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0:00:05.3 Outspoken Offender: Welcome to The Outspoken Offender podcast. I'm a filmmaker, podcaster, dog dad, and of course, an advocate. I encourage people forced to register and their family members to move beyond stereotypes and social ostracism. Welcome to the show.

0:00:31.0 OO: Thanks for tuning in to this episode of The Outspoken Offender podcast, and today is about SORNA, the Sex Offender Registration Notification Act. You gotta love these acronyms, right? This was enacted in 2006. The reason why I'm talking about this today is SORNA has heavily personally impacted me today, and you may have been impacted as well. This is a national level, it's a national database of people convicted of sexual-based crimes.

0:01:06.2 OO: Every state in this nation has different registration requirements, and not every state has fully implemented the SORNA status. So SORNA has been trying to get all the states in the United States to implement everything that they have listed down: Regulations, how long you should register, how long you should appear to register, and all those things. So for example, SORNA requirements state that there are three levels on a national basis. Tier 1 offenders must appear once per year for 15 years.

0:01:46.6 OO: Now, these are... These stipulations and tiers are going to be for people that have been convicted of a federal crime, a federal sex crime. So in my situation, it was a federal crime, child pornography, okay. So let's move to Tier 2. Offenders must appear at every six months for 25 years. Then we move to Tier 3: Offenders must appear every three months for life.

0:02:13.6 OO: Now, going back to Tier 1, if you have a clear record, you can ask to be removed after a 10-year period. Now, here's the kicker, folks, I thought I was on Tier 1. I did not realize that SORNA has its own tiers versus other states. I was convicted in Utah, okay? And so I'm thinking to myself, well, I'm Tier 1, Utah doesn't have any tiers, but that's what I'm thinking in my head, because my offense is child pornography. And this is where it gets confusing. What determines if you're on the different levels, Tier 1, Tier 2, Tier 3? Well, that's going to depend on your offense.

0:02:57.4 OO: When we look at the Tier offenses, I'm going to read a few of these, Tier 1, these are federal offenses, video voyeurism of a minor, receipt or possession of child pornography, misleading domain names on the internet, don't know, understand that one, misleading words, misleading words or digital images on the internet, travel with intent to engage in illicit sexual conduct, engaging in illicit sexual conduct in foreign places, failure to file a factual statement about an alien individual and so on. Those are Tier 1 SORNA federal offenses.

0:03:31.8 OO: Tier 2: Sex trafficking of children or by force, fraud or coercion, abusive sexual contact where the victim is 13 or older, sexual exploitation of children, selling or buying of children, production or distribution, which I was talking about, of child pornography, production of sexually explicit depictions of a minor for import into US, transportation of a minor for illegal sexual activity, transportation of minor with intent to engage in criminal sexual activity, and there's a few others.

The Sex Offender Registration and Notification Act [SORNA] Is Constitutional Mess

0:04:01.9 OO: Tier 3 is the highest level: Aggravated sexual abuse, sexual abuse, sexual abuse of a minor or a ward, abuse of sexual contact where the victim is 12 or younger. I am going to leave some information about SORNA in the show notes, some PDFs that you can download if you're confused like me. But I do know this: Tier 1, 15 years or 10 with a clean record, and that involves possession of child pornography, for example, receipt of child pornography.

0:04:34.7 OO: With my case, I had three charges because I went to a bench trial, I did not do a plea deal, they did not deduct any charges, so technically I have receipt, distribution and possession of child pornography, even though it was non-nude, I'm not going to get into that, but those were my charges. The thing here, which bumps it up to Tier 2, is the distribution of child pornography or production. I did not have production but I had distribution. As far as I know, this is fact, so this bumps me up to Tier 2, this puts me in other classifications as sex trafficking, enticement, sexual activity with a minor. In production of child pornography, which I was not convicted of. It's the distribution, which was online, I had non-nude child modeling sites.

0:05:34.0 OO: Since I live in a state, which is Washington, has not implemented SORNA, according to Washington, I am level 1, which is 10 years. So this is where it just gets so confusing. Are you in the same situation? I'd love to hear from you. I have so many questions in my head. After 10 years, if I'm removed from Washington's registry, what does SORNA do? I guess I'm still registered in a national database, but I'm not required to register in the state of Washington, so that means I don't have to go to the sheriff's office. I mean, come on. This is absurd.

0:06:17.9 OO: This is absurd, and SORNA has had some challenges to the constitutionality of their registry requirements, including a Tenth Circuit ruling not too long ago, this was in September of 2012, Tenth Circuit upholds constitutionality of sex offender registry, and we're talking about SORNA. The US Court of Appeals for the Tenth Circuit said that the registry was not meant to be punishment, and I have to laugh. You've gotta be kidding me. Not punishment for the people and the families on the registry, we know that to be bullshit.

0:06:58.6 OO: So the defendants that brought this into court, they argue that their status as registrants in a public database subjected them to harassment, shunning and actual and potential physical and mental abuse, and you throw in the fact that you can't find work, you can't find housing, the social life sucks, and all that stuff, but still, the Tenth Circuit says, no, it is not punishment.

0:07:22.7 OO: Okay, then we go back to the year 2003, the Supreme Court upheld Alaska's registration statute, reasoning that sex offender registration is a civil measure reasonably designed to protect public safety. Bullcrap. Not a punishment which can be applied ex post facto. So there is a ruling there from 2003. I mean, there's so many cases that have popped up throughout the states, Alaska, California, Florida, Hawaii, Maryland, Michigan, Missouri, I'm not going to go through all of these. The argument by the states that have not fully implemented SORNA are, they're saying the costs are too high.

0:07:58.9 OO: For example, Texas estimated that it would cost \$38 million to fully implement SORNA. This was a few years ago that they had mentioned that. Arizona's attitude toward SORNA

The Sex Offender Registration and Notification Act [SORNA] Is Constitutional Mess

compliance is basically based largely on a long-standing fixation on federalism, they don't want to have the control of the federal government, the federal government telling states what to do. So a few states that have fully implemented SORNA, or I should say substantially, Nevada is one of them, Wyoming, Colorado, Missouri, Tennessee, South Carolina, Florida. Not a surprise there, Virginia, Ohio, Michigan, Louisiana, and there's a few others.

0:08:40.3 OO: Back in July 2009, there was an official deadline for states to implement SORNA, and none of the 47 states that responded to the survey indicated that they would meet the deadline. Then it was extended, the deadline, to July 2010. That survey was conducted in February and March at the request of US Senator Patrick Leahy of Vermont. So the states back then that responded to the survey cited several factors impacting their ability to comply with the requirements, it includes the cost, the Act's juvenile registration and reporting requirements and the new registration requirements that are retroactive, so states are seeing problems with SORNA and some of them are refusing at this point to implement all the requirements.

0:09:27.8 OO: So it's a very confusing mess, and it has upset me today to realize that I may be in a higher class or a higher level according to SORNA versus different states. Now, since Nevada has implemented SORNA, if I lived in Nevada, I'm guessing I would be level 2, but I live in Washington, which is considered level 1. My God, I have a headache. I have a big headache from studying this today, and I am still confused. In fact, I do have some calls and emails into SORNA, the SMART office, they call it. It's an acronym again. And I'm hoping to find some answers.

0:10:08.1 OO: Have I been wrongly put on level 2? I don't know. I am concerned because I do have that distribution charge. I am going to have to look into the possibilities of fighting this, and I know that's probably laughable.

0:10:26.5 OO: If some of the things I said today aren't fully accurate, email me, let me know, correct me. I don't mind that. I'm still learning about SORNA and how it works with different states. It's very strange, it's very confusing, and obviously, I feel that most or all of SORNA is unconstitutional. The whole registry needs to be removed. I'll leave that for another podcast episode, I think I do have an episode on that topic. All of these laws have come about, most of them, at least, from the Supreme Court's false facts, the estimated recidivism rates as high as 80%, from some magazine that had a... It was a practitioner's guide, actually, it was a mass market magazine aimed at a lay audience with some snippet about recidivism rates as high as 80%.

0:11:24.5 OO: And that was a false claim. It was not correct, it was false. And unfortunately, you've had a lot of laws implemented due to that lie from the Supreme Court and those findings, and SORNA is one of those, and that is tied to the Adam Walsh Act.

0:11:42.9 OO: So boy, this podcast could go on forever, but I don't want it to get more confusing than it is... I've tried to break down a little bit about SORNA and how you may personally be affected by it, even though you live in certain states and you may have to register with the state, and then there's SORNA. So, my goodness. Again, I'm going to leave the PDF SORNA guide in the show notes that you can download and have, and you'll have the answers as well.

The Sex Offender Registration and Notification Act [SORNA] Is Constitutional Mess

0:12:14.8 OO: So thank you so much, I'm The Outspoken Offender. Please share the podcast. Join me on YouTube as well, don't forget, I have an awesome YouTube Channel. You can see me there, I talk about these sorts of issues. And remember, you are not a label. Thanks and have a great day.

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0:12:34.0 OO: Thanks for listening to this podcast episode. I'm The Outspoken Offender. Helping people forced to register and their family members move beyond stereotypes and social ostracism. I'd love to hear from you, you can connect with me on YouTube and Twitter, and remember, you are not a label.