



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



International Travel of Registered Sex Offenders

PURPOSE: The purpose of this procedure is to define the necessary steps to maintain compliance with state law and the federal SORNA in regards to a registered sex offender and international travel. This activity is mandated by Tennessee state law, effective July 1, 2011.

PROCEDURAL PROCESS:

The supervisor of the TBI Sex Offender Registry Unit (SORU) shall develop a system for documenting and informing authorities when information is obtained by Tennessee Sex Offender Registering Agencies regarding offenders listed on the Tennessee Sex Offender Registry (SOR) who have intent to travel or move abroad.

Step 1

When receiving information of a registered sex offender's intent to travel or move to another country outside of the United States, Tennessee Registering Agencies shall complete an information update within the SOR database. Tennessee state law requires offenders to report their intention to travel internationally twenty-one (21) days prior to departure. Exceptions to the 21 day rule are listed within the law for frequent travelers.

Step 2

Based on the request of the SMART Office, INTERPOL, and the U.S. Marshals Service - National Sex Offender Targeting Center (USMS-NSOTC) when receiving information of a registered sex offender's intent to travel or move to another country outside of the United States, Tennessee Registering Agencies shall immediately fill out a "Notification of International Travel of Sex Offender" form. The form can be found on the Tennessee Bureau of Investigation "Law Enforcement Only" website under Sex Offender Registry. Fill the form out with as much information as possible.

- Print copy for agency's file.
- To e-mail Interpol: select e-mail button at the bottom of the page and Interpol's e-mail address will automatically appear.
- E-mail a copy to the TBI Manager account, TBISORMGR@tn.gov or fax a copy to (615) 744-4555

This form enables a seamless transfer of information from the registry to the respective agencies and destination country.



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Step 3

The state Interpol liaison at TBI shall use the information provided by the Registering Agency, along with the offender's Sex Offender Registry records, to complete an Interpol notification packet and include a photograph of the offender with the information provided to Interpol. The notification packet shall be forwarded to Interpol Washington (Selina Evans, phone 202-616-3373, fax 202-616-8400). The state Interpol liaison shall also notify all other jurisdictions in which the sex offender is required to register through immediate electronic forwarding of the sex offender's registration information (including the information concerning the sex offender's expected residence, employment, or school attendance outside of the United States) and shall document all notifications within the offender's SOR file.

The state Interpol liaison shall also notify the United States Marshals Service in a single e-mail.

Step 4

If an offender returns to Tennessee from moving / traveling abroad, the Registering Agency shall immediately complete an information update within the SOR database and inform the state Interpol liaison at TBI that the offender has returned and has registered / reported with the local agency.

Related TCA: 40-39-204(h) Each offender shall report to the designated law enforcement agency at least twenty-one (21) days before traveling out of the country; provided, that offenders who travel out of the country frequently for work or other legitimate purpose, with the written approval of the designated law enforcement agency, and offenders who travel out of the country for emergency situations shall report to the designated law enforcement agency at least twenty-four (24) hours before traveling out of the country.

SORNA Mandate: This procedure is mandated under the federal Sex Offender Registration and Notification Act ("SORNA") as included in the National Guidelines for Sex Offender Registration and Notification, pages 53-54:

A sex offender who moves to a foreign country may pass beyond the reach of U.S. jurisdictions and hence may not be subject to any enforceable registration requirement under U.S. law unless and until he or she returns to the United States. But effective tracking of such sex offenders remains a matter of concern to the United States and its domestic jurisdictions, and some measures relating to them are necessary for implementation of SORNA.



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Relevant provisions include SORNA § 128, which directs the Attorney General to establish a system for informing domestic jurisdictions about persons entering the United States who are required to register under SORNA, and 18 U.S.C. 2250(a)(2)(B), which makes it a federal crime for a sex offender to travel in foreign commerce and knowingly fail to register or update a registration as required by SORNA. To carry out its responsibilities under these provisions, the Department of Justice needs to know if sex offenders registered in U.S. jurisdictions are leaving the country, since such offenders will be required to resume registration if they later return to the United States to live, work, or attend school while still within their registration periods. Also, both for sex offenders who are convicted in the United States and then go abroad, and for sex offenders who are initially convicted in other countries, identifying such sex offenders when they enter or reenter the United States will require cooperative efforts between the Department of Justice (including the United States Marshals Service) and agencies of foreign countries. As a necessary part of such cooperative activities, foreign authorities may expect U.S. authorities to inform them about sex offenders coming to their jurisdictions from the United States, in return for their advising the United States about sex offenders coming to the United States from their jurisdictions. For this reason as well, federal authorities in the United States will need information about sex offenders leaving domestic jurisdictions to go abroad in order to effectively carry out the requirements of SORNA § 128 and enforce 18 U.S.C. 2250(a)(2)(B).

International travel also implicates the requirement of SORNA § 113(a) that sex offenders keep the registration current in all jurisdictions in which they reside, work, or attend school. If a sex offender simply leaves the country and does not inform the jurisdiction or jurisdictions in which he has been registered, then the requirement to keep the registration current will not have been fulfilled. Rather, the registry information in the domestic jurisdictions will show that the sex offender is residing in the jurisdiction (or present as an employee or student) when that is no longer the case.

In addition, a sex offender who goes abroad may remain subject in some respects to U.S. jurisdiction. For example, a sex offender may be leaving to live on an overseas U.S. military base, as a service member, dependent, or employee, or to work as or for a U.S. military contractor in another country. In such cases, notification about the individual's status as a sex offender and intended activities abroad is of interest to federal authorities, because the presence of sex offenders implicates the same public safety concerns in relation to communities abroad for which the United States has responsibility (such as U.S. military base communities in foreign countries) as it does in relation to communities within the United States.

The following requirements accordingly apply in relation to sex offenders who leave the United States:



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- *Each jurisdiction in which a sex offender is registered as a resident must require the sex offender to inform the jurisdiction if the sex offender intends to commence residence, employment, or school attendance outside of the United States.*
- *If so informed by the sex offender, the jurisdiction must: (i) notify all other jurisdictions in which the sex offender is required to register through immediate electronic forwarding of the sex offender's registration information (including the information concerning the sex offender's expected residence, employment, or school attendance outside of the United States), and (ii) notify the United States Marshals Service and update the sex offender's registration information in the national databases pursuant to the procedures under SORNA § 121(b)(1).*

SORNA does not require that all notifications to jurisdictions by sex offenders concerning changes in their registration information be made through in-person appearances. Rather, the in-person appearance requirement of SORNA § 113(c) relates to changes in name, and to changes in residence, employment, or school attendance between jurisdictions or within jurisdictions, which jurisdictions must require sex offenders to report through in-person appearances under the circumstances expressly identified in Subpart A of this Part. The means by which sex offenders are required to report other changes in registration information discussed in this Part are matters that jurisdictions may determine in their discretion.