

**§ 20923. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program**

**(a) Establishment of Program**

There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the “Program”).

**(b) Program notification**

Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 40102 of this title.

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

**(c) Frequency**

Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

(Pub. L. 109-248, title I, §121, July 27, 2006, 120 Stat. 597.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 16921 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20924. Actions to be taken when sex offender fails to comply**

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction’s registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

(Pub. L. 109-248, title I, §122, July 27, 2006, 120 Stat. 597.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 16922 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20925. Development and availability of registry management and website software**

**(a) Duty to develop and support**

The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

**(b) Criteria**

The software should facilitate—

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this subchapter; and

(4) communication of information to community notification program participants as required under section 20923 of this title.

**(c) Deadline**

The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of July 27, 2006.

(Pub. L. 109-248, title I, §123, July 27, 2006, 120 Stat. 598.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(3), was in the original “this title”, meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 16923 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 20926. Period for implementation by jurisdictions**

**(a) Deadline**

Each jurisdiction shall implement this subchapter before the later of—

(1) 3 years after July 27, 2006; and

(2) 1 year after the date on which the software described in section 20925 of this title is available.

**(b) Extensions**

The Attorney General may authorize up to two 1-year extensions of the deadline.

(Pub. L. 109-248, title I, §124, July 27, 2006, 120 Stat. 598.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 109-248,

July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The software described in section 20925 of this title, referred to in subsec. (a)(2), became available on July 25, 2008. See Office of Justice Progs., U.S. Dep't of Justice, Annual Report to Congress 26 (Fiscal Year 2008).

#### CODIFICATION

Section was formerly classified to section 16924 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20927. Failure of jurisdiction to comply

#### (a) In general

For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this subchapter shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).<sup>1</sup>

#### (b) State constitutionality

##### (1) In general

When evaluating whether a jurisdiction has substantially implemented this subchapter, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this subchapter because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

##### (2) Efforts

If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this subchapter and to reconcile any conflicts between this subchapter and the jurisdiction's constitution. In considering whether compliance with the requirements of this subchapter would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

##### (3) Alternative procedures

If the jurisdiction is unable to substantially implement this subchapter because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this chapter if the jurisdiction has made, or is in the process of implementing<sup>2</sup> reasonable alternative procedures or accommodations, which are consistent with the purposes of this chapter.

##### (4) Funding reduction

If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject

to a funding reduction as specified in subsection (a).

#### (c) Reallocation

Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this subchapter shall be reallocated under that program to jurisdictions that have not failed to substantially implement this subchapter or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this subchapter.

#### (d) Rule of construction

The provisions of this subchapter that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

(Pub. L. 109-248, title I, §125, July 27, 2006, 120 Stat. 598.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this title", meaning title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, known as the Sex Offender Registration and Notification Act. For complete classification of title I to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (a), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Subpart 1 of part E of title I of the Act was classified generally to part A (§3750 et seq.) of subchapter V of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as part A (§10151 et seq.) of subchapter V of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

This chapter, referred to in subsec. (b)(3), was in the original "this Act", meaning Pub. L. 109-248, July 27, 2006, 120 Stat. 587, known as the Adam Walsh Child Protection and Safety Act of 2006. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 16925 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

### § 20928. Sex Offender Management Assistance (SOMA) program

#### (a) In general

The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this subchapter referred to as the "SOMA program"), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this subchapter.

#### (b) Application

The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

#### (c) Bonus payments for prompt compliance

A jurisdiction that, as determined by the Attorney General, has substantially implemented

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be followed by a comma.