

I have been registering since 2006 after initially entering a plea to one count of F.S. 847.0138 (2001) by information at sentencing in 2002 the ASA and the judge stipulated on the record that the intent of the agreement was that I was not going to be a sex offender or sexual predator, again the same stipulation was made on a technical violation of probation in 2003 and directed DOC not to treat me as such.

I was released from prison in 2006 a couple of months before my release I was called up to prison classification where I was directed to sign a form directing me to register as a sex offender once I was released I respectfully refused and I was sent to confinement for disobeying a direct order from prison staff, the next few months as I finished my sentence and after my three attorneys I had used since the initial arrest refused to call me back in prison, the sheriff told my family that if I didn't register I would be rearrested.

After the release from DOC I continued to pursue all collateral attacks to the conviction and judicial enforcement of my plea agreement all of which were summarily denied all the way up through the courts, about 2007 after researching the DOJ mandates issued to the states on the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) which reads as follows:

*42 U.S.C. § 16925(a) sets forth a penalty for jurisdictions that fail to substantially implement Title I of SORNA, For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).*

Thus, a registration jurisdiction that fails to substantially implement SORNA will realize a 10% reduction in its Byrne JAG formula funds. Each of the 50 states, 5 principal territories, the District of Columbia, and some federally-recognized Indian tribes currently qualify for annual awards under the Byrne JAG formula and therefore will be subject to the reduction if they fail to substantially implement the requirements of SORNA.

Calculating award amounts under the Byrne JAG formula is a multi-step process. First, initial allocations to the states, territories, and the District of Columbia are calculated based on population and violent crime statistics, and certain adjustments are made to ensure a minimum amount of funds for each state, territory, and the District of Columbia. These initial allocations determine the amount that goes into each state, but not the amount that goes to the state government itself. Rather, of this initial allocation 60% goes directly to the state, whereas 40% goes to qualifying units of local government and tribes. If a state fails to substantially implement SORNA, the 10% reduction in their Byrne JAG formula funds will be applied only to the 60% in direct grants to states, and not the 40% in grants to local governments and tribes within the state.

For practical purposes, the reduction will be applied in the fiscal year following the deadline for implementation. For example, if a jurisdiction has not substantially implemented SORNA and does not request an extension in 2010, the deadline is July 27, 2010. If it is determined that the jurisdiction did not substantially implement SORNA by July 27, 2010, the reduction will be 10% of the FY 2011 award, imposed when the FY 2011 awards are made.

For funds withheld, SORNA provides reallocation:

*RE-ALLOCATION. Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title. See 42 U.S.C. § 16925 (c).*

For any jurisdiction that has been penalized and wishes to have funds reallocated back to its jurisdiction to be used solely for implementation of SORNA, that jurisdiction must make such a request in writing to the SMART Office. Requests must include a plan and timeline for substantial implementation. The final decision on such requests will be made by the Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice.

Jurisdictions that implement SORNA have an ongoing obligation for compliance and thus, the Byrne JAG reduction penalty may be applied each year a jurisdiction is deemed non-compliant. This means that a jurisdiction's substantial implementation status will be determined annually. This process need not be onerous, particularly if the jurisdiction has made no significant changes to its relevant legislation or sex offender registration and notification system.

As with the county I register in I first was told I was to register twice a year in person, the last day of each month the sheriff sends police officers around to registrants addresses to do two things (1), arrest an offender that has not registered that month, (2), Be in compliance with 42 U.S.C. § 16925, which required state law enforcement to assign local county officers to make physical checks on offenders to maintain compliance, the funds at sex fourth pursuant to the Justice Assistance Grant Program (JAG) See <https://www.bjs.gov/content/pub/pdf/jagp16.pdf> 2016 was \$275,000,000.

Also many if not all Florida counties charge a "administrative fee" Duval is \$25.00 this fee is required when a offender reports to the sheriff every 6 or 3 months or if there is changes of a offender's address. Legally this fee is not attached to the final judgment or is statutorily authorized under Florida law but the loophole is if you don't pay the fee the sheriff won't allow you to register so 5 years in prison.

## **PREPOSED ACTION TO FORCE CHANGE TO FLORIDA'S SEX OFFENDER REGISTRY**

This will require a direct action to force problems with sheriffs with compliance with Byrne JAG requirements which will be intended to reveal the existing problems, and hopefully highlight an alternative, or demonstrate a possible solution to this social issue, the simplicity of this is brilliant let's just call it a sit in for now it won't require transportation to a event or a space to protest all that will be required is for offenders to just not comply.

The police will walk up to offenders residences we all realize this and there will probably be arrests but not for failing to register as required by Florida law this is the beauty of this action, being able to slow down and force DOJ to try and change federal law will have a rippling effect on all state laws, social media will play a big part in this direct action. Please reply or email with ideas.

