MILITARY SEX OFFENDER REGISTRATION: FREQUENTLY ASKED QUESTIONS

Individuals convicted of a sexual offense, whether under state law or the United States Code of Military Justice (UCMJ), are subject to public sex offender registration requirements. The following is a compilation of civilian laws and military policy regarding sex offender registration.

1. What does Sex Offender Registration entail?
The Jacob Wetterling Act of 1994 requires states to register the personal information of individuals convicted of sexually violent offenses as well as offenses against minor victims. Furthermore, each state has its own sex offender registry to inform its citizens of this information. Although the registration and disclosure requirements vary by state, most registries reveal the offender’s name, address, and photograph, as well as the offense. Further amendments to the Wetterling Act provide that this information be shared with the public and be made available on a national federal sex offender website. This website compiles the various state registries’ information into one comprehensive system.

2. Are military sex offenders required to register with the sex offender system?
Yes. The Wetterling Act laws that require sex offenders to register with state systems extend to individuals who were sentenced by court martial and/or convicted in states other than their current resident state. Therefore, perpetrators found to have committed any of the sexual offenses listed under the United States Code of Military Justice (UCMJ) by U.S. court-martial must register with public state sex offender registries. Military sex offenders must register in their state of residency, or whichever state they are employed, carry on a vocation, or are a student. Sex offenders must also register at the installation where the command assigns or employs them, regardless of whether they are on active duty. Furthermore, military sex offenders must report any change in address to their jurisdiction’s registration authority and comply with the registration requirements of their new location. If the sex offender fails to provide accurate residency information, the military may deny the individual’s parole requests or delay the sex offender’s release from confinement or service. Individuals who fail to comply with registration requirements are subject to criminal prosecution under both state law and UCMJ Article 92.
3. Is the military required to give notice when it releases a sex offender into the civilian population?

Yes. If a sex offender is being discharged from service or confinement or the military grants the individual a new duty assignment, the military is required to notify the receiving jurisdiction’s authorities of this change. The authorities to be notified include state sex offender registration officials, the installation provost marshal, and local law enforcement officers. The military must provide these officials with written notice of the sex offender’s date of arrival in their jurisdiction and the nature of the offense. Furthermore, the military must also provide notice to both local officials and the sex offender that the individual is subject to the registration requirements of the state in which he/she will reside.

4. How are sex offenders made aware that they must register with local authorities?

Correctional facility commanders require sex offenders to sign DD Form 2791 (“Notice of Release/Acknowledgement of Convicted Sex Offender Registration Requirements”) prior to releasing offenders from confinement. This indicates that the sex offender has been made aware of the registration requirement and process. Facility commanders then provide state or local enforcement and registration authorities with written notice of the release. Typically, where multiple jurisdictions have authority over the individual, the military notifies the more geographically specific agency.

5. Are identified military sex offenders banned from service?

Military personnel are able to utilize sex offender registries to determine whether an individual has been convicted of a sex crime in civilian court. In fact, the Navy conducts a search of every applicant on the National Sex Offender Public Registry and prohibits the enlistment of individuals who are convicted for a sexual offense, unless they have a waiver. While some branches, including the Navy and Marines, will bar a sex offender from service, not all military policies dictate that such action be taken. For example, the Army and Air Force do not require sex offenders to be banned and only require that sex offenders register with the installation provost and local officials. However, commanders have the authority to restrict housing to any individual.

6. What kind of residency restrictions apply to sex offenders?

Several states have laws that prohibit sex offenders from living within close proximity to certain areas such as schools, parks, and playgrounds. Many towns and cities also have local ordinances that expand up on these state laws. In addition, some military branches have implemented additional policies that create barriers for sex offenders who wish to reside in military housing. Generally, individuals applying for military, government-managed, or privatized housing are

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1 OPNAVINST 1752.3
required to fully disclose their status as a sex offender to their branch. However, it should be noted that the military grants commanders a great deal of discretion under certain circumstances to approve or disapprove base housing. If the applicant, any dependents, or live-in aide is found to be a convicted sex offender and subject to the registration requirements of any state, that individual may be denied military, government-managed, and privatized housing. Furthermore, if an individual is found to be a sex offender after he/she has already taken occupancy, that person may be subject to eviction and/or banishment from the base.

7. Does the military implement victim or witness assistance programs?

Yes. Each branch has established its own policies regarding their Victim and Witness Assistance Programs. The purpose of these programs is to ensure that victims of military sex crimes are reasonably protected from the offender, notified of court-martial proceedings, and treated with fairness and respect. These programs inform victims of changes in their assailant’s prisoner confinement status as well as collect and report data regarding victim and witness assistance.

8. Where can I find additional information regarding military sex offender registry policy?

- List of Sexual Offenses under the UCMJ: Defense Instruction 1325.7
- National Sex Offender Registry: http://www.nsopw.gov/
- Victim and Witness Assistance: http://vwac.defense.gov/
- DoD Instruction 1325.7, "Administration of Military Correctional Facilities and Clemency and Parole Authority," December 17, 1999 (hereby canceled)