

necessary to revoke the offender's liberty in the community.

### Matters of Regulatory Procedure

#### *Administrative Procedure Act*

The implementation of these regulations as interim regulations, with provision for post-promulgation public comments and without any delay in its effectiveness, is based on the "good cause" exceptions found at 5 U.S.C. 553(b)(3)(B) and (d)(3). The anticipated benefits of the rulemaking include an increase in the public safety of the community, relief to the courts and the USPC, and responsive supervision for offenders who may be at risk for continued non-compliant behavior.

Accordingly, CSOSA issued interim regulations to allow for public comment during the implementation of its procedures for the imposition of administrative sanctions. CSOSA received one comment on the interim regulations. The commenter, the Director of Corrections for Volunteers of America, a national, nonprofit organization, expressed support for the interim regulations. The commenter, citing previous technical violation pilot projects and guides produced by the Center for Effective Public Policy and the National Institute of Corrections, stated that CSOSA's interim regulations were what community corrections needs nationwide to effectively empower community supervision staff and reduce unnecessary paperwork and downtime for judges/judicial staff, parole commission and staff, and supervising agency staff. CSOSA is therefore adopting the interim regulations as final without any change.

#### *Executive Order 12866*

This rule has been determined to be significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB).

#### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this

rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to agency management, and its economic impact is limited to the agency's appropriated funds.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Plain Language Instructions*

If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call the Records Manager (Roy Nanovic) at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

#### **List of Subjects in 28 CFR Part 810**

Probation and Parole.

### **PART 810—COMMUNITY SUPERVISION: ADMINISTRATIVE SANCTIONS**

■ Accordingly, CSOSA adopts the interim rule published at 66 FR 48336 which added part 810 to chapter VIII, title 28 of the Code of Federal Regulations as a final rule without change.

**Paul A. Quander, Jr.,**

*Director.*

[FR Doc. 03-9932 Filed 4-21-03; 8:45 am]

**BILLING CODE 3129-01-P**

### **COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

#### **28 CFR Part 811**

[CSOSA-0005-F]

RIN 3225-AA03

#### **District of Columbia Sex Offender Registration**

**AGENCY:** Court Services and Offender Supervision Agency for the District of Columbia.

**ACTION:** Final rule.

**SUMMARY:** The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") is finalizing its interim rule that set forth procedures and requirements relating to the registration in the District of Columbia of sex offenders, the verification of the information maintained on registered sex offenders, and the reporting of changes in that information. These regulations carry out responsibilities of CSOSA under Federal and District of Columbia law.

**EFFECTIVE DATE:** April 22, 2003.

**ADDRESSES:** Office of the General Counsel, CSOSA, Room 1253, 633 Indiana Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Records Manager (telephone: (202) 220-5359; e-mail: roy.nanovic@csosa.gov).

**SUPPLEMENTARY INFORMATION:** CSOSA is finalizing its interim regulations on the registration of sex offenders in the District of Columbia (28 CFR part 811) which were published in the **Federal Register** on August 21, 2002 (67 FR 54093).

Under the Sex Offender Registration Act of 1999 ("SORA" or "Act", D.C. Law 13-137, D.C. Official Code 22-4001 *et seq.*), and section 166(a) of the Consolidated Appropriations Act, 2000 (Pub. L. 106-113 § 166(a), 113 Stat. 1530; D.C. Official Code § 24-133(c)(5)), CSOSA is responsible for carrying out sex offender registration functions in the District of Columbia, including maintaining and operating the sex offender registry. The sex offender registry contains information about sex offenders who live, reside, work, or attend school in the District of Columbia. Information about sex offenders and photographs, fingerprints, and supporting documents are provided by CSOSA to the Metropolitan Police Department, which is responsible for disclosing information about registered sex offenders to the public in

conformity with District of Columbia laws and regulations. Appropriate information is also transmitted to the FBI, which operates the National Sex Offender Registry, and to sex offender registration authorities in other jurisdictions. This system is designed to further public safety by facilitating effective law enforcement, enabling members of the public to take lawful measures to protect themselves and their families, and reducing offenders' exposure to temptation to commit more crimes.

### Matters of Regulatory Procedure

#### *Administrative Procedure Act*

CSOSA implemented its sex offender registration functions as interim regulations, with provision for post-promulgation public comments, based on the "good cause" exceptions found at 5 U.S.C. 553(b)(3)(B) and (d)(3). The regulations implement, in part, section 166(a) of the Consolidated Appropriations Act, 2000 (Pub. L. 106-113 § 166(a), 113 Stat. 1530; D.C. Official Code § 24-133(c)(5)), which directs CSOSA to carry out sex offender registration functions in the District of Columbia, and various provisions of District of Columbia law and regulations, including sections 3, 8, 9 and 10 of the Sex Offender Registration Act of 1999 (D.C. Official Code §§ 22-4002, 4007, 4008 & 4009) and 6A DCMR §§ 405.1, 409.1, 409.2, 410.1, which grant CSOSA the authority to make certain decisions and to adopt procedures and requirements relating to sex offender registration in the District of Columbia.

As stated in the report of the District of Columbia Council's Judiciary Committee for the District's Sex Offender Registration Act, "[a] sex offender registration and notification program, if appropriately designed and effectively implemented, can promote public safety in at least three ways: by facilitating effective law enforcement; by enabling members of the public to take direct measures of a lawful nature for the protection of themselves and their families; and by reducing registered offenders' exposure to temptation to commit more offenses." Committee on the Judiciary, Report on Bill 13-250, The Sex Offender Registration Act of 1999, at 3 (November 15, 1999). Given the importance of having accurate, complete, and up-to-date information about sex offenders available to both law enforcement officials and to the public, and the fact that the formulation of implementing regulations closely follows the statutory framework and existing District of

Columbia regulations, it is impracticable and unnecessary to adopt this rule with the prior notice and comment period normally required under 5 U.S.C. 553(b) or with the delayed effective date normally required under 5 U.S.C. 553(d). Moreover, as noted, the collection of sex offender registration information and its release to law enforcement and other agencies and the public pursuant to the Sex Offender Registration Act of 1999 furthers important public safety interests by facilitating the solution and prevention of crime by law enforcement, enabling lawful community self-protection measures, and reducing the temptation for recidivism. Delay in the full implementation of the law—including the ability to prosecute and take other actions in relation to sex offenders who fail to comply with its requirements—would thwart or delay the realization of these public safety benefits. Therefore, it would be contrary to the public interest to adopt these regulations with the prior notice and comment period normally required under 5 U.S.C. 553(b) or with the delayed effective date normally required under 5 U.S.C. 553(d).

Accordingly, CSOSA issued interim regulations to allow for public comment during the implementation of the sex offender registration functions. CSOSA did not receive any public comment on the interim regulations. CSOSA is therefore adopting the interim regulations as final without any change.

#### *Executive Order 12866*

This rule has been determined to be significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB).

#### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to agency management, and its

economic impact is limited to the agency's appropriated funds.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Plain Language Instructions*

If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call the Records Manager (Roy Nanovic) at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

#### **List of Subjects in 28 CFR Part 811**

Incorporation by Reference, Probation and Parole.

### **PART 811—SEX OFFENDER REGISTRATION**

■ Accordingly, CSOSA adopts the interim rule published at 67 FR 54093 which added part 811 to chapter VIII, Title 28 of the Code of Federal Regulations as a final rule without change.

**Paul A. Quander, Jr.,**

*Director.*

[FR Doc. 03-9930 Filed 4-21-03; 8:45 am]

**BILLING CODE 3129-01-P**