January 21, 2012

The Honorable Lamar Smith
Chair, House Judiciary Committee
2409 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers
Ranking Member, House Judiciary Committee
1201 Longworth House Office Building
Washington, DC 20515

Dear Congressmen Smith and Conyers:

I write on behalf of the members of the National Criminal Justice Association (NCJA) who are the chief executive officers of the state and territorial criminal justice planning agencies. In this role they administer the Byrne Justice Assistance Grant (Byrne JAG) program. While NCJA member agencies are not responsible for compliance with the Sex Offender Registration and Notification Act (SORNA), they have a direct role and interest in implementation. First and foremost, our members strongly support the intent of the bill in protecting our children and communities from sexual predators. NCJA members are also involved since the penalty for non-compliance with SORNA is the withholding of 10 percent of a state’s Byrne JAG award. Byrne JAG is the cornerstone federal criminal justice grant program, allowing the federal government to support innovative, evidence-based approaches to preventing and fighting crime in states nationwide.

Most states and territories are working diligently to come into compliance with SORNA. To date, 15 states, two territories and 22 tribes have been found to be in substantial compliance. We anticipate as many as 10-15 more states could come into compliance over the next year. Given that the SMART Office’s supplemental guidelines for implementation were released only 12 months ago, this is a record of which the states can be proud.

Many states not yet in compliance have identified four primary remaining barriers to implementation:

1. the frequency with which offenders must register in-person with their registering authority;
2. the length of time juvenile offenders must remain on the registry before allowed to seek judicial review;
3. the offender information which must be disclosed to the public; and,
4. the lack of flexibility in classification.

Furthermore, NCJA members believe the statute should provide the Attorney General with flexibility in applying the penalty based on a state’s compliance status. Also, NCJA members believe that tribes in PL 280 states should have the opportunity to be registration jurisdictions.
We understand that the House Judiciary Committee is scheduled to consider a bill to reauthorize the Adam Walsh Act on Tuesday, January 24. We respectfully request that the Committee consider providing additional flexibility in the areas outlined above which, taken together, can move the majority of remaining states into substantial compliance with SORNA while at the same time maintaining the highest level of public safety.

Thank you for your consideration.

Sincerely,

[Signature]

Cabell Cropper  
Executive Director

cc:  
Rep. James Sensenbrenner, Chair, Crime, Terrorism, and Homeland Security Subcommittee  
Members of the House Judiciary Committee