



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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**State Enactments Imposing Restrictions on Sex Offenders,  
especially as related to contact with children**

February 2006

The following are laws that broadly impose restrictions and penalties on sex offenders. But of course, there can be more specific restrictions and conditions placed on individual sex offenders on parole based on their specific sex offenses.

**2005**

**(2005) Arkansas SB 958**

Includes within the crime of “sexual indecency with a child,” when one causes or coerces another person who is less than 14 years of age to expose his or her sex organ, or breasts of a female, with the purpose to arouse or gratify the sexual desires of himself, herself or another person.

**(2005) California AB 33**

Expand the prohibition on child luring with a computer from children under 12 to children under 14. Provides for the forfeiture of the computer used in the offense.

**(2005) Florida H 411**

Prohibits possession of any photographic material, motion picture, etc., which includes sexual conduct by a child, or transmission of pornography, or material harmful to minors to a minor, by electronic device or equipment and deems such a 3rd degree felony. Makes it a 3rd degree felony to facilitate sexual conduct of or with a minor or the visual depiction of such conduct, as well as the solicitation of a child, via a computer service to commit an unlawful sex act.

**(2005) Hawaii H 1763**

Creates the separate offense of “criminal impersonation” if a person impersonating another uses a compute to solicit, induce, or lure a person less than 16 years old with the intent to commit a sexual offense against them. Renders criminal impersonation a Class B felony and states that the commission of the sexual offense is not required for conviction.

**(2005) Illinois H 172**

Orders retention of identifying information from reports for no less than 50 years after the report is indicated or the case closed wherein the report involves: sexual penetration of a child, sexual molestation of a child, sexual exploitation of a child, torture of a child, or death of a child.

**(2005) New York S 2795B**

Prohibits anyone required to register as a sex offender from being employed as driver or worker on a retail sales ice cream truck.

**(2005) New York S 5753**

Orders law enforcement agencies with jurisdiction over a released designated level 2 or 3 sex offenders to compile and maintain a list of vulnerable organizational entities, such as schools, day care, and libraries, within its jurisdiction for the purpose of notifying them of the offenders presence in the area.

**(2005) North Carolina S 472**

Includes within the offense of solicitation of child by computer to commit an unlawful sex act , if the offender believes he child is less that 16 and who the defendant believes to be at least 3 years younger than the defendant. Excludes consent as a defense to such charge. Deems such act to be a “sexually violent offense.” Authorizes the State Bureau of Investigations to investigate computer sex crimes.

**(2005) Oregon SB 243**

Creates prohibitions for persons on post-prison supervision following conviction of a sex crime, including being present more than one time without approval, in a place where minors regularly congregate. Prohibits sex offender under supervision from working or volunteering at a school, day care center, park, playground, or other place where children regularly congregate. Prohibits any contact with prior victims. Requires sex offender treatment and polygraph. Requires maintenance of a driving log. Prohibits sex offender on supervision from maintaining a post office box, unless with prior approval.

**(2005) Utah H 132 nm**

Authorizes the attorney general to administer the internet Crimes Against Children Task Force, and to prepare and present programs and information materials to children, parents, educators, school resource officers, parent-teacher organizations, and libraries to help children use the Internet safely and to help adults be aware of Internet risks to children.

**(2005) Wyoming H 87 nm**

Includes sexual exploitation of a child within the definition of a “criminal offense against a minor.” Deems a residence to have been established after 10 days for registration purposes. Provides definitions for persons satisfying “employment,” “attending school,” or “other educational institutions,” which would require registered sex offenders to also register in Wyoming when found to be a resident or transient. Authorizes the dissemination of offender information to certain institutions and persons, as well as a judicial avenue to disclose information to people not authorized allowed. Requires offenders keep pertinent agencies informed of their changes of residence and certain employment.

**(2005) Wyoming S 23 nm**

Authorizes subpoenas to investigate sexual exploitation of children by way of the Internet. Lists items that may be required to be produced by subpoena. Limits items internet provider may be compelled to provide. Orders the Attorney General to report to the joint judiciary interim committee on subpoenas used for this purpose.

**(2005) Wyoming S 50**

Includes individuals virtually indistinguishable from a child, within those images prohibited as child pornography. Adds to the solicitation of a minor persons who purport to be under 16 and persons encouraging the solicitation or encourage a person under 16 to commit any illicit sexual penetration or sexual intrusion.

## **2004**

### **(2004) Georgia HB 1093**

Eliminates lighter penalties for child molesters convicted as a "first offender." Also subjects defendants to registration requirements pending adjudication.

### **(2004) Georgia SB 457**

Requires by December 31, 2004, that judicial circuits establish sexual abuse protocol committees and county child abuse protocol committees, which must adopt written protocols to address the sexual assault and exploitation of children.

### **(2004) Illinois HB 4135**

Provides that it is unlawful for a person who has been convicted of a sex offense against a child to knowingly: (1) conduct or operate any type of business in which he or she photographs, videotapes, or takes a digital image of a child; (2) conduct or operate any type of business in which he or she instructs or directs another person to photograph, videotape, or take a digital image of a child; or (3) conduct or operate any type of business in which he or she offers for sale a photograph, videotape, computer disk, digital image, or visual depiction of a child. Provides that a violation is a Class 2 felony.

### **(2004) Louisiana HB 137**

Amends the definition of aggravated offense to include any offense where the offender engages in sexual acts involving penetration of victims under the age of 14, which requires these offenders to register as a sex offender for life. Provides exception when the aggravated offense is felony carnal knowledge of a juvenile.

### **(2004) Louisiana HB 925**

Requires a convicted sex offender who provides recreational instruction to persons under the age of 17 years to post a notice in the building or facility where such instruction is being given.

### **(2004) Michigan HB 5199**

Prohibits release on bail of a person convicted of criminal sexual conduct on minor pending sentencing or appeal.

### **(2004) Mississippi HB 1340**

Requires sex offenders who volunteer with organizations who have contact with minors to disclose sex offender status to the organization.

### **(2004) New York SB 7488**

"Joan's Law," provides a mandatory sentence of life imprisonment without parole for conviction of murder committed in the course of a sex crime where the victim is less than 14 years old.

### **(2004) Tennessee HB 3186**

Allows evidence of a defendant's prior conviction of a sex offense when the victim was less than 13 years old and the defendant is presently being tried for a sex crime in which the victim is less than 13 years old. Provisions are subject to Rule of Evidence 403 and the state's giving notice at least 15 days before trial or later as the court may allow for good cause.

## **2003**

### **(2003) Arkansas HB 1934**

Removes the affirmative defense from sexual assault in the first degree (sex with a minor by a person in a position of trust or authority) that the offender was not more than three years older than the victim.

### **(2003) Georgia HB 463**

Enhances registration requirements for certain sex offenders and adds offences for crimes against victims who are minors, such as child kidnapping and false imprisonment of a child. Clarifies language for annual registration and registration while incarcerated. Provides for annual photographs of offenders at the time of annual registration.

### **(2003) Hawaii HB 562**

Makes permanent the offenses of sexual assault in the 1st degree and sexual assault in the 3rd degree for persons who knowingly engage in sexual penetration with minors at least 14 years old but less than 16 years old, if the offender is not less than 5 years older than and is not married to the minor.

### **(2003) Idaho HB 266**

Provide penalties for persons who use the Internet to entice children under the age of sixteen years or believed to be under the age of sixteen years to engage in illegal sexual acts. Applies the provisions of the Sexual Offender Registration Notification and Community Right-to-Know Act to felonies involving the enticement of children over the Internet.

### **(2003) Maine HB 528**

Criminalizes intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse when the actor is at least 10 years older than the other person. This form of sexual abuse of a minor is a Class D crime.

### **(2003) Missouri SB 5**

Adds first degree statutory rape or sodomy, when the victim is less than 12 years of age, to crimes listed as “dangerous felony.” Adds to sex offender registration law to require offenders disclose enrollment at any institution of higher learning, and update any such change of status. Also requires that law enforcement officials share registration information with campus law enforcement.

### **(2003) Nevada AB 78**

Increases the maximum sentence for persons who commit sexual offenses against children. Provides guidelines for the Central Repository for the dissemination of information from the sex offender registry.

### **(2003) Ohio SB 5**

Redefines “sexually oriented offense” that applies to the Sex Offender Registration and Notification Law. Adds certain offenses committed in specific circumstances and relocates offenses relating to children to child-victim oriented offenses. Imposes registration, notice of intent to reside, change of address and periodic address verification duties for sex offenders.

## **2002**

### **(2002) Colorado HB 1132**

Directs the Sex Offender Management Board to research and analyze the safety issues raised by living arrangements for and the location of sex offenders within the community.

### **(2002) Connecticut HB 5680**

Increases the classification and maximum penalty for certain risk or injury and sexual assault crimes against minors under age 16. Establishes advisory committee to assess and evaluate sex offenders who are in state custody or receiving services from a state contractor, to determine risk level and supervision needs. Extends the statute of limitations in sexual assault cases, increases penalties for sexual assault of a minor, and expands the list of persons required to report child abuse and neglect. Mandates a child abuse telephone hotline and creates a child abuse and neglect unit within the State Police Division. Allows for unlimited time on the enforcement of a judgment for personal injury caused by sexual assault. Does not allow a court to prohibit disclosure of information regarding sexual abuse of a minor in a civil case to the Commissioner of Children and Families or a law enforcement agency and establishes a sexual offender risk assessment board.

### **(2002) Delaware SB 422**

Ensures Delaware's Megan's Law complies with federal standards and is consistent with other states that require sex offender registration. Allows law enforcement to have jurisdiction over an offender's place of residence, place of employment or study. Requires written notice to inform offenders they must also comply with sex offender registration requirements in any state they are employed, are a student or carry on a vocation.

### **(2002) Hawaii SB 2698**

Promotes public safety by retaining existing requirements that sex offenders and offenders against children provide certain information to law enforcement officials upon release. Provides public access to a portion of that information and requires a petition for an order to be filed before public release of information.

## **2001**

### **(2001) Indiana H 1942**

Adds people convicted of Class A or B felony sexual misconduct with a minor, to those sex offenders who are prohibited from employment in certain positions involving children.

### **(2001) Louisiana H 426**

Makes it unlawful for a sexually violent predator to be on or near, or reside within 1000 feet, school property. Creates an exception when superintendent of the school board grants permission.

### **(2001) Nevada S 412**

Allows courts to order as a condition of probation for sex offenders that he or she not possess sexually explicit material or patronize a business offering sexually oriented entertainment, not possess equipment with Internet access.

**(2001) Oregon H 2503**

Sets specific post-prison supervision requirements that must be placed on sex offenders. Includes prohibiting contact with persons under 18 years old or with a victim; prohibiting viewing or listening to sexually stimulating material; completion of sex offender treatment program; agreement to random polygraph examination; maintenance of a driving log.

**2000**

**(2000) Illinois H 4116**

Adds to the definition of “sexually violent offense” and provides for the revocation of conditional release for sexually violent criminals under certain circumstances. Defines conditional release and lists rules that the sexually violent person must follow. Allows courts to hold probable cause hearings to determine whether the individual will engage in sexual violence upon release and gives criteria that the court must find in granting conditional release.

**(2000) New York S 8238**

The “Sexual Assault Reform Act” increases penalties for repeat child sexual assault felonies and sets mandatory sentences for various crime classes from four years to life. Prohibits bail or recognizance release of those convicted of certain sexual offenses involving a child. Prohibits from school grounds or other child care facilities certain sex offenders who are on conditional release. Creates felony crimes of and establishes penalties for “persistent sexual abuse” and “aggravated sexual abuse.”

**(2000) Virginia S 197**

Defines “offense prohibiting proximity to children” and prohibits those convicted of the offense from loitering within 100 feet of a school.

**1999**

**(1999) Illinois S 7**

Creates a class 4 felony for child sex offenders to knowingly approach, contact or communicate with a child in a public park; or to loiter on property on which programs or services are offered to children.

**(1999) Texas S 660**

Provides for “child safety zones,” allowing judges or the parole panel to prohibit those who have committed sex and other violent crimes against children from being in child-occupied areas such as schools, swimming pools, playgrounds and child care facilities.

**1998**

**(1998) Fla. Stat. § 948.001**

Creates “sex offender probation or community control” as intensive form of supervision for sex offenders in accordance with treatment plan. Also clarifies which inmates are subject to conditional release supervision upon expiration of their sentences, and expands conditions.

**(1998) Nev. Rev. Stat. § 200.366**

Makes sexual assault against a child a Class A felony and, if committed against a victim under age 14, imposes a mandatory minimum 20-year sentence. Establishes 10 year mandatory minimum for other sex crimes against children younger than 14. Also sets parole conditions for child sex offenders.

**(1998) Nev. Rev. Stat. § 176-82**

Allows as condition of parole for sex offenders that they not have unsupervised contact with children, that they not be in or near a playground, school, movie theater or other business or event primarily for children.

NCSL's Criminal Justice Program is in Denver, Colorado, at 303-364-7700; or [cj-info@ncsl.org](mailto:cj-info@ncsl.org)