), 11-67-3(a), 11-67-3(b) (where the victim was subject to commercial sexual  
21 activity), 11-67.1-3(c) (where the victim was subject to sexual servitude), 11-67.1-5(d), 11-67.1-  
22 6(c); or 11-5-1, where the specified felony is sexual assault; or § 11-23-1, where the murder was  
23 committed in the perpetration of, or attempted perpetration of, rape or any degree of sexual  
24 assault or child molestation; or any offense in another jurisdiction that is substantially the  
25 equivalent of any offense listed in this subsection or for which the person is or would be required  
26 to register under ~~42 U.S.C. § 14071 or 18 U.S.C. § 4042(e)~~ 34 U.S.C. § 20911 as amended, or  
27 any conviction for an attempt or conspiracy to commit an offense enumerated in this subsection.

28 (l) "Sexually violent predator" means a person who has been convicted of a sexually  
29 violent offense and who has a mental abnormality or personality disorder that makes the person  
30 likely to engage in predatory sexually violent offenses.

31 (m) "Student" means, and includes, the definition of "student" under ~~42 U.S.C. § 14071~~  
32 34 U.S.C. § 20911.

33 (n) "Parole board" means the parole board or its designee.

34 (o) "Abscond" means to not register as required, or to relocate to some unknown place

1 other than the registered place of residence, or to conceal himself or herself in an attempt to avoid  
2 registration or verification of registration.

3 (p) "Federal offense" means, and includes, any conviction for an offense that was  
4 obtained under federal law which, if committed within the jurisdiction of this state, would require  
5 the person to register, any conviction for an offense under 34 U.S.C. § 20911 as amended, or any  
6 conviction for an attempt or conspiracy to commit an offense requiring registration under this  
7 subsection.

8 (q) "Foreign offense" means, and includes, any conviction for an offense which, if  
9 committed within the jurisdiction of this state, would require the person to register that was  
10 obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, or under the  
11 laws of any foreign country when the United States state department in its country reports on  
12 human rights practices has concluded that an independent judiciary generally or vigorously  
13 enforced the right to a fair trial in that country during the year in which the conviction occurred,  
14 or any conviction for an attempt or conspiracy to commit an offense enumerated in this  
15 subsection.

16 (r) "Habitually lives or sleeps" means living in a place with some regularity, and with  
17 reference to where a person required to be registered under this chapter actually lives, which  
18 could be some place other than a mailing address or primary address but would entail a place  
19 where the person lives on an intermittent basis regardless of whether it pertains to a location  
20 otherwise identifiable by street or address.

21 (s) "Homeless" means a person required to be registered under this chapter who lacks a  
22 fixed, regular, and adequate nighttime residence; has a primary nighttime residence that is a  
23 public or private place not designed for or ordinarily used as a regular sleeping accommodation  
24 for human beings, including a car, park, abandoned building, bus or train station, airport, or  
25 camping ground; living in a supervised publicly or privately operated shelter designated to  
26 provide temporary living arrangements (including hotels and motels paid for by federal, state, or  
27 local government programs for low-income individuals or by charitable organizations, congregate  
28 shelters, and transitional housing); or who resided in a shelter or place not meant for human  
29 habitation and who is exiting an institution where he or she temporarily resided.

30 (t) "Immediate or Immediately" means upon receipt of information provided by or  
31 regarding a person required to register under this chapter but not later than three (3) business  
32 days.

33 (u) "Jurisdiction" means any of the fifty (50) states, the District of Columbia, the  
34 Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern

1 [Marian Islands, the United States Virgin Islands, and any Indian tribe that has elected to function](#)  
2 [as a registration and notification jurisdiction pursuant to 34 U.S.C. § 20929.](#)

3 [\(v\) "Military offense" means, and includes, any conviction for any military offense](#)  
4 [specified by the secretary of defense under § 115\(a\)\(8\)\(C\)\(i\) of Pub. L. 105-119, codified at 10](#)  
5 [U.S.C. § 951 note, or any conviction for an attempt or conspiracy to commit an offense](#)  
6 [enumerated in this subsection.](#)

7 [\(w\) "Public or private educational institution" means early childhood facilities \(nursery](#)  
8 [school, pre-kindergarten and kindergarten\), elementary, middle, secondary, institutions of higher](#)  
9 [education, and post-secondary educational institutions authorized or licensed by the State of](#)  
10 [Rhode Island.](#)

11 [\(x\) "School" means the buildings and real property of kindergarten, elementary, middle,](#)  
12 [and secondary institutions, whether public or private.](#)

13 **11-37.1-3. Registration required -- Persons covered.**

14 (a) Any person who, in this or any other jurisdiction: (1) has been convicted of a criminal  
15 offense against a victim who is a minor, (2) has been convicted of a sexually violent offense, (3)  
16 has been determined to be a sexually violent predator, (4) has committed an aggravated offense as  
17 defined in § 11-37.1-2, ~~or~~ (5) is a recidivist, as defined in § 11-37.1-4, [\(6\) has been convicted of a](#)  
18 [federal offense, \(7\) has been convicted of a foreign offense, \(8\) has been convicted of a military](#)  
19 [offense, or \(9\) has been convicted of a violation of § 11-37.1-10](#) shall be required to register his  
20 or her current address with the local law enforcement agency having jurisdiction over the city or  
21 town in which the person having the duty to register resides for the time period specified in § 11-  
22 37.1-4.

23 (b) Any person who is: (1) a nonresident worker who has committed an offense that is  
24 subject to registration in the ~~state~~ [jurisdiction](#) of his or her residence and who is employed or  
25 carrying on a vocation in Rhode Island as defined in § 11-37.1-2(g), or (2) a nonresident student  
26 as defined by § 11-37.1-2(m) who has committed an offense that is subject to registration in the  
27 ~~state~~ [jurisdiction](#) of his or her residence and who is attending ~~an educational institution~~ [public or](#)  
28 [private educational institution](#) in Rhode Island, shall be required to register his or her current  
29 address and the address of his or her place of employment or ~~school~~ [a public or private](#)  
30 [educational institution](#) attended with the local law enforcement agency having jurisdiction over  
31 the city or town in which the nonresident worker or student is employed or attending ~~school~~ [a](#)  
32 [public or private educational institution.](#)

33 (c) Any person having a duty to register as a sex offender in subsection (a) of this section  
34 who is enrolled at, employed at or carrying on a vocation at an institution of higher education

1 shall have an additional duty to register the information described in subsection (a) of this section  
2 with the local law enforcement agency in the city or town where the primary campus of the  
3 institution of higher education at which the person is enrolled, employed or carrying on a  
4 vocation who is located for the period of time they are enrolled at, employed at or carrying on a  
5 vocation at the institution of higher education.

6 (d) If a person is registered as a sex offender in another ~~state~~ jurisdiction for an offense  
7 which, if committed within the jurisdiction of this state, would require the person to register as a  
8 sex offender, then that person, upon moving to or returning to this state, shall register as a sex  
9 offender in the same manner as if the offense were committed within Rhode Island.

10 (e) Registration information. In addition to the requirements of subsections (a) through  
11 (d) of this section, the person required to register under this section shall provide the local law  
12 enforcement agency the following information:

13 (1) Relating to the person's name:

14 (i) The person's full primary given or legal name;

15 (ii) Any and all names the person has used in the past, valid or otherwise; and

16 (iii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which  
17 they are used.

18 (2) Relating to the person's date of birth:

19 (i) The person's actual date of birth; and

20 (ii) Any other date of birth used by the person.

21 (3) Relating to the person's social security number:

22 (i) A valid social security number for the person; and

23 (ii) Any social security number the person has used in the past, valid or otherwise.

24 (4) A current digitized photograph of the person.

25 (5) An accurate description of the person as follows:

26 (i) A general description of the person's physical appearance or characteristics; and

27 (ii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or  
28 tattoos.

29 (6) A photocopy of all of the person's valid driver's licenses issued by any jurisdiction.

30 (7) A photocopy of all of the identification card's issued to the person.

31 (8) A photocopy of any passports issued to the person.

32 (9) Relating to the person's residence:

33 (i) The address of each residence at which the person resides or will reside;

34 (ii) Any location or description that identifies where the person habitually lives or sleeps

1 regardless of whether it pertains to a permanent residence or location otherwise identifiable by a  
2 street or address; and

3 (iii) Whether the person is homeless.

4 (10) Any and all telephone numbers of the person.

5 (11) Relating to the person's Internet related activity:

6 (i) Any and all email addresses used by the person;

7 (ii) Any and all Instant Message addresses and identifiers;

8 (iii) Any and all other designations or monitors used for self-identification in Internet  
9 communications or postings; and

10 (iv) Any and all designations used by the person for the purpose of routing or self-  
11 identification and Internet communications or postings.

12 (12) Relating to all vehicles owned or operated by the person for work or personal use  
13 including land vehicles, aircraft, and watercraft:

14 (i) License plate numbers;

15 (ii) Registration numbers or identifiers;

16 (iii) General description of the vehicle to include color, make, model, and year; and

17 (iv) Any permanent or frequent location where any covered vehicle is kept.

18 (13) Relating to the person's employment, any and all places where the person is  
19 employed in any means including volunteer and unpaid positions:

20 (i) The name of the person's employer;

21 (ii) The address of the person's employer; and

22 (iii) Similar information related to any transient or day labor employment.

23 (14) All licensing information that authorizes the person to engage in an occupation or  
24 carry out a trade or business.

25 (15) Relating to the person's public or private educational institution:

26 (i) The name of each public or private educational institution at which the person is or  
27 will be a student; and

28 (ii) The address of each public or private educational institution where the person is or  
29 will be a student.

30 (16) Relating to the person's criminal history:

31 (i) The date of all arrests;

32 (ii) The date of all convictions;

33 (iii) The person's status of parole, probation, or supervised release;

34 (iv) The person's registration status; and

1 (v) Any outstanding arrest warrants.

2 (17) The fingerprints and palm prints of the person in a digitized format that shall be  
3 submitted to the FBI Central Database, Next Generation Identification Program.

4 (18) If the person's DNA is not already contained in the Combined DNA Index System  
5 (CODIS), the person shall provide a sample of his or her DNA. Any DNA sample obtained from  
6 a person shall be submitted to an appropriate lab for analysis and entry of the resulting DNA  
7 profile into CODIS.

8 (19) The text of each provision of law defining the criminal offense(s) for which the  
9 person is registered.

10 (20) When the person will be absent from his/her residence for seven (7) days or more:

11 (i) Identifying information of the temporary lodging locations including addresses and  
12 names; and

13 (ii) The dates the person will be staying at each temporary lodging location.

14 (21) If the person will be traveling outside of the United States, the person must notify  
15 the local law enforcement agency at least twenty-one (21) days in advance of the travel date and  
16 provide any necessary information regarding his or her international travel in accordance with §  
17 11-37.1-9(g).

18 (22) A signed copy of the person's notice of registration and notification obligations as  
19 provided in § 11-37.1-5(b)(6).

20 (23) The local law enforcement agency and the designated state law enforcement agency  
21 shall maintain all information obtained under this chapter in a digitized format.

22 **11-37.1-4. Duration of registration -- Frequency of registration.**

23 (a) Annual registration. Any person required to register under § 11-37.1-3(a)(1) or (2)  
24 shall annually register with the local law enforcement agency having jurisdiction over the city or  
25 town in which the person having the duty to register resides for a period of ten (10) years from  
26 the expiration of sentence for the offense and shall verify his or her address with the agency on a  
27 quarterly basis for the first two (2) years of the period unless the person has been determined to  
28 be a sexually violent predator in accordance with § 11-37.1-6 or unless the person is required to  
29 register for the life of that person in accordance with the provisions of subsection (c) of this  
30 section.

31 (b) Sexually violent predators. Any person who has been determined to be a sexually  
32 violent predator in accordance with the provisions of § 11-37.1-6 shall be required to annually  
33 register in person with the local law enforcement agency having jurisdiction over the city or town  
34 in which the person having the duty to register resides for the life of that person and to verify his



1 or her address on a quarterly basis for the life of that person.

2 (c) Recidivists and aggravated crime offenders. Any person required to register under §  
3 11-37.1-3 and who has one or more prior convictions for any offense described in § 11-37.1-2 or  
4 has been convicted of an aggravated offense as defined in § 11-37.1-2 shall annually register in  
5 person with the local law enforcement agency having jurisdiction over the city or town in which  
6 the person having the duty to register resides for the life of that person and to verify his or her  
7 address on a quarterly basis for the life of that person.

8 (d) Nonresident workers and students. Any nonresident person required to register  
9 pursuant to § 11-37.1-3(b)(1) or (2) shall annually register in person with the local law  
10 enforcement agency having jurisdiction over the city or town in which the person having the duty  
11 to register is employed or attends ~~school~~ [a public or private educational institution](#) for the period  
12 of time that the person is employed in Rhode Island or is attending ~~school~~ [a public or private](#)  
13 [educational institution](#) in Rhode Island.

14 (e) Initial registration; Incarcerated individuals. All persons required to register under this  
15 chapter who are sentenced to a period of confinement shall perform their initial registration by  
16 appearing in person at the local law enforcement agency in the city or town in which the person  
17 intends to reside within twenty-four (24) hours of their release from confinement.

18 (f) Initial registration; Non-incarcerated individuals. All persons required to register  
19 under this chapter who are convicted in Rhode Island and who are not sentenced to serve a term  
20 of incarceration or confinement shall perform their initial registration by appearing in person at  
21 the local law enforcement agency in the city or town in which the person intends to reside within  
22 twenty-four (24) hours of being sentenced.

23 (g) Initial registration; Individuals relocating to Rhode Island. All persons required to  
24 register under this chapter who are moving their residence to Rhode Island from another  
25 jurisdiction shall perform their initial registration by appearing in person at the local law  
26 enforcement agency in the city or town in which the person intends to reside within twenty-four  
27 (24) hours of their arrival in Rhode Island.

28 (h) Initial registration; Nonresident workers and students. All nonresident workers or  
29 students who are required to register under this chapter shall perform their initial registration by  
30 appearing in person at the local law enforcement agency in the city or town in which the person is  
31 employed or is attending ~~school~~ [a public or private educational institution](#) within twenty-four (24)  
32 hours of their first day of their personal attendance at their place of employment or ~~school~~ [a](#)  
33 [public or private educational institution](#).

34 (i) Tolling provision. Where, during the period in which any person is required to

1 register, a person required to register under this chapter is incarcerated or re-incarcerated for any  
2 offense or is civilly committed, the person's registration requirements shall be tolled during the  
3 subsequent incarceration, re-incarceration or commitment.

4 (j) Juveniles. Any juvenile having the duty to register under subsections (b) and (c) of this  
5 section shall be required to annually register in person with the local law enforcement agency  
6 having jurisdiction over the city or town in which the juvenile having the duty to register resides  
7 for fifteen (15) years subsequent to the date of release from confinement or placement in the  
8 community or probation for such offense or offenses and to verify his or her address on a  
9 quarterly basis for said fifteen (15) years. However, if a juvenile is adjudicated delinquent under §  
10 11-37-8.1 or 11-37-8.3, the court shall assess the totality of the circumstances of the offense and  
11 if the court makes a finding that the conduct of the parties is criminal only because of the age of  
12 the victim, the court may have discretion to order the juvenile to register as a sex offender as long  
13 as the court deems it appropriate to protect the community and to rehabilitate the juvenile  
14 offender. Registration shall be subject to the provisions of this chapter.

15 (k) Annual registration for federal, foreign, or military offenses. Any person who is  
16 required to register under this chapter due to a conviction of a federal offense, a foreign offense,  
17 or a military offense shall register for the duration and frequency in the same manner as if the  
18 offense were committed within Rhode Island.

19 (l) Homeless persons. In addition to the other requirements of this section, a person who  
20 is required to register under this chapter and is homeless shall verify their presence in the  
21 community with the local law enforcement agency where they are required to register three (3)  
22 times a week for the duration of their being homeless.

23 **11-37.1-5. Registration requirement upon release, parole, or probation.**

24 (a) (1) Duty of state officials. If a person who is required to register under this chapter is  
25 released from prison, including those place on parole, then the official in charge of the place of  
26 confinement or his or her designee shall comply with the provisions of subsection (b) of this  
27 section;

28 (2) ~~If a person who is required to register under this chapter is placed on parole, the~~  
29 ~~executive secretary of the parole board shall comply with the provisions of subsection (b) of this~~  
30 ~~section;~~

31 (3) If a person who is required to register under this chapter is released on probation or  
32 placed on home confinement, then the assistant administrator or the division of probation shall  
33 comply with the provisions of subsection (b) of this section;

34 (4) If a person who is required to register under this chapter is released from a juvenile

1 correctional facility, either outright or on some form of supervised release, then the person in  
2 charge of the institution shall comply with the provisions of subsection (b) of this section;

3 (5) If a person who is required to register under this chapter is placed on juvenile  
4 probation, then the person in charge of the program shall comply with the provisions of  
5 subsection (b) of this section; or

6 (6) If a person who is required to register under this chapter has moved into this state  
7 under the provisions of an interstate compact providing for supervision of the terms of his or her  
8 release by agents of this state, then the administrator of the interstate compact shall comply with  
9 the provisions of subsection (b) of this section.

10 (b) Notification of registration requirements. The person designated with the  
11 responsibility for the notification requirements of this chapter shall, prior to the release of any  
12 person required to register under this chapter:

13 (1) Inform the person of the duty to register and obtain the information required for  
14 registration [under § 11-37.1-5\(c\)](#);

15 (2) Inform the person that if the person changes his or her residence address, the person  
16 shall give the new address to ~~a~~ [the](#) designated state law enforcement agency in writing within  
17 twenty-four (24) hours;

18 (3) Inform the person that if the person changes residence to another ~~state~~ [jurisdiction](#), the  
19 person shall register the new address with the law enforcement agency with whom the person last  
20 registered, and the person is also required to register with a designated law enforcement agency in  
21 the new ~~state~~ [jurisdiction](#) in accordance with the new ~~state's~~ [jurisdiction's](#) sex offender registration  
22 statute;

23 (4) Inform the person that if the person works or attends ~~school~~ [a public or private](#)  
24 [educational institution](#) in another ~~state~~ [jurisdiction](#) in which he or she does not reside, the person  
25 shall register his or her employment address or address of the educational institution he or she  
26 attends as required by the other ~~state~~ [jurisdiction](#);

27 (5) Obtain fingerprints and a photograph of the person if these have not already been  
28 obtained in connection with the offense that triggers registration; and

29 (6) Require the person to read and sign a form approved by the attorney general stating  
30 that the duty of the person to register under this section has been explained.

31 (c) Registration information. In addition to the requirements of subsection (b) of this  
32 section, for a person required to register under § 11-37.1-3, then the person responsible for the  
33 notification required under subsection (b) of this section shall obtain the ~~name of the person,~~  
34 ~~identifying factors, anticipated future residence, juvenile and adult offense history, and~~

1 ~~documentation of any treatment received for the mental abnormality or personality disorder of the~~  
2 ~~person.~~ following information in a digitized format:

3 (1) Relating to the person's name:

4 (i) The person's full primary given or legal name;

5 (ii) Any and all names the person has used in the past, valid or otherwise; and

6 (iii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which  
7 they are used.

8 (2) Relating to the person's date of birth:

9 (i) The person's actual date of birth; and

10 (ii) Any other date of birth used by the person.

11 (3) Relating to the person's social security number:

12 (i) A valid social security number for the person; and

13 (ii) Any social security number the person has used in the past, valid or otherwise.

14 (4) A current digitized photograph of the person.

15 (5) An accurate description of the person as follows:

16 (i) A general description of the person's physical appearance or characteristics; and

17 (ii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or  
18 tattoos.

19 (6) Relating to the person's residence:

20 (i) The address of each residence at which the person resides or will reside; and

21 (ii) Whether the person is homeless.

22 (7) Any and all telephone numbers of the person.

23 (8) A signed copy of the person's notice of registration and notification obligations as  
24 provided in § 11-37.1-5(b)(6).

25 (d) For purposes of ~~this subsection~~ subsection (c) of this section, the provisions of chapter

26 37.3 of title 5 pertaining to health care privileges, the provisions of § 9-17-24 pertaining to the

27 privilege of witnesses, or the provisions of § 42-72-8 pertaining to confidentiality of records of

28 the department of children, youth and families, shall not be effective so as to prevent the transfer

29 of information or the testimony of any person possessing any information required by this

30 subsection. Any information so obtained may be transferred to the sex offender board of review

31 and may be used by them in making a determination of whether or not the person is a sexually

32 violent predator or in determining the level of notification under § 11-37.1-12. The information

33 may also be used by the sentencing court or by any court reviewing the level of notification

34 determined by the sex offender board of review or reviewing any conviction or sentence which

1 requires registration under this chapter. Provided, information so obtained shall not be admissible  
2 in any other judicial proceeding against the subject of the information except to determine a  
3 person's status as a sexually violent predator or to determine or review the level of notification to  
4 the community which has been made by a court or the sex offender board of review. Provided,  
5 further, that this subsection shall not be applicable to any person for whom an appeal is pending  
6 for which a final judgment of conviction has not been entered, until the time that a final  
7 conviction has been entered.

8 **11-37.1-6. Community notification.**

9 (1) (a) Sex Offender Board of Review. The governor shall appoint eight (8) persons  
10 including experts in the field of the behavior and treatment of sexual offenders by reason of  
11 training and experience, victim's rights advocates, and law enforcement representatives to the sex  
12 offender board of review. At least one member of the sex offender board of review shall be a  
13 qualified child/adolescent sex offender treatment specialist. These persons shall serve at the  
14 pleasure of the governor or until their successor has been duly qualified and appointed.

15 (b) Duties of the Board. Upon passage of this legislation, the sex offender board of  
16 review will utilize a validated risk assessment instrument and other material approved by the  
17 parole board to determine the level of risk an offender poses to the community and to assist the  
18 sentencing court in determining if that person is a sexually violent predator. If the offender is a  
19 juvenile, the Department of Children, Youth & Families shall select and administer a risk  
20 instrument appropriate for juveniles and shall submit the results to the sex offender board of  
21 review.

22 (c) Duties of other state agencies. Six (6) months prior to release of any person having a  
23 duty to register under § 11-37.1-3, or upon sentencing of a person having a duty to register under  
24 § 11-37.1-3, if the offender is not incarcerated, the agency having supervisory responsibility and  
25 the Interstate Compact Unit of the Rhode Island department of corrections upon acceptance of  
26 supervision of a sexual offender from the sending ~~state~~ [jurisdiction](#) shall refer the person to the  
27 sex offender board of review, together with any reports and documentation that may be helpful to  
28 the board, for a determination as to the level of risk an offender poses to the community and to  
29 assist the sentencing court in determining if that person is a sexually violent predator.

30 (2) (i) The board shall within thirty (30) days of a referral of a person shall conduct the  
31 validated risk assessment, review other material provided by the agency having supervisory  
32 responsibility and assign a risk of re-offense level to the offender. In addition, the board may find  
33 that, based on the assessment score and other material, that the person may possess a mental  
34 abnormality or personality disorder that makes the person likely to engage in sexually violent

1 predatory offenses. In these cases, the committee shall ask the parole board psychiatrist or if the  
2 offender is a juvenile, a DCYF psychiatrist to conduct a sex offender evaluation to determine if  
3 the offender possesses a mental abnormality or personality disorder that affects the emotional or  
4 volitional capacity of the person in a manner that predisposes that person to the commission of  
5 criminal sexual acts to a degree that makes the person a menace to the health and safety of other  
6 persons.

7 (ii) Upon receipt of a sex offender evaluation that suggests there is sufficient evidence  
8 and documentation to suggest that a person may be a sexually violent predator, the sex offender  
9 board of review shall forward a report to the attorney general for consideration by the court.

10 (iii) Upon receipt of a report from the attorney general, the court, after notice to the  
11 offender and his or her counsel, shall upon consideration of the report and other materials, make a  
12 determination as to whether or not a person is a sexually violent predator.

13 (iv) Effect of determination. In the event that a determination is made by the court that a  
14 person is a sexually violent predator, that person shall be required to register and verify his or her  
15 address in accordance with §§ 11-37.1-3, 11-37.1-4 and 11-37.1-8(b).

16 (3) No cause of action or liability shall arise or exist against the committee or any  
17 member or agent of the board as a result of the failure of the board to make any findings required  
18 by this section within the time period specified by subdivision (2) of this subsection.

19 (4) Notwithstanding any other provision of law, the board shall have access to all relevant  
20 records and information in the possession of any state official or agency having a duty under §§  
21 11-37.1-5(a)(1) through (6), relating to the juvenile and adult offenders under review by the  
22 board, including, but not limited to, police reports; prosecutor's statements of probable cause,  
23 presentence investigations and reports, complete judgments and sentences, current classification  
24 referrals, juvenile and adult criminal history records, violation and disciplinary reports, all  
25 psychological evaluations and psychiatric evaluations, psychiatric hospital records, sex offender  
26 evaluations and treatment reports, substance abuse evaluations and treatment reports to the extent  
27 allowed by federal law. Records and information obtained by the board of review under this  
28 subsection shall remain confidential, provided that the board of review may disclose the records  
29 and information to the sentencing court in accordance with the provisions of this chapter.

30 (5) Duties of the director of the department of corrections/director of the department of  
31 children, youth and families. Not less than sixty (60) days prior to release of any person subject to  
32 this chapter, the director of the department of corrections or, in the event the person is a juvenile,  
33 the director of the department of children, youth and families, or their respective designees, shall  
34 seek verification that the duties of the sex offender board of review and any other state agency

1 have been fulfilled as specified in § 11-37.1-6 et seq. In the event that the director of the  
2 department of corrections or, in the event the person is a juvenile, the director of the department  
3 of children, youth and families, cannot obtain verification, he or she shall, no less than thirty (30)  
4 days prior to the release of a person subject to this chapter, file with the presiding judge of the  
5 superior court or, in the case of a juvenile, the chief judge of the family court, a petition in the  
6 nature of mandamus, seeking compliance with this chapter. The court shall promptly, but no less  
7 than ten (10) days from the filing of the petition, hold a hearing on the petition. The court may, in  
8 its discretion, enter any orders consistent with this chapter to compel compliance, however, the  
9 court may not delay the release of any person subject to this chapter for the failure of the sex  
10 offender board of review or any state agency to fulfill its obligations under this chapter.

11 **11-37.1-7. Transfer of information to designated state law enforcement agency ~~and~~**  
12 **~~the FBI.~~**

13 (a) The person required to provide notice in accordance with § 11-37.1-5(b) and the local  
14 law enforcement agencies required to register persons who have a duty to register in accordance  
15 with § 11-37.1-4 and receive changes in the person's registration information under 11-37.1-9,  
16 ~~shall, within three (3) days after receipt of information defined in that section, immediately~~  
17 ~~forward it to a the~~ designated state law enforcement agency. The designated state law  
18 enforcement agency shall immediately enter the information into the appropriate state law  
19 enforcement record system. ~~The state law enforcement agency shall also immediately transmit the~~  
20 ~~conviction data and fingerprints to the Federal Bureau of Investigation.~~

21 (b) Whenever a person required to be registered under this chapter initially registers or  
22 updates his or her information, the designated state law enforcement agency shall immediately  
23 notify:

24 (1) Any jurisdiction where the person is registered or is required to register due to the  
25 person's residency, public or private educational institution attendance, or employment;

26 (2) All jurisdictions where a person was required to register prior to the updated  
27 information being given;

28 (3) All jurisdictions where a person intends to reside, work, or attend a public or private  
29 educational institution;

30 (4) The Federal Bureau of Investigation or other federal agencies as designated by the  
31 Attorney General of the United States in order that the information may be updated on the  
32 National Sex Offender Registry or other relevant databases;

33 (5) If the person intends to commence residency, attend a public or private educational  
34 institution, or commence employment outside of the United States, the United States Marshals

1 Service:

2 (6) Any agency, department, or program within the state that is responsible for criminal  
3 investigation, prosecution, child welfare or sex offender supervision functions; and

4 (7) National Child Protection Act agencies, which includes any agency responsible for  
5 conducting employment-related background checks under section 3 of the National Child  
6 Protection Act of 1993, 42 U.S.C. § 5119a.

7 (c) The designated state law enforcement agency shall ensure there is an automated  
8 community notification process in place that ensures the following:

9 (1) Upon a person's initial registration or update of information, the state's public sex  
10 offender registry website is immediately updated; and

11 (2) The state's public sex offender registry has a function that enables the general public  
12 to request an email notice that will notify them when a person commences residence,  
13 employment, or a public or private educational institution attendance with the state, within a  
14 specified zip code, or within a certain geographic radius. This email notice shall include the  
15 person's identity so that the public can access the public registry for the new information.

16 (d) The notification requirements of subsections (a)(7) and (c) do not apply persons who  
17 were adjudicated delinquent of an offense requiring registration or a person tiered as a level 1 sex  
18 offender.

19 (e) Notwithstanding the aforementioned notification requirements, the designated state  
20 law enforcement agency and local law enforcement agencies where the person resides, is  
21 employed or attends a public or private educational institution, may utilize other forms of  
22 community notification consistent with the provisions and intent of this chapter.

23 (f) In the event a person required to register under this chapter fails to register or fails to  
24 verify or update his or her registration information, the local law enforcement agency shall  
25 immediately inform the local law enforcement agency of the city or town where the person  
26 resides, is employed or attends a public or private educational institution, the jurisdiction that  
27 provided notification that the person was to commence residency, employment, or public or  
28 private educational institution attendance, and the designated state law enforcement agency that  
29 the person failed to appear for registration or failed to verify or update their registration  
30 information.

31 (1) Upon notification by the designated state law enforcement agency, the local law  
32 enforcement agency where the person resides, is employed or attends a public or private  
33 educational institution, shall:

34 (i) Make an effort to determine if the person is actually residing, employed or attending a



1 public or private educational institution within their city or town; and

2 (ii) Seek a warrant for the person's arrest for failing to register or verify or update their  
3 registration in compliance with this chapter. The U.S. Marshals Service or Federal Bureau of  
4 Investigation may be contacted in an attempt to obtain a federal warrant for the person's arrest.

5 (iii) The designated state law enforcement agency shall update the registry to reflect that  
6 the person is not in compliance with his or her duty to register.

7 (g) If the designated state law enforcement agency receives information that a person has  
8 absconded or local law enforcement cannot determine whether the person is actually residing,  
9 employed or attending a public or private educational institution in the city or town using the  
10 measures outlined in subsection (f) of this section, the designated state law enforcement agency,  
11 with the assistance of local law enforcement, shall make an effort to determine if the person has  
12 actually absconded.

13 (1) If the information indicating the possible absconding came through notice from  
14 another jurisdiction or federal authorities, they shall be informed that the person has failed to  
15 appear and register.

16 (2) If an absconded person cannot be located then the designated state law enforcement  
17 agency shall take the following steps:

18 (i) Update the registry to reflect the person has absconded or is otherwise not capable of  
19 being located;

20 (ii) Notify the local law enforcement agency where the person resides, is employed, or  
21 attends a public or private educational institution, so the local law enforcement agency can seek a  
22 warrant for the person's arrest.

23 (iii) Notify the U.S. Marshals Service or Federal Bureau of Investigation so they may  
24 attempt, if necessary, to obtain a federal warrant for the person's arrest;

25 (iv) Update the National Sex Offender Registry to reflect the sex offender's status as an  
26 absconder, or is otherwise not capable of being located; and

27 (v) Enter the person into the National Crime Information Center Wanted Person file.

28 **11-37.1-8. Verification of address.**

29 (a) For a person required to register under § 11-37.1-3(a)(1), ~~or (2)~~ (a)(2), (a)(6), (a)(7),  
30 (a)(8), or (a)(9) on each anniversary of the person's initial registration date during the period in  
31 which the person is required to register:

32 (1) The ~~sex offender community notification unit of the parole board~~ designated state law  
33 enforcement agency or local law enforcement agency shall mail a non-forwardable verification  
34 form to the last reported address of the person;

1 (2) The person shall mail the verification form to the ~~sex offender community notification~~  
2 ~~unit~~ designated state law enforcement agency or local law enforcement agency within ten (10)  
3 days after receipt of the form;

4 (3) The verification form shall be signed by the person, and state that the person still  
5 resides at the address last reported to the local law enforcement agency having jurisdiction over  
6 the city or town in which the person having the duty to register resides; and

7 (4) If the person fails to mail the verification form to the ~~sex offender community~~  
8 ~~notification unit of the parole board~~ designated state law enforcement agency or local law  
9 enforcement agency within ten (10) days after receipt of the form, the person shall be in violation  
10 of this chapter unless the person proves that the person has not changed the residence address  
11 from that which he or she last registered.

12 (b) The provisions of subdivisions (1) -- (4) of this section shall apply to a person  
13 required to register under § 11-37.1-3(a)(3), (4), or (5), except that the registration address  
14 verification shall take place quarterly.

15 **11-37.1-9. Notification of local law enforcement agencies of changes in address.**

16 (a) Duty of local law enforcement agency; Interstate and Intrastate moves. For any person  
17 required to register under this chapter, the local law enforcement agency having jurisdiction  
18 where the person is residing, shall, if the person changes residence to another ~~state jurisdiction~~ or  
19 within the state, notify the law enforcement agency with which the person must register in the  
20 new ~~state jurisdiction, if the new state has a registration requirement~~ or the city or town within the  
21 state, and notify the designated ~~state jurisdiction~~ law enforcement agency. The designated state  
22 law enforcement agency shall provide immediate notice as provided under § 11-37.1-7.

23 (b) Duty of person required to register; Interstate moves. A person who has been  
24 convicted of an offense which required registration under this chapter shall register the new  
25 address with a designated state law enforcement agency in another ~~state jurisdiction~~ to which the  
26 person moves in accordance with the new ~~state's jurisdiction's~~ sex offender registration statute.  
27 Prior to the change of residence to a new ~~state jurisdiction~~, the person shall notify the local law  
28 enforcement agency within this state with which the person is registered of the intended move  
29 and of the new address within the new ~~state jurisdiction~~. The local law enforcement agency shall  
30 notify the designated state law enforcement agency and the designated state law enforcement  
31 agency shall provide immediate notice as provided under § 11-37.1-7.

32 (c) Duty of law enforcement agency; Changes of residence within the state. For any  
33 person required to register under this chapter, the local law enforcement agency having  
34 jurisdiction where the person is residing, shall, if the person changes residence to another city or

1 town in Rhode Island, notify the local law enforcement agency with which the person must  
2 register in the new city or town and notify the ~~state~~ designated state law enforcement agency. The  
3 designated state law enforcement agency shall provide immediate notice as provided under § 11-  
4 37.1-7.

5 (d) Duty of person required to register; Changes of residence within the state. A person  
6 who has been convicted of an offense which requires registration under this chapter and who  
7 changes his or her residence address to another city or town in Rhode Island, shall notify the local  
8 law enforcement agency in the city or town from which the person is moving before the person  
9 establishes residence in the new location, and shall register with the local law enforcement  
10 agency in the city or town in which the person is moving not later than twenty-four (24) hours  
11 after the person establishes residence in the new city or town. A person who has been convicted  
12 of an offense which requires registration under this chapter and who changes his or her residence  
13 within a city or town in Rhode Island shall notify the local law enforcement agency in the city or  
14 town not later than twenty-four (24) hours after the person changes the residence within the city  
15 or town. The local law enforcement agency shall notify the designated state law enforcement  
16 agency and the designated state law enforcement agency shall provide immediate notice as  
17 provided under § 11-37.1-7.

18 (e) Duty of person required to register; Changes in required registration information. A  
19 person who has been convicted of an offense which requires registration under this chapter shall  
20 immediately notify the local law enforcement agency having jurisdiction where the person is  
21 residing, is employed, or attending a public or private educational institution of any changes to  
22 their required registration information as provided in § 11-37.1-3(e). The local law enforcement  
23 agency having jurisdiction shall also notify the designated state law enforcement agency. The  
24 designated state law enforcement agency shall provide immediate notice as provided under § 11-  
25 37.1-7.

26 (f) In the event of a change in temporary lodging, the person who have been convicted of  
27 an offense which requires registration under this chapter and the local law enforcement agency  
28 shall immediately notify the jurisdiction in which the person will be temporarily staying. The  
29 local law enforcement agency having jurisdiction shall also notify the designated state law  
30 enforcement agency who shall provide immediate notice as provided under § 11-37.1-7.

31 (g) In the event the person who has been convicted of an offense which requires  
32 registration under this chapter will be traveling outside of the United States, the person must  
33 notify the local law enforcement agency at least twenty-one (21) days in advance of the travel  
34 date and provide any necessary information regarding his or her international travel. The local

1 [law enforcement agency having jurisdiction shall also notify the designated state law enforcement](#)  
2 [agency. The designated state law enforcement agency shall provide immediate notice as provided](#)  
3 [under § 11-37.1-7. Upon notification of a person's intention to travel internationally, the](#)  
4 [designated state law enforcement agency shall immediately notify and provide the person's travel](#)  
5 [information to the United States Marshall's Service.](#)

6 **11-37.1-10. Penalties.**

7 (a) Any person who is required to register or verify his or her address or give notice of a  
8 change of address or residence who knowingly fails to do so shall be guilty of a felony and, upon  
9 conviction, be imprisoned not more than ten (10) years, or fined not more than ten thousand  
10 dollars (\$10,000), or both.

11 (b) Any person who is required to register or verify his or her address or give notice of a  
12 change of address or residence who knowingly fails to do so shall be in violation of the terms of  
13 his or her release, regardless of whether or not the term was a special condition of his or her  
14 release on probation, parole, home confinement or other form of supervised release.

15 (c) Except in the case of a level-three (3) sex offender, any person who is required to  
16 register or verify his or her address, who knowingly resides within three hundred feet (300') of  
17 any school [as defined in § 11-37.1-2, ~~public or private,~~ which distance shall be measured from the](#)  
18 [nearest boundary line of the real property supporting the residence of the person to the nearest](#)  
19 [boundary line of the real property that supports or upon which there exists a school](#) shall be guilty  
20 of a felony and, upon conviction, may be imprisoned not more than five (5) years, or fined not  
21 more than five thousand dollars (\$5,000), or both.

22 (d) Any level-three (3) sex offender who knowingly resides within one thousand feet  
23 (1,000') of any school [as defined in § 11-37.1-2, ~~public or private,~~ which distance shall be](#)  
24 [measured from the nearest boundary line of the real property supporting the residence of the](#)  
25 [person to the nearest boundary line of the real property that supports or upon which there exists a](#)  
26 [school](#) shall be guilty of a felony and, upon conviction, may be imprisoned for not more than five  
27 (5) years, or fined not more than five thousand dollars (\$5,000), or both.

28 **11-37.1-11. Release of information.**

29 (a) Except as otherwise provided by this chapter or as provided in subsections (b) or (c)  
30 of this section, no information obtained under this chapter shall be released or transferred without  
31 the written consent of the person or his or her authorized representative.

32 (b) No consent for release or transfer of information obtained under this chapter shall be  
33 required in the following instances:

34 (1) Information may be disclosed to law enforcement agencies for law enforcement

1 purposes;

2 (2) Information may be disclosed to government agencies conducting confidential  
3 background checks;

4 (3) The designated [state](#) law enforcement agency and any local law enforcement agency  
5 authorized by the state agency may release relevant information that is necessary to protect  
6 individuals concerning a specific person required to register under this chapter, except that the  
7 identity of a victim of an offense that requires registration under this section shall not be released;

8 (4) Information may be released or disseminated in accordance with the provisions of §  
9 11-37.1-12;

10 (5) Information shall be disclosed by the local police department to the general public in  
11 a city or town for those registered offenders determined to be either a level 2 or level 3 offender  
12 as determined consistent with parole board guidelines; and

13 (6) Information shall be disclosed by the local police department to the local school  
14 department for those registered offenders determined to be level 3 offenders by the parole board  
15 for the purposes of notifying parents of students whose school bus stop is within one thousand  
16 feet (1,000') of a level 3 sex offender's residence, which distance shall be measured from the  
17 nearest boundary line of the real property supporting the residence of the level 3 sex offender to  
18 the school bus stop.

19 (c) Any local law enforcement agency shall release relevant information collected  
20 pursuant to § 11-37.1-3(c) to any campus police agency appointed pursuant to § 16-52-2 or police  
21 for private institutions appointed pursuant to § 12-2.1-1 for any person having a duty to register  
22 who is enrolled in, employed by, or carrying on a vocation at an institution of higher education.  
23 That agency may release relevant information that is necessary to protect individuals concerning  
24 a specific person required to register under this chapter, except that the identity of a victim of an  
25 offense that requires registration under this section shall not be released.

26 **11-37.1-12. Rules and regulations for community notification.**

27 (a) The parole board shall promulgate guidelines and procedures for notification required  
28 pursuant to the provisions of this section.

29 (b) The regulations shall provide for three (3) levels of notification depending upon the  
30 risk of re-offense level of the sex offender determined by the sex offender board of review as  
31 outlined in § 11-37.1-6(b):

32 (1) If risk of re-offense is low, law enforcement agencies and any individuals identified in  
33 accordance with the parole board guidelines shall be notified;

34 (2) If risk of re-offense is moderate, organizations in the community likely to encounter

1 the person registered shall be notified in accordance with the parole board's guidelines, in  
2 addition to the notice required by subdivision (1) of this subsection;

3 (3) If risk of re-offense is high, the members of the public likely to encounter the person  
4 registered shall be notified through means in accordance with the parole board's guidelines  
5 designed to reach members of the public likely to encounter the person registered, in addition to  
6 the notice required by subdivisions (1) and (2) of this subsection.

7 (4) The ~~sex offender community notification unit~~ designated state law enforcement  
8 agency is authorized and directed to utilize the Rhode Island state police web site and the Rhode  
9 Island Unified Court System website for the public release of identifying information of level two  
10 and level three sex offenders who have been convicted, provided that no identifying information  
11 of a juvenile shall be listed on the web site.

12 (i) The website shall have the capability of conducting searches by name, county, city,  
13 and/or town; and zip code and/or geographic radius.

14 (ii) The website shall include:

15 (A) Links to sex offender safety and education resources;

16 (B) Instructions on how a person can seek correction of information that the individual  
17 contends is erroneous;

18 (C) A warning that the information contained on the website should not be used to  
19 unlawfully injure, harass, or commit a crime against any individual named in the registry or  
20 residing or working at any reported addresses and that any such action could result in civil or  
21 criminal penalties; and

22 (D) All field search capabilities needed for full participation in the Dru Sjodin National  
23 Sex Offender Public website and shall participate in that website as provided by the attorney  
24 general of the United States.

25 (iii) The following information regarding the person required to register under this  
26 chapter shall be made available to the public on the website:

27 (A) Notice that the person is in violation of their registration requirements or cannot be  
28 located if the person has absconded;

29 (B) All offenses that require registration under this chapter for which the person has been  
30 convicted;

31 (C) The offense(s) for which the person is currently registered;

32 (D) The name of the person including all aliases;

33 (E) A current photograph of the person;

34 (F) A physical description of the person; and

1           (G) The person's residential addresses and, if relevant, a description of a location where  
2 the person habitually lives or sleeps, and if the person is homeless;

3           (H) The following information shall not be available to the public on the sex offender  
4 registry website:

5           (I) Any arrest that did not result in conviction;

6           (II) The person's social security number;

7           (III) Any travel documents;

8           (IV) The identity of the victim;

9           (V) Internet identifiers (as defined in 42 U.S.C. § 16911); and

10          (VI) Any information of a person who was adjudicated delinquent of an offense requiring  
11 registration.

12          (iv) For persons who are under a witness protection program, the designated state law  
13 enforcement agency may honor the request of the United States Marshals Service or other agency  
14 responsible for witness protection by not including the original identity of the person on the  
15 publicly accessible sex offender registry website.

16          (5) Notwithstanding any other provision of law, the sex offender review board shall have  
17 access to all relevant records and information in the possession of any state official or agency  
18 having a duty under § 11-37.1-5(a)(1) through (6) relating to juvenile and adult offenders under  
19 review by the sex offender review board, including, but not limited to, police reports, prosecutors  
20 statements of probable cause, pre-sentence investigations and reports, complete judgments and  
21 sentences, current classification referrals, juvenile and adult criminal history records, violation  
22 and disciplinary reports, all psychological evaluations and psychiatric evaluations, psychiatric  
23 hospital records, sex offender evaluations and treatment reports, substance abuse evaluations and  
24 treatment reports to the extent allowed by federal law. Records and information obtained by the  
25 sex offender review board under this subsection shall remain confidential, provided that the  
26 parole board may disclose the records and information to the board of review, the sentencing  
27 court, and/or law enforcement agencies in accordance with the provisions of this chapter.

28          SECTION 2. This act shall take effect on July 1, 2019, and shall apply to all persons who  
29 have been convicted of an offense that required or will require registration as provided by this act.

=====  
LC004514/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION AND  
COMMUNITY NOTIFICATION

\*\*\*

1           This act would implement several provisions the federal Sex Offender Registration and  
2 Notification Act (SORNA) (Title I of Public Law 109-248).

3           This act would take effect on July 1, 2019, and would apply to all persons who have been  
4 convicted of an offense that required or will require registration as provided by this act.

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LC004514/SUB A  
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