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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 requiring registration, or a foreign offense](#)  
14 [requiring registration, or a military offense requiring registration](#), regardless of whether an appeal  
15 is pending; or

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

1 (iii) There has been a plea of guilty or nolo contendere for any offense specified in  
2 subsection (e) or (k), [or a federal offense requiring registration, or a foreign offense requiring](#)  
3 [registration, or a military offense requiring registration](#), regardless of whether an appeal is  
4 pending; or

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

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

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

16 (e) "Criminal offense against a victim who is a minor" means, and includes, any of the  
17 following offenses or any offense in another jurisdiction that is substantially the equivalent of the  
18 following or for which the person is or would be required to register under ~~42 U.S.C. § 14071 or~~  
19 ~~18 U.S.C. § 4042(e)~~ [34 U.S.C. § 20911](#):

20 (1) Kidnapping or false imprisonment of a minor, in violation of §§ 11-26-1.4, 11-26-1 or  
21 11-26-2, where the victim of the offense is sixteen (16) years of age or older and under the age of  
22 eighteen (18) years;

23 (2) Enticement of a child in violation of § 11-26-1.5 with the intent to violate §§ 11-37-6,  
24 11-37-8, 11-37-8.1, 11-37-8.3;

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

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

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

30 (6) Any violation of § 11-9-1.3;

31 (7) Any violation of § 11-9-1.5;

32 (8) Any violation of § 11-37.1-10;

33 (9) Any violation of § 11-37-8.8;

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

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

4 (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),  
5 or 11-67.1-7(b).

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

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

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

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

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

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

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

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

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

1 [34 U.S.C. § 20911.](#)

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

3 (o) ["Day care establishment" means an establishment licensed by the state of Rhode](#)  
4 [Island or its agents, to provide day care services for children.](#)

5 (p) ["Federal offenses requiring registration" means, and includes, any conviction for the](#)  
6 [following offenses, any other offense hereafter included in 34 U.S.C. § 20911, or any conviction](#)  
7 [for an attempt or conspiracy to commit an offense enumerated in this subsection:](#)

8 (1) [18 U.S.C. § 1591 \(sex trafficking by force, fraud, or coercion\);](#)

9 (2) [18 U.S.C. § 1801 \(video voyeurism of a minor\);](#)

10 (3) [18 U.S.C. § 2241 \(aggravated sexual abuse\);](#)

11 (4) [18 U.S.C. § 2242 \(sexual abuse\);](#)

12 (5) [18 U.S.C. § 2243 \(sexual abuse of a minor or ward\);](#)

13 (6) [18 U.S.C. § 2244 \(abusive sexual contact\);](#)

14 (7) [18 U.S.C. § 2245 \(offenses resulting in death\);](#)

15 (8) [18 U.S.C. § 2251 \(sexual exploitation of children\);](#)

16 (9) [18 U.S.C. § 2251A \(selling or buying of children\);](#)

17 (10) [18 U.S.C. § 2252 \(material involving the sexual exploitation of a minor\);](#)

18 (11) [18 U.S.C. § 2252A \(material containing child pornography\);](#)

19 (12) [18 U.S.C. § 2252B \(misleading domain names on the internet\);](#)

20 (13) [18 U.S.C. § 2252C \(misleading words or digital images on the internet\);](#)

21 (14) [18 U.S.C. § 2260 \(production of sexually explicit depictions of a minor for import](#)  
22 [into the United States\);](#)

23 (15) [18 U.S.C. § 2421 \(transportation of a minor for illegal sexual activity\);](#)

24 (16) [18 U.S.C. § 2422 \(coercion and enticement of a minor for illegal sexual activity\);](#)

25 (17) [18 U.S.C. § 2423 \(transportation of minors for illegal sexual activity, travel with the](#)  
26 [intent to engage in illicit sexual conduct with a minor, engaging in illicit sexual conduct in](#)  
27 [foreign places\);](#)

28 (18) [18 U.S.C. § 2424 \(failure to file factual statement about an alien individual\); or](#)

29 (19) [18 U.S.C. § 2425 \(transmitting information about a minor to further criminal sexual](#)  
30 [conduct\).](#)

31 (q) ["Foreign offenses requiring registration" means, and includes, any conviction for a](#)  
32 [sex offense involving any conduct listed in this chapter that was obtained under the laws of](#)  
33 [Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country](#)  
34 [when the United States State Department in its country reports on human rights practices has](#)

1 concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in  
2 that country during the year in which the conviction occurred, or any conviction for an attempt or  
3 conspiracy to commit an offense enumerated in this subsection.

4 (r) "Habitually lives or sleeps" means living in a place with some regularity, and with  
5 reference to where the sex offender actually lives, which could be some place other than a  
6 mailing address or primary address but would entail a place where the sex offender lives on an  
7 intermittent basis.

8 (s) "Jurisdiction" means any of the fifty (50) states, the District of Columbia, the  
9 Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern  
10 Mariana Islands, the United States Virgin Islands, and any Indian tribe.

11 (t) "Military offense requiring registration" means, and includes, any conviction for any  
12 military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Pub. L.  
13 105-119, codified at 10 U.S.C. § 951 note, or any conviction for an attempt or conspiracy to  
14 commit an offense enumerated in this subsection.

15 (u) "Public or private educational institutions" means early childhood facilities (nursery  
16 school, pre-kindergarten and kindergarten), elementary, middle, secondary and post secondary  
17 educational institutions authorized or licensed by the state of Rhode Island.

18 **11-37.1-3. Registration required -- Persons covered.**

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

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

1 the city or town in which the nonresident worker or student is employed or attending school.

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

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

13 **11-37.1-4. Duration of registration -- Frequency of registration.**

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

22 (b) Sexually violent predators. Any person who has been determined to be a sexually  
23 violent predator in accordance with the provisions of § 11-37.1-6 shall be required to annually  
24 register in person with the local law enforcement agency having jurisdiction over the city or town  
25 in which the person having the duty to register resides for the life of that person and to verify his  
26 or her address on a quarterly basis for the life of that person.

27 (c) Recidivists and aggravated crime offenders. Any person required to register under §  
28 11-37.1-3 and who has one or more prior convictions for any offense described in § 11-37.1-2 or  
29 has been convicted of an aggravated offense as defined in § 11-37.1-2 shall annually register in  
30 person with the local law enforcement agency having jurisdiction over the city or town in which  
31 the person having the duty to register resides for the life of that person and to verify his or her  
32 address on a quarterly basis for the life of that person.

33 (d) Nonresident workers and students. Any nonresident person required to register  
34 pursuant to § 11-37.1-3(b)(1) or (2) shall annually register in person with the local law

1 enforcement agency having jurisdiction over the city or town in which the person having the duty  
2 to register is employed or attends school for the period of time that the person is employed in  
3 Rhode Island or is attending school in Rhode Island.

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

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

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

18 (h) Initial registration; Nonresident workers and students. All nonresident workers or  
19 students who are required to register under this chapter shall perform their initial registration by  
20 appearing in person at the local law enforcement agency in the city or town in which the person is  
21 employed or is attending school within twenty-four (24) hours of their first day of their personal  
22 attendance at their place of employment or school.

23 (i) Tolling provision. Where, during the period in which any person is required to  
24 register, a person required to register under this chapter is incarcerated or re-incarcerated for any  
25 offense or is civilly committed, the person's registration requirements shall be tolled during the  
26 subsequent incarceration, re-incarceration or commitment.

27 (j) Juveniles. Any juvenile having the duty to register under subsections (b) and (c) of this  
28 section shall be required to annually register in person with the local law enforcement agency  
29 having jurisdiction over the city or town in which the juvenile having the duty to register resides  
30 for fifteen (15) years subsequent to the date of release from confinement or placement in the  
31 community or probation for such offense or offenses and to verify his or her address on a  
32 quarterly basis for said fifteen (15) years. However, if a juvenile is adjudicated delinquent under §  
33 11-37-8.1 or 11-37-8.3, the court shall assess the totality of the circumstances of the offense and  
34 if the court makes a finding that the conduct of the parties is criminal only because of the age of

1 the victim, the court may have discretion to order the juvenile to register as a sex offender as long  
2 as the court deems it appropriate to protect the community and to rehabilitate the juvenile  
3 offender. Registration shall be subject to the provisions of this chapter.

4 (k) Annual registration for federal, foreign, or military offenses. Any person who has  
5 been convicted of a federal offense requiring registration, a foreign offense requiring registration,  
6 or a military offense requiring registration shall register for the duration and frequency as a sex  
7 offender in the same manner as if the offense were committed within Rhode Island.

8 **11-37.1-5. Registration requirement upon release, parole, or probation.**

9 (a) (1) Duty of state officials. If a person who is required to register under this chapter is  
10 released from prison, then the official in charge of the place of confinement or his or her designee  
11 shall comply with the provisions of subsection (b) of this section;

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

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

18 (4) If a person who is required to register under this chapter is released from a juvenile  
19 correctional facility, either outright or on some form of supervised release, then the person in  
20 charge of the institution shall comply with the provisions of subsection (b) of this section;

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

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

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

31 (1) Inform the person of the duty to register and obtain the information required for  
32 registration;

33 (2) Inform the person that if the person changes his or her residence address, the person  
34 shall give the new address to a designated state law enforcement agency in writing within twenty-



1 four (24) hours;

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

7 (4) Inform the person that if the person works or attends school in another ~~state~~  
8 [jurisdiction](#) in which he or she does not reside, the person shall register his or her employment  
9 address or address of the educational institution he or she attends as required by the other ~~state~~  
10 [jurisdiction](#);

11 (5) Obtain fingerprints, [palm prints](#) and a photograph of the person if these have not  
12 already been obtained in connection with the offense that triggers registration; and

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

15 (c) Registration information. In addition to the requirements of subsection (b) of this  
16 section, for a person required to register under § 11-37.1-3, then the person responsible for the  
17 notification required under subsection (b) of this section shall obtain the ~~name of the person,~~  
18 ~~identifying factors, anticipated future residence, juvenile and adult offense history, and~~  
19 ~~documentation of any treatment received for the mental abnormality or personality disorder of the~~  
20 ~~person.~~ [following information in a digitized format:](#)

21 [\(1\) Relating to the sex offender's name:](#)

22 [\(i\) The sex offender's full primary given name;](#)

23 [\(ii\) Any and all nicknames, aliases, and pseudonyms regardless of the context in which](#)  
24 [they are used; and](#)

25 [\(iii\) Any and all ethnic or tribal names by which the sex offender is commonly known.](#)

26 [This does not include any religious or sacred names not otherwise commonly known.](#)

27 [\(2\) Relating to the sex offender's date of birth:](#)

28 [\(i\) The sex offender's actual date of birth; and](#)

29 [\(ii\) Any other date of birth used by the sex offender.](#)

30 [\(3\) Relating to the sex offender's social security number:](#)

31 [\(i\) A valid social security number for the sex offender; and](#)

32 [\(ii\) Any social security number the sex offender has used in the past, valid or otherwise.](#)

33 [\(4\) A current digitized photograph of the sex offender.](#)

34 [\(5\) An accurate description of the sex offender as follows:](#)

- 1 (i) A physical description:
- 2 (ii) A general description of the sex offender's physical appearance or characteristics; and
- 3 (iii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or
- 4 tattoos.
- 5 (6) A photocopy of all of the sex offender's valid driver's licenses issued by any
- 6 jurisdiction.
- 7 (7) A photocopy of any identification card used by the sex offender.
- 8 (8) A photocopy of any passports used by the sex offender.
- 9 (9) A photocopy of any and all immigration documents used by the sex offender.
- 10 (10) Relating to the sex offender's residence:
- 11 (i) The address of each residence at which the sex offender resides or will reside; and
- 12 (ii) Any location or description that identifies where the sex offender habitually lives or
- 13 sleeps regardless of whether it pertains to a permanent residence or location otherwise identifiable
- 14 by a street or address.
- 15 (11) Relating to the sex offender's telephone numbers:
- 16 (i) Any and all landline telephone numbers;
- 17 (ii) Any and all cellular telephone numbers; and
- 18 (iii) Any and all telephone numbers and any other designations used by sex offenders for
- 19 the purposes of routing or self-identification in telephonic communications.
- 20 (12) Relating to the sex offender's Internet related activity:
- 21 (i) Any and all email addresses used by the sex offender;
- 22 (ii) Any and all Instant Message addresses and identifiers;
- 23 (iii) Any and all other designations or monitors used for self-identification in Internet
- 24 communications or postings; and
- 25 (iv) Any and all designations used by the sex offender for the purpose of routing or self-
- 26 identification and Internet communications or postings.
- 27 (13) Relating to all vehicles owned or operated by the sex offender for work or personal
- 28 use including land vehicles, aircraft, and watercraft:
- 29 (i) License plate numbers;
- 30 (ii) Registration numbers or identifiers;
- 31 (iii) General description of the vehicle to include color, make, model, and year; and
- 32 (iv) Any permanent or frequent location where any covered vehicle is kept.
- 33 (14) Relating to the sex offender's employment, any and all places where the sex offender
- 34 is employed in any means including volunteer and unpaid positions:

- 1 (i) The name of the sex offender's employer;
- 2 (ii) The address of the sex offender's employer; and
- 3 (iii) Similar information related to any transient or day labor employment.
- 4 (15) All licensing information that authorizes the sex offender to engage in an occupation
- 5 or carry out a trade or business.
- 6 (16) Relating to the sex offender's school:
- 7 (i) The name of each school at which the sex offender is or will be a student; and
- 8 (ii) The address of each school where the sex offender is or will be a student.
- 9 (17) Relating to the sex offender's criminal history:
- 10 (i) The date of all arrests;
- 11 (ii) The date of all convictions;
- 12 (iii) The sex offender's status of parole, probation, or supervised release;
- 13 (iv) The sex offender's registration status; and
- 14 (v) Any outstanding arrest warrants.
- 15 (18) Fingerprints and palm prints of the sex offender in a digitized format. The
- 16 department shall submit the sex offender's fingerprints to IAFIS and the sex offender's palmprints
- 17 to the FBI Central Database, Next Generation Identification Program.
- 18 (19) If the sex offender's DNA is not already contained in the Combined DNA Index
- 19 System (CODIS), the sex offender shall provide the department a sample of their DNA. Any
- 20 DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis
- 21 and entry of the resulting DNA profile into CODIS.
- 22 (20) The department shall obtain the text of each provision of law defining the criminal
- 23 offense(s) for which the sex offender is registered.
- 24 (21) When the sex offender will be absent from their residence for seven (7) days or
- 25 more:
- 26 (i) Identifying information of the temporary lodging locations including addresses and
- 27 names; and
- 28 (ii) The dates the sex offender will be staying at each temporary lodging location.
- 29 (22) In the event the sex offender will be traveling outside of the United States, the sex
- 30 offender must notify the department at least twenty-one (21) days in advance of the travel date
- 31 and provide any necessary information regarding their international travel. Upon notification of a
- 32 sex offender's intention to travel internationally, the department shall immediately notify and
- 33 provide the sex offender's travel information to INTERPOL.
- 34 (23) A signed copy of the sex offenders notice of registration and notification obligations

1 [as provided in § 11-37.4-7\(c\)\(2\).](#)

2 [\(24\) Documentation of any treatment received for the mental abnormality or personality](#)  
3 [disorder of the person.](#)

4 [\(25\) The local law enforcement agency and the designated state law enforcement agency](#)  
5 [shall maintain all information obtained under this chapter in a digitized format.](#)

6 [\(26\)](#) For purposes of this subsection, the provisions of chapter 37.3 of title 5 pertaining to  
7 health care privileges, the provisions of § 9-17-24 pertaining to the privilege of witnesses, or the  
8 provisions of § 42-72-8 pertaining to confidentiality of records of the department of children,  
9 youth and families, shall not be effective so as to prevent the transfer of information or the  
10 testimony of any person possessing any information required by this subsection. Any information  
11 so obtained may be transferred to the sex offender board of review and may be used by them in  
12 making a determination of whether or not the person is a sexually violent predator or in  
13 determining the level of notification under § 11-37.1-12. The information may also be used by the  
14 sentencing court or by any court reviewing the level of notification determined by the sex  
15 offender board of review or reviewing any conviction or sentence which requires registration  
16 under this chapter. Provided, information so obtained shall not be admissible in any other judicial  
17 proceeding against the subject of the information except to determine a person's status as a  
18 sexually violent predator or to determine or review the level of notification to the community  
19 which has been made by a court or the sex offender board of review. Provided, further, that this  
20 subsection shall not be applicable to any person for whom an appeal is pending for which a final  
21 judgment of conviction has not been entered, until the time that a final conviction has been  
22 entered.

23 **11-37.1-6. Community notification.**

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

30 (b) Duties of the Board. Upon passage of this legislation, the sex offender board of  
31 review will utilize a validated risk assessment instrument and other material approved by the  
32 parole board to determine the level of risk an offender poses to the community and to assist the  
33 sentencing court in determining if that person is a sexually violent predator. If the offender is a  
34 juvenile, the Department of Children, Youth & Families shall select and administer a risk

1 instrument appropriate for juveniles and shall submit the results to the sex offender board of  
2 review.

3 (c) Duties of other state agencies. Six (6) months prior to release of any person having a  
4 duty to register under § 11-37.1-3, or upon sentencing of a person having a duty to register under  
5 § 11-37.1-3, if the offender is not incarcerated, the agency having supervisory responsibility and  
6 the Interstate Compact Unit of the Rhode Island department of corrections upon acceptance of  
7 supervision of a sexual offender from the sending ~~state~~ [jurisdiction](#) shall refer the person to the  
8 sex offender board of review, together with any reports and documentation that may be helpful to  
9 the board, for a determination as to the level of risk an offender poses to the community and to  
10 assist the sentencing court in determining if that person is a sexually violent predator.

11 (2) (i) The board shall within thirty (30) days of a referral of a person shall conduct the  
12 validated risk assessment, review other material provided by the agency having supervisory  
13 responsibility and assign a risk of re-offense level to the offender. In addition, the board may find  
14 that, based on the assessment score and other material, that the person may possess a mental  
15 abnormality or personality disorder that makes the person likely to engage in sexually violent  
16 predatory offenses. In these cases, the committee shall ask the parole board psychiatrist or if the  
17 offender is a juvenile, a DCYF psychiatrist to conduct a sex offender evaluation to determine if  
18 the offender possesses a mental abnormality or personality disorder that affects the emotional or  
19 volitional capacity of the person in a manner that predisposes that person to the commission of  
20 criminal sexual acts to a degree that makes the person a menace to the health and safety of other  
21 persons.

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

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

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

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

34 (4) Notwithstanding any other provision of law, the board shall have access to all relevant

1 records and information in the possession of any state official or agency having a duty under §§  
2 11-37.1-5(a)(1) through (6), relating to the juvenile and adult offenders under review by the  
3 board, including, but not limited to, police reports; prosecutor's statements of probable cause,  
4 presentence investigations and reports, complete judgments and sentences, current classification  
5 referrals, juvenile and adult criminal history records, violation and disciplinary reports, all  
6 psychological evaluations and psychiatric evaluations, psychiatric hospital records, sex offender  
7 evaluations and treatment reports, substance abuse evaluations and treatment reports to the extent  
8 allowed by federal law. Records and information obtained by the board of review under this  
9 subsection shall remain confidential, provided that the board of review may disclose the records  
10 and information to the sentencing court in accordance with the provisions of this chapter.

11 (5) Duties of the director of the department of corrections/director of the department of  
12 children, youth and families. Not less than sixty (60) days prior to release of any person subject to  
13 this chapter, the director of the department of corrections or, in the event the person is a juvenile,  
14 the director of the department of children, youth and families, or their respective designees, shall  
15 seek verification that the duties of the sex offender board of review and any other state agency  
16 have been fulfilled as specified in § 11-37.1-6 et seq. In the event that the director of the  
17 department of corrections or, in the event the person is a juvenile, the director of the department  
18 of children, youth and families, cannot obtain verification, he or she shall, no less than thirty (30)  
19 days prior to the release of a person subject to this chapter, file with the presiding judge of the  
20 superior court or, in the case of a juvenile, the chief judge of the family court, a petition in the  
21 nature of mandamus, seeking compliance with this chapter. The court shall promptly, but no less  
22 than ten (10) days from the filing of the petition, hold a hearing on the petition. The court may, in  
23 its discretion, enter any orders consistent with this chapter to compel compliance, however, the  
24 court may not delay the release of any person subject to this chapter for the failure of the sex  
25 offender board of review or any state agency to fulfill its obligations under this chapter.

26 **11-37.1-7. Transfer of information to designated state law enforcement agency and**  
27 **the FBI.**

28 (a) The person required to provide notice in accordance with § 11-37.1-5(b) and the local  
29 law enforcement agencies required to register persons who have a duty to register in accordance  
30 with § 11-37.1-4, shall, within three (3) days after receipt of information defined in that section,  
31 forward it to a designated state law enforcement agency. The designated state law enforcement  
32 agency shall immediately enter the information into the appropriate state law enforcement record  
33 system. ~~The state law enforcement agency shall also immediately transmit the conviction data and~~  
34 ~~fingerprints to the Federal Bureau of Investigation.~~

1 (b) Whenever a sex offender initially registers or updates their information with the state,  
2 the designated state law enforcement agency shall immediately notify:

3 (1) Any and all other registration jurisdictions where the sex offender is registered due to  
4 the sex offender's residency, school attendance, or employment;

5 (2) The FBI or other federal agencies as designated by the United States attorney general  
6 in order that the information may be updated on NSOR or other relevant databases;

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

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

12 (c) The department shall ensure there is an automated community notification process in  
13 place that ensures the following:

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

16 (2) The state's public sex offender registry has a function that enables the general public  
17 to request an email notice that will notify them when a sex offender commences residence,  
18 employment, or school attendance with the state, within a specified zip code, or within a certain  
19 geographic radius. This email notice shall include the sex offender's identity so that the public  
20 can access the public registry for the new information.

21 (d) The notification requirements of subsections (a)(4) and (c)(2) of this section do not  
22 apply to sex offenders who were adjudicated delinquent of a sex offense.

23 (e) Notwithstanding the aforementioned notification requirements, the designated state  
24 law enforcement agency and local law enforcement agencies where the sex offender resides, is  
25 employed or attends school, may utilize other forms of community notification consistent with  
26 the provisions and intent of this chapter.

27 (f) In the event a sex offender fails to register or fails to verify or update their registration  
28 information, the local law enforcement agency shall immediately inform the local law  
29 enforcement agency of the city or town where the sex offender resides, is employed or attends  
30 school, the jurisdiction that provided notification that the sex offender was to commence  
31 residency, employment, or school attendance, and the designated state law enforcement agency  
32 that the sex offender failed to appear for registration or failed to update their registration  
33 information.

34 (1) Upon notification by the designated state law enforcement agency, the local law

1 enforcement agency where the sex offender resides, is employed or attends school, shall:

2 (i) Make an effort to determine if the sex offender is actually residing, employed or  
3 attending school within their city or town; and

4 (ii) Seek a warrant for the sex offender's arrest for failing to register or verify or update  
5 their registration in compliance with this chapter. The U.S. Marshals Service or FBI may be  
6 contacted in an attempt to obtain a federal warrant for the sex offender's arrest.

7 (iii) The designated state law enforcement agency shall update the registry to reflect that  
8 the sex offender is not in compliance with their duty to register.

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

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

18 (2) If an absconded sex offender cannot be located then the designated state law  
19 enforcement agency shall take the following steps:

20 (i) Update the registry to reflect the sex offender has absconded or is otherwise not  
21 capable of being located;

22 (ii) Notify the local law enforcement agency where the sex offender resides, so the local  
23 law enforcement agency can seek a warrant for the sex offender's arrest.

24 (iii) Notify the U.S. Marshals Service or FBI so they may attempt, if necessary, to obtain  
25 a federal warrant for the sex offender's arrest;

26 (iv) Update the NSOR to reflect the sex offender's status as an absconder, or is otherwise  
27 not capable of being located; and

28 (v) Enter the sex offender into the National Crime Information Center Wanted Person  
29 file.

30 **11-37.1-8. Verification of address.**

31 (a) For a person required to register under § 11-37.1-3(a)(1) or (2) on each anniversary of  
32 the person's initial registration date during the period in which the person is required to register:

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



1 the person;

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

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

14 **11-37.1-9. Notification of local law enforcement agencies of changes in address.**

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

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

29 (c) Duty of law enforcement agency; Changes of residence within the state. For any  
30 person required to register under this chapter, the local law enforcement agency having  
31 jurisdiction where the person is residing, shall, if the person changes residence to another city or  
32 town in Rhode Island, notify the local law enforcement agency with which the person must  
33 register in the new city or town and notify the ~~state~~ designated state law enforcement agency. The  
34 designated state law enforcement agency shall provide immediate notice as provided under § 11-

1 [37.1-7 \(b\).](#)

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

13 [\(e\) Duty of person required to register; Changes in required registration information. A](#)  
14 [person who has been convicted of an offense which requires registration under this chapter shall](#)  
15 [immediately notify the local law enforcement agency having jurisdiction where the person is](#)  
16 [residing, is employed, or attending school of any changes to their temporary lodging information,](#)  
17 [vehicle information, Internet identifiers, or telephone numbers. In the event of a change in](#)  
18 [temporary lodging, the sex offender and the local law enforcement agency shall immediately](#)  
19 [notify the jurisdiction in which the sex offender will be temporarily staying. The local law](#)  
20 [enforcement agency having jurisdiction shall also notify the designated state law enforcement](#)  
21 [agency. The designated state law enforcement agency shall provide immediate notice as provided](#)  
22 [under § 11-37.1-7 \(b\).](#)

23 [\(f\) With regard to changes in a sex offender's registration information, the designated](#)  
24 [state law enforcement agency shall immediately notify:](#)

25 [\(1\) All jurisdictions where a sex offender was required to register prior to the updated](#)  
26 [information being given;](#)

27 [\(2\) All jurisdictions where a sex offender intends to reside, work, or attend school;](#)

28 [\(3\) All jurisdictions where the sex offender is either registered or required to register;](#)

29 [\(4\) Specifically with respect to information relating to a sex offender's intent to](#)  
30 [commence residence, school, or employment outside of the United States, any jurisdiction where](#)  
31 [the sex offender is either registered or required to register, and the U.S. Marshals Service; and](#)

32 [\(5\) The NSOR.](#)

33 [\(g\) In the event the sex offender will be traveling outside of the United States, the sex](#)  
34 [offender must notify the local law enforcement agency at least twenty-one \(21\) days in advance](#)

1 of the travel date and provide any necessary information regarding their international travel. The  
2 local law enforcement agency having jurisdiction shall also notify the designated state law  
3 enforcement agency. The designated state law enforcement agency shall provide immediate  
4 notice as provided under § 11-37.1-7 (b). Upon notification of a sex offender's intention to travel  
5 internationally, the designated state law enforcement agency shall immediately notify and provide  
6 the sex offender's travel information to INTERPOL.

7 **11-37.1-10. Penalties.**

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

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

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

24 (d) Any level-three (3) sex offender who knowingly resides within one thousand feet  
25 (1,000') of any ~~school, public or private,~~ day care establishment or public or private educational  
26 institution, which distance shall be measured from the nearest boundary line of the real property  
27 supporting the residence of the level three (3) sex offender to the nearest boundary line of the real  
28 property that supports or upon which there exists a day care establishment or public or private  
29 educational institution shall be guilty of a felony and, upon conviction, may be imprisoned for not  
30 more than five (5) years, or fined not more than five thousand dollars (\$5,000), or both.

31 **11-37.1-11. Release of information.**

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

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

3 (1) Information may be disclosed to law enforcement agencies for law enforcement  
4 purposes;

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

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

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

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

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

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

29 **11-37.1-12. Rules and regulations for community notification.**

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

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

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

3 (2) If risk of re-offense is moderate, organizations in the community likely to encounter  
4 the person registered shall be notified in accordance with the parole board's guidelines, in  
5 addition to the notice required by subdivision (1) of this subsection;

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

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

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

17 (ii) The website shall include:

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

19 (B) Instructions on how a person can seek correction of information that the individual  
20 contains is erroneous;

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

25 (D) All field search capabilities needed for full participation in the Dru Sjodin National  
26 Sex Offender Public website and shall participate in that website as provided by the Attorney  
27 General of the United States.

28 (iii) The following information shall be made available to the public on the website:

29 (A) Notice that an offender is in violation of their registration requirements or cannot be  
30 located if the sex offender has absconded;

31 (B) All sex offenses for which the sex offender has been convicted;

32 (C) The sex offense(s) for which the offender is currently registered;

33 (D) The address of the sex offender's employer(s);

34 (E) The name of the sex offender including all aliases;

- 1 [\(F\) A current photograph of the sex offender;](#)  
2 [\(G\) A physical description of the sex offender;](#)  
3 [\(H\) The residential address and, if relevant, a description of a location where the sex](#)  
4 [offender habitually lives or sleeps;](#)  
5 [\(I\) All addresses of schools attended by the sex offender; and](#)  
6 [\(J\) The sex offender's vehicle license plate number along with a description of the](#)  
7 [vehicle.](#)

8 [\(c\) The following information shall not be available to the public on the sex offender](#)  
9 [registry website:](#)

- 10 [\(1\) Any arrest that did not result in conviction;](#)  
11 [\(2\) The sex offender's social security number;](#)  
12 [\(3\) Any travel and immigration documents;](#)  
13 [\(4\) The identity of the victim;](#)  
14 [\(5\) Internet identifiers \(as defined in 42 U.S.C. § 16911\); and](#)  
15 [\(6\) Any information of a sex offender who was adjudicated delinquent of a sex offense.](#)

16 [\(d\) For sex offenders who are under a witness protection program, the designated state](#)  
17 [law enforcement agency may honor the request of the United States Marshals Service or other](#)  
18 [agency responsible for witness protection by not including the original identity of the offender on](#)  
19 [the publicly accessible sex offender registry website.](#)

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

1           SECTION 2. This act shall take effect on January 1, 2019 and shall apply to all persons  
2 who are required to register as a sex offenders.

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LC004514  
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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 of the federal sex offender registration and  
2 notification act, to include registration for a litany of federal or military offenses, conspiracy or  
3 aiding in the commission of offenses, and would also mandate that law enforcement agencies  
4 retain registration information in digitized form, and specify what information can or cannot be  
5 shared on a public registry website.

6           This act would take effect on January 1, 2019, and would apply to all persons who are  
7 required to register as a sex offenders.

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