

IN RE:

IN THE COURT OF COMMON PLEAS OF
SNYDER COUNTY, PENNSYLVANIA
JUVENILE DIVISION
NO. CP-55-_____ - _____ -20__

"SORNA COLLOQUY"
PREAMBLE TO SORNA COLLOQUY

The Sex Offender Registration and Notification Act (hereinafter "SORNA"), which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248), was signed into law by President Bush on July 27, 2006. SORNA does not create a federal sex offender registry. The Act was designed by the Federal Government to provide a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA:

Subjects certain juveniles to full registration and notification

- Establishes a new federal and criminal offense for failure to register under SORNA
- Broadens the range of offenses for which registration is required
- Requires registered sex offenders to register and keep their registration current in each jurisdiction in which they reside, work, and go to school.
- Expands the amount of personal information available to the public regarding registered sex offenders

The Colloquy that follows is based on the Final SORNA Guidelines, which were published by the Department of Justice on July 2, 2008. States failing to implement SORNA by July 27, 2009 will lose funding from a federal grant program, unless an extension of this deadline is granted by the Attorney General.

Pennsylvania has not passed its own version of SORNA. The Final SORNA Guidelines establish a floor, not a ceiling, for states to create their own versions of the law. Therefore, all of the registration requirements set forth below are the minimum requirements that can be implemented by the states if the states do not want to lose funding from the federal government.

SORNA creates federal and state criminal collateral consequences for failure to comply with registration requirements. According to the United States and Pennsylvania Supreme Courts, adult sex offenders who committed acts prior to the enactment of sex offender legislation could not appeal a case in which they entered a guilty plea because registration requirements did not constitute a criminal penalty. *Commonwealth v. Gaffney*, 557 Pa. 327, 733 A.2d 616 (1999); *Smith v. Doe*, 123 S.Ct. 1140 (2003). However, the Supreme Court has not decided if juveniles will have a right to appeal because they do not yet understand the collateral consequences of the SORNA registration requirements. It is therefore of the utmost importance that the requirements of SORNA as the law now stands are explained clearly and effectively to juvenile defendants prior to making admissions, because an appeal based on inability to understand the requirements may not be available. In addition, the Pennsylvania Rules of Professional Conduct require that an attorney ensures that his or her client is fully informed of their legal rights and the legal implications of their choice to make an admission. Rule 1.4(a)(1).

Juvenile's Initials: _____

SORNA COLLOQUY

1. Do you understand that if you are adjudicated a delinquent child because you have entered an admission to Rape, Involuntary Deviate Sexual Intercourse, or Aggravated Indecent Assault (Conspiracy or Attempt included) you could be subject to the requirements of SORNA including lifetime registration or registration for a minimum of twenty five (25) years if you maintain a "clean record" for that period of time?

2. Do you understand that your attorney has indicated that you wish to enter an admission to committing the following offense or offenses:

3. Do you understand that once you sign this form you are waiving your right to an evidentiary hearing to determine guilt or innocence, governed by Pa.R.J.C.P. 406 in juvenile court?

4. Do you understand that it is expected that the Commonwealth of Pennsylvania will adopt new laws in compliance with SORNA, and that these, laws will determine specifically how the registration and notification provisions of SORNA will affect you?

5. Do you understand that, depending on the laws enacted in Pennsylvania, your registration and notification requirements under SORNA could mean:
 - a. You will be required to register as a "Sex Offender"? (A "sex offender", as defined by SORNA, is an individual who was 14 years of age or older at the time of the offense and has been adjudicated delinquent of certain sex offenses. **SORNA § 111(8)** requires that certain adjudications of delinquency are to be treated as "convictions" for purposes of SORNA's registration and notification requirements. See offenses specified in #1).

 - b. You will be required to register in the place where you were first "convicted" (adjudicated delinquent). You will also be required to register and keep your registration current in the place where you live, where you work and where you attend school.

 - c. After registering, your personal information will be provided to the following agencies and organizations:
 - national databases

 - law enforcement and supervision agencies such as probation offices

 - your employer

 - your school

 - any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993

 - every school and public housing agency in each area in which you reside, are an employee, or are a student

 - social services entities responsible for protecting minors in the child welfare system

 - volunteer organizations in which contact with the minors or other vulnerable individuals might occur

Juvenile's Initials: _____

any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction

d. You will be required to appear in-person in at least one of the places where you are required to register to inform them of a change in your status. *A change in your status is defined by SORNA to include a change in your name, a change of residence, a change in the school that you attend, or a change of employment.*

e. Some of your personal information and your photograph will be published on Pennsylvania's public sex Offender website, and on the National Sex Offender Registry ("NSOR"), that is maintained by the FBI. This means that:

i. A great deal of your registry information and photograph will be made available on a publicly-accessible online database. *Your information will be accessible via the internet by classmates, neighbors, friends, and people all across the country.*

ii. The specific information available on the public websites will include:

- your name
- aliases
- home address
- work address
- current and future school address
- license plate and a description of any vehicle that you may own or operate
- a physical description of you
- the text of the sex offense(s) of which you are convicted (adjudicated delinquent)
- other sex offense convictions
- a current photograph

iii. The website could allow members of the public to request e-mail notification alerts when you or other registered offenders *move* into their neighborhoods or start employment or school within certain zip codes.

6. Do you understand that if you fail to register as required, you will be charged with a new offense for which you could be subject to imprisonment for at least a year?

7. Do you understand that you could be subject to a federal criminal penalty of up to ten (10) years of imprisonment if you travel to another state and fail to register in that location or fail to update your current registration to reflect your travel plans?

8. Do you have any questions about what we have discussed thus far?

9. Do you understand that is *very* unlikely that you will be able to withdraw this admission once it is accepted by the court?

a. At this point do you still wish to enter an admission to committing the offense(s) of:

b. Do you understand that by Signing this form you are indicating that you have had an adequate opportunity to review this form with your attorney, and that you understand the potential registration requirements and potential collateral consequences that may result from your admission to the offenses listed throughout this form?

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