



SORNA Substantial Implementation Assurance Guidance

Jurisdictions that have substantially implemented SORNA have a continuing obligation to maintain their system's consistency with current SORNA standards. The SMART Office will continue to work with all jurisdictions to ensure substantial implementation of SORNA and verify that they continue to meet the requirements of SORNA on an ongoing basis. (See SORNA Supplemental Guidelines 2011.)

In assessing a jurisdiction's continuing implementation of SORNA, the SMART Office will be guided, in part, by the substantial implementation report issued to the jurisdiction, as well as by supporting documentation supplied by the jurisdiction. The SMART Office will inquire of the jurisdiction whether any deviations from SORNA requirements have been addressed and whether the jurisdiction has made any changes to its registration and notification scheme that may affect its substantial implementation status.

This document was developed to ensure that implemented jurisdictions are aware of the other types of information that the SMART Office may request from them during its implementation assurance review.

This document can also serve as a reference to guide jurisdictions that are working on keeping their sex offender registration and notification functions up to date and their key information sharing systems functioning as planned.

The following examples illustrate the types of information that the SMART Office may request in order to ensure ongoing implementation of SORNA:

1. Changes in Points of Contact – Including the staff responsible for SORNA implementation work, key registry personnel, and changes in Tribal Leader or Governor.
2. Statutory/Policy Changes – Any statutory or procedural changes, such as changes to a jurisdiction's sex offender registration code, registration policy and procedures, forms, or substantive sex offenses within the jurisdiction's criminal code, including a copy of the enacting legislation or resolution and/or related documents.
3. Court Action – Any court cases or judicial decisions that result in a change to the jurisdiction's registration and notification program or a change to any registration and notification policy and procedure implemented.
4. Sex Offender Public Website
 - a. How are all the registered sex offenders currently required under a jurisdiction's law to appear on the public website actually posted on the public website?
 - b. How is all information required by SORNA posted on the jurisdiction's public website?

- c. How is the information displayed on the website regularly updated as required by the jurisdiction's law?
 - d. If displayed, how are all offender registration verification dates regularly updated?
 - e. Is the contact information on the public website current?
 - f. What search capabilities are enabled for the jurisdiction's interface with NSOPW?
 - g. For tribal jurisdictions:
 - i. How are sex offenders tiered in accordance with the tribe's sex offender registration code?
 - ii. If the tribe's registration entries are maintained by a state or other tribal entity:
 - How are any offenders who live, work or go to school on tribal land being registered and posted on the state or another tribe's public website?
 - How is the tribal registration official keeping track of the offenders who live, work or go to school on the tribe's land and are registered and posted on the state's or another tribe's public website. (If tribal law requires offenders to be registered who are not posted on the public website, how is the registration official keeping track of those offenders?)
5. SORNA Exchange Portal – How is the jurisdiction checking and submitting offender relocation tasks and updates to the SORNA Exchange Portal?
6. Federal/Jurisdictional Databases
- a. How are registration records being preserved and digitized?
 - b. How are registry officials ensuring that registrants' fingerprints have been uploaded to the FBI's Integrated Automated Fingerprint Identification System (IAFIS)?
 - c. How are palm prints being taken and submitted to the FBI's National Palm Print System (NPPS) for upload?
 - d. How are registry officials ensuring that registrants' DNA profiles have been submitted to the FBI's Combined DNA Index System (CODIS)?
 - e. How are all initial registrations and updated information being entered into the FBI's National Crime Information Center's National Sex Offender Registry (NCIC/NSOR)?
 - i. Which NSOR fields are programmed into the jurisdiction's system?
 - ii. Which NSOR fields are not programmed into the jurisdiction's system?

- f. How (and in what timeframe) is the jurisdiction collecting international travel information? How is that information submitted to the US Marshals Service?
7. Community Notification – How are members of the public notified about sex offenders in their community?
8. Enforcement of Non-compliant Offenders – How does the jurisdiction track, investigate, and prosecute non-compliant sex offenders?
9. Recapture of Offenders (for tribal jurisdictions) – How does the tribe “recapture” all sex offenders according to SORNA and tribal law, including:
 - a. How is/was notice provided to offenders of their obligation to register with the tribe on the statutory schedule of Tier 1 within a year, Tier 2 within 6 months, and Tier 3 within 3 months of passage of the Tribe’s Sex Offender Registration Code?
 - b. How has the tribe contacted the state for information on any sex offenders registered with the state who must now register with the tribe?
 - c. How has the tribe checked all jail and court records for any sex offender who was incarcerated or under supervision and now must register?
 - d. What are the procedures in place that provide notice regarding registration requirement to any offenders who are convicted of new offenses?
 - e. How has the tribe provided notice to all employers of employees’ obligation to register and how has the tribe reinitiated any on-going procedures (i.e. bulletins, postings, announcements of requirements for offenders to register)?
10. MOU’s/MOA’s – Have there been any changes to pre-existing agreements between tribes and states, or among tribal jurisdictions, relevant to sex offender registration and notification, or new agreements signed and implemented?
11. States with Tribes within their Borders – How is the state integrating tribes whose sex offender duties have been delegated to the state by operation of law or resolution into the state’s sex offender registration, notification and enforcement program?
12. Other Changes – Any items not captured above that may affect the jurisdiction’s SORNA substantial implementation status.