

Sex Offender Registration and Notification Act (SORNA) Reallocation Funds

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SORNA Topics

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SORNA Reallocation Funds: Background Information

SORNA Reallocation Funds: Background Information

- SORNA is Title I of the Adam Walsh Child Protection and Safety Act of 2006.
- SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.
- The Office of Justice Programs' (OJP) Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office is responsible for:
 - Developing programs that are designed to implement SORNA.
 - Determining whether each state is in substantial compliance (currently, 18 states).
- Illinois has not substantially implemented SORNA, and has never been considered to be in substantial compliance.

SORNA Reallocation Funds: Background Information

- SORNA penalty: a state that has not substantially implemented SORNA receives a 10 percent reduction to the funds that it would otherwise receive under its Byrne JAG formula grant.
- The reduction is applied to the JAG grant for the following fiscal year.
- For funds withheld, SORNA provides reallocation:
 - “Amounts not allocated under [JAG] to a jurisdiction for failure to substantially implement [SORNA] shall be reallocated under [JAG] to jurisdictions that have not failed to substantially implement [SORNA] or may be reallocated to a jurisdiction from which they were withheld **to be used solely for the purpose of implementing [SORNA].**” See 42 U.S.C. § 16925(c) (emphasis added).

SORNA Reallocation Funds: Background Information

- States that have been penalized and want the funds reallocated back to it must make a written request to the SMART Office that must include a plan and timeline for substantial compliance.
- The decisions on those requests is made by the Assistant Attorney General for OJP.
- As Illinois' SAA, ICJIA is responsible for submitting that request, which it does in collaboration with the Illinois State Police.

Illinois' Implementation of SORNA

Illinois' Implementation Issues

- Legislative Matters:
 - SORNA requires a three-tier registration system; Illinois currently has a two-tier system
 - SORNA mandates a 15-year minimum registration; Illinois has a 10-year minimum
 - Registerable offenses that Illinois currently does not cover:
 - Conspiracy to commit any sex offense
 - Several federal offenses
 - Information that must be collected at the time of registration that Illinois does not capture:
 - Digitized copies of passports
 - Digitized copies of immigration documents
 - Palm prints

Illinois' Implementation Issues

- Non-legislative Matters:
 - All sex offenders must have a palm print on file, but not all Illinois law enforcement agencies and prisons have Livescan and/or the necessary hardware and software.
 - Immediate transfer of information at the time of initial registration to other jurisdictions, the national registry, and the registry website, which requires electronic means that not all jurisdictions in Illinois have.
 - Website deficiencies:
 - The state's registry website must capture multiple addresses, phone numbers, etc. for the offender, but ISP uses LEADS, which is only able to capture one.
 - The registry website must contain criminal history, employer address, and other information that Illinois does not currently do.
 - An active community notification system—Illinois does not have this technology in place.

ICJIA's Historical Use of Reallocated Funds

Funded Agency	Agreement #	Award amount	Lapsed Funds	Activity
ISP	182001	\$257,227	\$249,667	Procurement of electronic filing system and computer equipment.
Illinois Sheriffs' Association	182002	\$258,679	\$0	Twelve-month Offender Watch contract.
ISP	182003	\$242,970	\$152,401	Scanning contract.
Illinois Sheriffs' Association	182004	\$422,492	\$0	31-month Offender Watch contract.
ISP	185001 (FFY '15)	\$239,885	\$0	Procurement of a dedicated SORNA server.
ISP	186001 (FFY '16)	\$249,593	\$214,904	Personnel for document scanning overtime.

- Reallocated SORNA funds first became available in FFY '12.
- SORNA funds from FFY '12, '13, and '14 were combined to support the first 4 agreements listed.
- ICJIA has been told from the Federal monitor that SORNA funds may no longer be used to support Offender Watch, as Offender Watch does not meet the standards established by SORNA and the SMART Office.

ICJIA's Plan for FFY '16 and '17

Reallocated Funds

ICJIA's Plan for FFY '16 and '17 Reallocated Funds

- Potential uses are limited to things that would address Illinois' non-legislative implementation issues.
- FFY '16 funds: \$214, 904 remain, which have been extended through 1/31/18.
- FFY '17 funds: \$248,403.
- Budget Committee has approved issuing a NOFO using both FFY '16 and '17 funds for awards to law enforcement agencies for the procurement of equipment to facilitate the electronic submission of sex offender documents to ISP.
- Equipment would include scanners, computers, servers, Livescan and related software/hardware, and related peripherals.

Looking Forward

Looking Forward

- ICJIA currently expects that FFY '17 will be the last year that ICJIA expects to receive reallocated SORNA funds.
 - Legislation set to expire.
 - Change in administration.
 - Illinois unlikely to substantially implement SORNA.