

SORNA Reallocation Process

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Office of Sex Offender Sentencing, Monitoring,
Apprehending, Registering, and Tracking

Building Solutions | Supporting Communities | Advancing Justice

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office)

- Authorized by the Adam Walsh Act of 2006.
- Assists with the implementation of the Sex Offender Registration and Notification Act (SORNA-Title I of AWA) by the 50 states, 5 principal territories, DC and certain federally recognized tribes.
- Provides assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.



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SORNA Implementation

- SORNA (34 U.S.C. 20901 *et seq.*) sets consistent and comprehensive standards to strengthen information sharing between and among jurisdictions and the public about registered sex offenders.
- SORNA calls for offense-based classification, broken into tiers that determine length of registration and frequency of check-ins.
- The SMART Office assesses jurisdictions' implementation of SORNA's standards, per the Adam Walsh Act.



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SORNA Reallocation

- SORNA (34 U.S.C. 20927): “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 title 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.).



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Reallocation Timeline

- July 27 of each year: the SMART Office makes a substantial implementation determination.
- November/December: non-implemented jurisdictions submit a written request to the SMART Office. The request must include a detailed plan to address the areas in which a jurisdiction's registration and community notification systems do not meet the minimum standards of SORNA and a timeline for substantial implementation of SORNA.
- Additional details are available here:
<https://www.smart.gov/pdfs/2018-reallocation-form.pdf>.



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Reallocation Timeline, cont.

- January/February: the Assistant Attorney General for the Office of Justice Programs decides whether to approve, partly approve, or deny each jurisdiction's reallocation request.
- March: jurisdictions can appeal denials to the Office of Justice Programs. The procedures that govern this process are detailed in 28 C.F.R. 18.



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Reallocation Timeline, cont.

- May/June: jurisdictions with approved or partially approved reallocation requests will receive a direct invitation from the Bureau of Justice Assistance to apply for SORNA reallocation funds.
- The penalty funds of those jurisdictions not applying or denied go into a “bonus” fund for implemented states and territories, which they will receive in the next Byrne/JAG cycle.



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Questions?



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