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Congressman Pedro R. Pierluisi
Statement for the Record

Hearing on the Sex Offender Notification and Registration Act (SORNA): Barriers to
Implementation
March 10, 2009

Thank you Chairman Scott. And thank you for holding this timely and important hearing on SORNA. Like you, I am eager to hear from our panel of witnesses, so I will be brief.

SORNA, when it was enacted in 2006, established a national sex offender registry. The goal was to ensure that convicted sex offenders could not evade detection simply by moving from a state or territory with stricter registration and notification requirements to a jurisdiction with less burdensome requirements. Accordingly, SORNA required each state and territory to modify its sex offender registration and notification systems to comply with the extensive requirements set forth in SORNA. The deadline for compliance is July 2009. Failure to comply will result in a jurisdiction losing 10% of its Byrne Grant funding. For many—perhaps most—jurisdictions, the cost of compliance is likely to be greater than the amount

of federal funding that would be forfeited in the event of non-compliance. Timely compliance by any state or territory, including Puerto Rico, is very much in doubt.

Mr. Chairman: what concerns me are the reasons cited by many states and territories for their non-compliance to date. In certain cases, the grounds given are not primarily related to cost or other logistical impediments. Instead, the rationale offered by these jurisdictions is rooted in their profound misgivings over the wisdom and propriety of SORNA's substantive requirements.

I think a healthy respect for our federal system of government should lead us to question whether simply extending the deadline for compliance—a move that strikes me at first blush as proper—will be enough. I believe we may also want to consider whether SORNA should be tweaked or recalibrated to provide states and territories with more flexibility, and to assess whether this can be done without compromising SORNA's generally laudable goals.

I am particularly interested in hearing the witnesses' views on SORNA's use of an offense-based classification system instead of one based on assessment of future risk. I would also like to hear the panelists' opinion on SORNA's mandatory inclusion in the register of certain juveniles who were not tried as adults. Both of

these mandates have generated concern among a variety of state governments and organizations, whose views we should take seriously.

Thank you, Chairman Scott. I look forward to today's testimony.