Montana Department of Justice

Division of Criminal Investigation

Sexual or Violent Offender Registration Unit

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Presented by Dawn Spencer & Suzanne Krings

Sexual or Violent Offender Registry Website

The following slides are from the Montana SVOR website. . .

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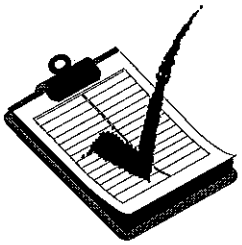
http://doj.mt.gov/svor

Requirements for Registry



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- Sexual offenders who are sentenced by a state or federal court in any state on or after **July 1, 1989**, or who as a result of a sentence are under the supervision of a county, state, or federal agency in any state on or after **July 1, 1989** are required to register.

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Qualifying Sex Offenses

- **Unlawful Restraint**
  - **Victim <18 and offender not parent of victim**
- **Kidnapping**
  - ***Victim <18**
- **Aggravated Kidnapping**
  - ***Victim <18**
- **Sexual Assault**
  - **Victim <16 or serious harm**
- **Sexual Intercourse w/o Consent**
- **Indecent Exposure**
  - **3rd conviction or 1st if victim <18**
- **Incest**
  - **Victim <18 AND offender 3 years of age older**
- **Aggravated Promotion of Prostitution**
  - **Victim <18**
- **Sexual Abuse of Children**
  - **Internet porn**

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* New legislative change5/11/07

Qualifying Sexual Offenses (cont.)

- Prostitution 45-5-601(3)*
- Promoting Prostitution 45-5-602(3)*
- Aggravated Promotion of Prostitution 45-5-602(2c)*
- Incest 45-5-507(5) **
  - *Victims under age of 12
  - **Victim under age of 12 and offender over 18
  - **Conviction on or after May 11, 2007**

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Court Ordered Offenses

- An offender that is court ordered to register as a sexual or violent offender must register regardless of the conviction offense
  - Example: Stalking, intimidation, criminal endangerment etc.

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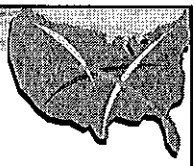
Juvenile Sexual Offenders

- Any juvenile adjudicated of a qualifying sexual offense after 5/11/07, is required to register as a sexual offender.
- Prior to 5/11/07, court ordered to register
- All juvenile offenders are on the website and will only be removed with a court order

Out of State Offenses



- MCA 46-23-502 (9)(b)
  - Any violation of a law of another state or the federal government reasonably equivalent to a violation of a sex or violent offense OR for which the offender was required to register as a sexual offender after adjudication or conviction

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Federal/Tribal registration

- Federal Tribal convictions – unless the tribe is Adam Walsh compliant, offenders still need to check into local law enforcement.

Registration procedure

- MCA 46-23-504(1)(a-c)
  - Sexual offender shall register immediately upon conclusion of the sentencing hearing
  - If sentenced to confinement, 10 days prior to release & within 3 business days of entering a county of residency or temporarily for more than 10 days

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Registration procedure (cont.)

- MCA 46-23-504(2)
  - Registration must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality. Whichever law enforcement official the offender resides with shall notify the other official of the registration.
  - The **probation officer** having supervision over an offender required to register under subsection 1a shall verify the offender's registration status with the appropriate law enforcement agency.

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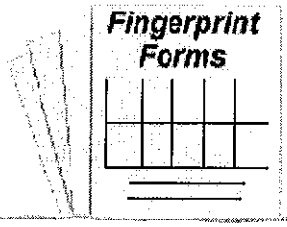
MCA 46-23-504(3)

Criteria for Complete Registration



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A Complete Registration

- Registration Form

- Current Photograph

- Fingerprint Card

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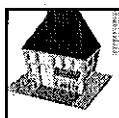
Information collected on all offenders

- Name of offender and any aliases used by the offender
- Offender's social security number
- Residence information – all locations where the offender regularly resides and designate one as a primary residence
  - Transient
- Name and address of any business or other place where the offender is or will be an employee
- Name and address of any school where the offender will be a student
- Offender's driver's license number
- Description and license number of any motor vehicle owned or operated by the offender

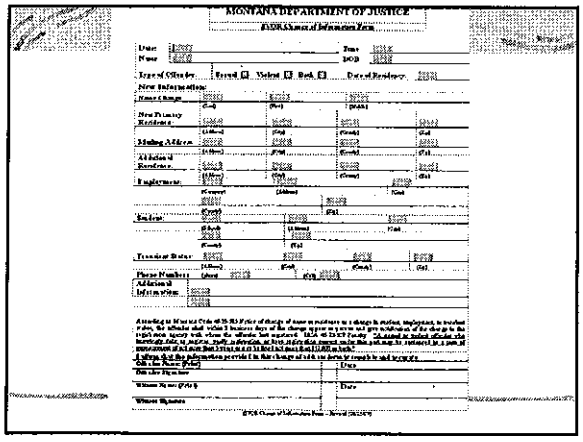


Multiple Addresses

- MCA 46-23-504 (4)(a)
  - If the offender regularly resides in more than one county or municipality, the offender shall register with the registration agency of **each** county or municipality.
  - The registration agency may require the offender to provide all the locations where the offender regularly resides and designate one as primary.
  - ****Please note on registration form if previous additional addresses are no longer being used.**

Employment

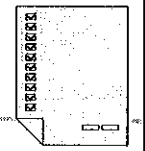
- Works in one county and lives in another – register with agency where offender's primary address is
- Offender does not have to register in the county where they are employed
- Truckers/Carnival workers



MONTANA DEPARTMENT OF JUSTICE

Forms

- Please make sure ALL forms are complete and accurate.
- Please make sure ALL forms are legible.
- Verify information on ALL forms.
- Signed and initialed 3rd page!!



Send ALL information to the DOJ Registry

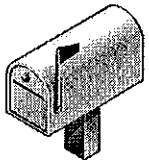
- Registration Forms
- AVLs
- Change of Information Forms
- Court documents
- Photos – updated
- **Updates can not be taken over the phone**

Multiple Offenses

- Please notify the registry when offenders are required to register for more than one qualifying offense.

Zip Codes

- http://zip4.usps.com/zip4/welcome.jsp

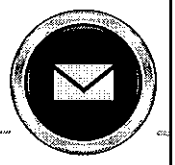


Photos

- Should be taken EVERYTIME an offender brings in an AVL

Email

- Forms and mugshots can be sent through email
  - **dojsvor@mt.gov**
- Any updates
  - Sexual offenders – Dawn
  - Violent offenders – Suzanne
- Name and DOB on all emails



Address Verification Letters (AVL)

- MCA 46-23-504(6)
  - The department of justice shall mail a registration verification form each year (90 days for tier 3 sexual offenders, 180 days for tier 2 sexual offenders). This form must require the offender's current address and be notarized. Within 10 days after receipt of the form, the offender shall complete the form and **return it to the registration agency where the offender last registered.**
  - **THEN** the LEA is required to mail the letter to DOJ.
  - AVLs are not sent out on initial registration.

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Change of name or residence or student, employment, or transient status

- MCA 46-23-505
  - If an offender has a change of (the above), the offender shall within 3 business days of the change appear in person and give notification of the change to the registration agency with whom the offender last registered or, if the offender was initially register under 46-23-5041b, to the registration agency for the county or municipality from which the offender is moving.

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Duration of Registration

- MCA 46-23-506
  - Sexual Offenders
    - A sexual offender is required to register for the remainder of the offender's life
- MCA 46-23-506(3)(b)
  - An offender may petition the district court where they are residing or where they were sentenced to be relieved from registering. Tier 1 -10 years; Tier 2 -25 years.

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Sex Offender Tier Levels

- MT only accepted from MSP (1997-2007) or court ordered designation
- Risk level designation from another state

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Tier Level Designation

- Tier Level 1
  - MCA 46-23-509(2)(a), the risk of a repeat sexual offense is low
- Tier Level 2
  - MCA 46-23-509(2)(b), the risk of a repeat sexual offense is moderate
- Tier Level 3
  - MCA 46-23-509(2)(c), the risk of a repeat sexual offense is high,there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator.

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Violent Offender Registration

- Violent offenders who are sentenced by a state or federal court in any state on or after **October 1, 1995**, or who as a result of a sentence are under the supervision of a county, state, or federal agency in any state on or after **October 1, 1995** are required to register.

Qualifying Violent Offenses

- **Deliberate Homicide**
- **Mitigated Deliberate Homicide**
- **Kidnapping**
  - ***Victim >18**
- **Aggravated Kidnapping**
  - ***Victim >18**
- **Aggravated Assault**
- **Partner/Family Member Assault**
  - **3rd or subsequent Offense**
- **Assault on a Peace officer**
  - **Subsection b,c,d**
- **Assault on a minor**
- **Assault with a weapon**
- **Robbery**
- **Arson**
- **Operation of Clandestine Laboratory (Conviction10/1/03)**

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* New legislative change5/11/07

Juvenile Violent Offenders

- Juvenile violent offenders must be court ordered to register.
- Juvenile's will remain on the registry until the court relieves them of this duty.

Out of State Offenses

- MCA 46-23-502 (9)(b) (slide 9)
- Out of state statute must be reasonably equivalent to a qualifying violent offense statute.

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Registration procedure

- MCA 46-23-504(1)(a-c)
  - Violent offender shall register immediately upon conclusion of the sentencing hearing
  - If sentenced to confinement, 10 days prior to release & within 3 business days of entering a county of residency or temporarily for more than 10 days

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Registration procedure (cont.)

- MCA 46-23-504(2)
  - Registration must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality. Whichever law enforcement official the offender resides with shall notify the other official of the registration.
  - The **probation officer** having supervision over an offender required to register under subsection 1a shall verify the offender's registration status with the appropriate law enforcement agency.

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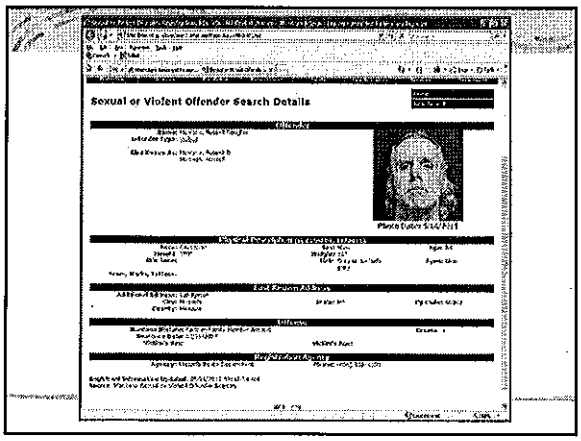
Information collected on all offenders

- Name of offender and any aliases used by the offender
- Offender's social security number
- Residence information – all locations where the offender regularly resides and designate one as a primary residence
  - Transient
- Name and address of any business or other place where the offender is or will be an employee
- Name and address of any school where the offender will be a student
- Offender's driver's license number
- Description and license number of any motor vehicle owned or operated by the offender

Registration procedure (cont.)

- Complete Registration: form, prints, photo
- Multiple Residences
- Employment
- Mail/email all offender updates



PHOTOS

- Please email or mail in violent offender photos and photo updates
- Non-Compliant and Transient offenders are now posted on the web

**non-compliant/address verification overdue—photo not posted

Address Verification Letters (AVL)

- MCA 46-23-504(6)
  - The department of justice shall mail a registration verification form each year to a violent offender.
  - The AVL requires the offender's notarized signature and must be returned within 10 days after receipt.
  - Violent offenders can mail the form directly to DOJ.

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Duration of Registration

- MCA 46-23-506(1)(a)
  - Violent Offenders
    - A violent offender is required to register for the 10 years following release from confinement or, if not confined following sentencing, for the 10 years following the conclusion of the sentencing hearing, but the offender is not relieved of the duty to register until a petition is granted under subsection 3a.
- MCA 46-23-506(3)(a)
  - An offender may petition the district court where they are residing or where they were sentenced to be relieved of the duty to register.

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Duration of Registration (cont)

Felony Convictions

- MCA 46-23-506(2)(b)
  - Violent Offenders
    - Will register for life if convicted of a felony during their 10 year registration period
    - **Any** felony including out-of-state

Other Hot Topics

Regarding Sex and Violent Offenders

Audits

- Legislative Audit
  - Findings
    - 37.5 % Address Verification Overdue
    - 7 Deceased
  - Results
    - SVOR Compliance Unit
    - Non-Compliant/Address Verification Overdue flagged on web
      - Monthly AM Message

TO: <ORI>
ATTN: SVOR COMPLIANCE CHECK
RE: SVOR ADDRESS VERIFICATION OVERDUE AUTOMATIC NOTIFICATION REPORT
THE FOLLOWING SVOR REGISTRANTS ARE INDICATED IN THE MT DOJ SVOR REPOSITORY
AS HAVING ADDRESS VERIFICATION LETTERS THAT ARE MORE THAN 15+ DAYS OVERDUE.
PLEASE VERIFY AND RESPOND TO DCI WITH UPDATED INFORMATION AS SOON AS POSSIBLE TO MEET COMPLIANCE.
FOR ADDITIONAL REGISTRANT INFORMATION, PLEASE CONTACT DCI AT THE FOLLOWING:
SEXUAL/VIOLENT OFFENDERs - (406)444-2759.
VIOLENT OFFENDERS - (406)444-9877.
DATE: 2011-07-11

SID	NAME	DOB	LAST AVL SENT	DAYS > 15
MT00000000	REGISTRANT, ANOTHER	1964-01-01	2011-06-01	25
MT00000001	TROUBLE, TOO MUCH	1950-12-15	2011-06-15	15

Audits (cont.)

- FBI Audit
  - Inaccurate Fingerprint Cards
- Local Agency Audits
  - What we need from you
    - List of your sex and violent offenders with their registered address and tier levels

Reports

- Registrants
- AVL's over due
- Non-Compliant Offenders

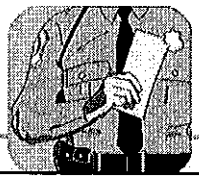
*Call/email your request

Transient Offenders

- MCA 46-23-504 (5)
- Transients shall report monthly, in person, to their registration agency.
- If no mailing address, mailing address becomes LEA

Deferred Sentences

- Offenders are required to register for the period of their deferred sentence
- When a deferred sentence has been served, it DOES NOT mean automatic removal from registry.
- Need dismissal orders



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Penalty

- MCA 46-23-507
  - A sexual or violent offender who knowingly fails to register, verify registration, or keep registration current under this part may be sentenced to a term of imprisonment of not more than 5 years or may be fined not more than $10,000 or both.

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Dissemination of information

- MCA 46-23-508(1)(a,b)
  - The name and address of a registered sexual or violent offender are public criminal justice information
  - The department of justice or the registration agency shall release any offender registration information that it possesses relevant to the public if the department of justice or the registration agency determines that a registered offender is a risk to the safety of the community and that disclosure of the registration information that it possesses may protect the public

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DNA

- Not a registration requirement
- DNA will not be processed for out of state offenses – DON'T send them in!
- DNA questions – contact the crime lab at 406-728-4970

Questions/Suggestions

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Central Registry
as of September 7th 2010

- **4,811 Montana-registered offenders (active)**
  - **1,931 Sexual Offenders**
  - **2,808 Violent Offenders**
  - **72 Sexual & Violent Offenders***

  *offenders convicted of both a sexual & violent offense

  7,230 Active and Inactive Offenders

- Tier 2 sexual offenders - 245
- Tier 3 sexual offenders – 80
- Juvenile Offenders - 104

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Point of Contact

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