



Florida & The Adam Walsh Child Protection and Safety Act

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Florida Registration Background

- 1993 Limited Predators borrowed personnel
 - The BOOK
- 1995 Posting Predators on the Internet
- 1997 Sexual Predator/Offender Unit
 - 8,000 Offenders ~300 Predators
 - All posted on Internet
- 1998~2004
 - Adjustments/Glitches/Federal Compliance
 - Jimmy Ryce Civil Commitment

Federal Laws

- **Wetterling Act** 1994 (**42 USCA 14071**)
Registration of sex offenders
- **Megan's Law** 1996 (**42 USC 3750**)
Community Notification of sex Offenders, Address Verification
- **Lychner Act** 1996 (**42 USCA 14072**)
Offender registration at the national level
- **Campus Sex Crimes Prevention Act** 2000
~Registration of offenders who are students, employees or volunteers at an institute of higher learning

Florida Registration Background

- **Key Registration Issues of Concern**
 - Address Verification
 - Relocated Out of State Offenders
 - Transient/Homeless Offenders
- **Florida 2004-2005**
 - Joseph Smith, Frederick Fretz, John Couey, David Onstodt
- **2005 FL Lunsford Act**
 - High Risk Sex Offenders
 - Reregistration in person, electronic
 - Triennial review of entire process by OPPAGA

2005 Jessica Lunsford Act

Failure to correctly respond to an Address Verification ~ 3rd Deg Felony

Attempting to hide or conceal or withhold information sexual offenders or predators from law enforcement officials ~ 3rd Deg Felony

Reregistration twice yearly

Valid vehicle and employment information
~ 3rd Deg Felony

2005 Jessica Lunsford Act

- Reclassified all sentencing guidelines for violations of sexual offender/predator registration laws
- Minimum sentence ~ 31.5 months

Adam Walsh Child Protection and Safety Act of 2006

- Signed into law July 27, 2006
- 25th Anniversary (1981) of 6-year-old Adam Walsh Abduction and Murder Hollywood Florida



Adam Walsh Child Protection and Safety Act

- Jacob Wetterling, Megan Nicole Kanka, Pam Lychner, Jetseta Gage, Dru Sjodin, Jessica Lunsford, Sarah Lunde, Amie Zyla, Christy Ann Fornoff, Alexandra Nicole Zapp, Polly Klaas, Jimmy Ryce, Carlie Brucia, Amanda Brown, Elizabeth Smart, Molly Bish, Samantha Runnion
- Amie Zyla, advocate for child victims and protection of children from juvenile sex offenders
 - Sexually assaulted at 8 years old in 1996 by a juvenile offender

Adam Walsh Act

- Increases mandatory minimum sentences for sex offenders
- Upgrades sex offender registration and tracking provisions
- Increases penalties for internet crimes against children
- Strengthens child pornography prevention laws
- Establishes a Sex Offender Management Assistance (SOMA) to help jurisdictions implement the previous sections of the Act
- Creates the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office)

Adam Walsh Child Protection and Safety Act of 2006 (42 USCA 16901)

- Comprehensive set of minimum standards for sexual offender registration and notification in the US
- Strengthens nationwide network of sexual offender registration and notification programs
- Federal Failure to Register Offense
- “Substantial Implementation” by July 27, 2009 (three yrs, plus two, one-yr extensions)

Florida Walsh Response (2007)

- Juvenile Registration 14+ ~Fed Agg Sex Assault
- Quarterly/Biannual Reregistration
- 25~lifetime registration requirements
- Romeo ~ Juliet relief of registration (not mandatory)
- Enhanced Community Notification (Sex Offender Alert System)
- Email & Instant Message ID Registration
- Mandatory reporting of Failure to Register

Sex Offender Registration and Notification Act

- **WY1 Sec. 121.** Immediate information sharing is required when a sex offender registers or updates registry information. Notice is to be provided to the
 - Attorney General ~national registration
 - Appropriate law enforcement
 - Schools
 - Housing agencies
 - All other jurisdictions in which a sex offender must be registered
 - Other specified agencies, entities and organizations.

Florida Walsh Response

➤ School Information

- School Name
- School Address (subject to Internet publication)
- Includes any public or private (parochial or non-parochial) school where the sex offender is or will be a student including secondary, trade, or professional school and institutions of higher learning
- Regardless of secular, religious or cultural studies

Florida Walsh Response

- Vehicle Information
 - Owned or Operated
 - Personal Use or In the Course of Employment
 - Includes Watercraft, Aircraft and Land Vehicles
 - License Plate Number
 - Description
 - Registration Number or Other Identifier
 - Place or places where the registrants vehicle(s) are habitually parked, docked or otherwise kept

FLORIDA

“Walsh Juvenile” Criteria

- Adjudicated Delinquent on or after July 1, 2007
- 14 years of age or older at the time of the offense
- the court shall make a written finding of the age of the offender at the time of the offense

Walsh Juvenile Sexual Offender Criteria

(I) F.S. 794.011 Sexual battery

~ means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object

Walsh Juvenile Sexual Offender Criteria

(II) Section 800.04(4)(b) (4) LEWD OR LASCIVIOUS BATTERY*

- *A person who encourages, forces, or entices any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity commits lewd or lascivious battery, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

*where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion

Walsh Juvenile Sexual Offender Criteria

*(III) F.S. 800.04(5)(c)1.

LEWD OR LASCIVIOUS MOLESTATION.

— *A person who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation.*

~ (c)1. offender <18 years, victim < 12 years of age *where the court finds molestation involving unclothed genitals OR

~(5)(d) offender < 18 years, victim 12 ~15 *where the court finds the use of force or coercion AND unclothed genitals

REGISTRATION REQUIREMENTS

- Sheriff's Office/Department of Corrections (DOC)/Department of Juvenile Justice (DJJ)
 - All qualifying offenders who are not incarcerated must register.
 - Within 3 business days Supervision ~ with Department of Corrections (DOC)/Department of Juvenile Justice (DJJ).
 - Those not under DOC/DJJ Supervision/Custody~ register with the Sheriff's office in county conviction/designation within 48 hours after finding is made.
- Department of Highway Safety Motor Vehicles
 - Address and Name Changes
- Quarterly Registration/Bi-annual Registration
 - At Sheriff's Office

REGISTRATION REQUIREMENTS

- Florida Jails to register sexual offenders/sexual predators in the custody of the local jail within 3 business days after intake/release
- Driver's license/Identification "Marking"
- Cybercrimes Against Children Act of 2007
 - Updated via Secure Online System or @ Sheriff's
 - Protected ~ Searchable by Public

Duration of Registration

- Lifetime requirement for ALL Sexual Predators and Certain Sexual Offenders (based on qualifying offenses)
- 25-Year requirement for Juvenile Sexual Offenders (Walsh)

Relief from Registration

- **“Romeo & Juliet” Relief F.S. 943.04354**
 - Parameters define considerations for “consensual sexual activity” w a minor
 - In place when Florida began registering Juveniles (2007)
 - Offender must petition the court to review circumstances
 - Defers to the Federal Walsh Act as final parameter

Current Numbers

- Sexual Predators: 7,900
- Sexual Offenders: 45,325
- Juvenile Sexual Offenders: 93

Florida Residents

- Sexual Predators: 7,168
- Sexual Offenders: 32,055
- Juvenile Sexual Offenders: 93
- ~565 Transient

Juvenile Registrant Statistics

- Juvenile Sex Offenders (Out of State): 385
- Active **Walsh** Juvenile Sex Offenders: 98
- Total Cases Reviewed for Walsh Juvenile Requirement: 236
- Total Qualifying for Walsh Juvenile Registration: 104
- Out of State Convictions: 12
- Average Age of Victim: 9
- Cases with Multiple Victims: 19
- 44 of the 98 Walsh Juvenile Offenders currently under DJJ Detention

Juvenile Registrant Offenses

Crime	Total
Lewd and Lascivious Battery	1
Lewd and Lascivious Molestation, Victim 12-15	2
Lewd and Lascivious Molestation, Victim Under 12	25
Lewd and Lascivious, Child Under 16	1
Sex Offense Other, Out of State	12
Sexual Battery	17
Sexual Battery, Victim Under 12	46

Juvenile Registrants

Age at Offense	Total
13	*1
14	28
15	37
16	35
17	3

*Special Court Order

Victim Ages of Juvenile Registrants

JSO Age	Age of Victim																JSO Age	
	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18 +		
14	1	2	2	5	3	7	7	2	6	3						1	39	14
15	4	2	7	6	2	8	6	5	3		1	2		1		1	48	15
16	1	5	2	2		1	7	5	3	1	3	2		2	1	4	39	16
17			1		1						1						3	17
<i>T</i>	6	9	12	13	6	16	20	12	12	5	4	4	0	3	1	6	129	

For More Information

www.fdle.state.fl.us

www.floridasexoffender.net

1-888-FLPREDATOR

(1-888-357-7332)