



## POLICY DIRECTIVE

Policy:	<b>DOC 1.5.10 REGISTRATION OF SEXUAL AND VIOLENT OFFENDERS</b>
Effective Date:	03/17/1997 <span style="float: right;">Page 1 of 2</span>
Revision Date(s):	01/19/2012; 04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

### I. POLICY

Department facilities and programs will enforce the applicable provisions of Montana statute regarding release, registration, and notification requirements for sexual and violent offenders.

### II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

### III. DEFINITIONS (see Glossary)

### IV. REQUIREMENTS

#### A. Offender Registration Applicability

1. Registration provisions apply to the following:
  - a. adult sexual offenders who are sentenced or who are in custody or under the supervision of the Department on or after July 1, 1989;
  - b. adult violent offenders who are sentenced or who are in the custody or under the supervision of the Department on or after October 1, 1995;
  - c. youth sexual or violent offenders who committed the qualifying sexual or violent offense before May 11, 2007, and who the youth court ordered to register as set forth in the order of adjudication; and
  - d. youth sexual offenders who committed the qualifying sexual offense on or after May 11, 2007, and who the youth court did not specifically in the order of adjudication exempt from the registration requirement.

#### B. Registration of Sexual and Violent Offenders

1. The Montana Department of Justice maintains the Sexual and Violent Offender Registry, and information contained on the registry is disseminated according to 46-23-508, MCA.
2. The Department will follow 46-23-508, MCA when a sexual or violent offender under the custody of the Department is released from Department custody by taking the following actions:
  - a. at least 10 days prior to release of a sexual or violent offender from custody, a Case Specialist or youth correctional facility staff will:
    - 1) inform each sexual or violent offender in writing that when the offender is released from custody, the offender has a statutory obligation to register with local law enforcement within 3 business days of arrival in a county of this State and that an offender who fails to register can be charged with felony failure to register; and
    - 2) record in the offender's records the address where the offender intends to reside upon release.
  - b. prior to a sexual or violent offender's release from adult or youth facility custody, a Case Specialist or youth correctional facility staff will provide to the Department of Justice and

the sheriff of the county in which an offender intends to reside (or, if an offender intends to reside in a municipality, to the chief of police of the municipality):

- 1) the address at which the offender intends to reside upon release from custody;
- 2) the offender's fingerprints and photo, unless they are already in the possession of the Department of Justice, sheriff, or chief of police; and
- 3) a form signed by and read to or by the offender stating that the offender's duty to register under this part has been explained to the offender.

### **C. Sexual Offenders Without Risk Designation**

1. Probation and Parole will:
  - a. identify adult and youth sexual offenders who are on adult probation or parole and who are required to register but did not receive a level of risk designation at the time of sentencing or time of release from a facility; and
  - b. submit a request to the applicable county attorney's office.
    - 1) The request will petition the district court to assign a risk level designation to the offender and include a recommended designation based on the psychosexual evaluation completed prior to sentencing or adjudication.
2. The Department will provide notice prepared by treatment staff to the Department of Justice and local law enforcement of the risk of re-offense by an adult or youth sexual offender released from a state or private correctional facility according to the following:
  - a. when a tier-level assessment exists, the notice will indicate risk in accordance with the following:
    - 1) Level 1 – the risk of a repeat sexual offense is low;
    - 2) Level 2 – the risk of a repeat sexual offense is moderate; and
    - 3) Level 3 – the risk of a repeat sexual offense is high; or
  - b. if a tier-level assessment does **not** exist, the Department will notify the Department of Justice and local law enforcement that the offender was not given a tier level designation by the sentencing court and that no such assessment is on file with the Department.

### **V. CLOSING**

Questions about this policy should be directed to Legal Services.

### **VI. REFERENCES**

A. §§ 41-5-1513; 46-18-201(7); 46-18-255(2); 46-23-501-509; 53-1-203, MCA

### **VII. FORMS**

*SVOR Registration*

*SVOR Change of Information*