

## Offense Categories and Registration Level Classification Matrix

### OFFENSE CATEGORIES

#### Category A

- 18-4116 Indecent Exposure (excluding misdemeanor conviction)
- 18-5611 Inducing a Person Under 18 years of Age to Patronize a Prostitute

#### Category B

- 18-5605 Detention for Prostitution
- 18-919 Sexual Exploitation by a Medical Provider
- 18-1507 Sexual Exploitation of a Child (subsection 2(a) possesses...sexually exploitative material)
- 18-1507A Possession of Sexually Exploitative Material (code has been repealed but still in effect)
- 18-1509A Enticing a Child Over the Internet
- 18-5609 Inducing a Person Under 18 years of Age Into Prostitution
- 18-6101(2) Rape (victim 16 or 17 and perpetrator is 3 years or more older)
- 18-6108(2) Male Rape (victim 16 or 17 and perpetrator is 3 years or more older)

#### Category C

- 18-909 Assault with Intent to Commit Rape, Infamous Crime Against Nature, or Lewd and Lascivious Conduct with a Minor
- 18-911 Battery with Intent to Commit Rape, Infamous Crime Against Nature, or Lewd and Lascivious Conduct with a Minor
- 18-1506 Sexual Abuse of a Child Under 16 years of Age
- 18-1507 Sexual Exploitation of a Child (subsections 2(b) causes, induces or permits child to engage in... sexually exploitative material, (c) promotes, prepares, publishes...sexually exploitative material, (d) distributes...sexually exploitative material...)
- 18-1508A Sexual Battery of a Minor Child 16/17 years of Age
- 18-4503 2° Kidnapping where the Victim is an Unrelated Minor
- 18-6101 Rape
- 18-6101(1) Rape (victim under 16 and perpetrator is over 18)
- 18-6108 Male Rape
- 18-6108(1) Male Rape (victim under 16 and perpetrator is over 18)
- 18-6110 Sexual Contact with a Prisoner
- 18-6602 Incest
- 18-6605 Crime Against Nature
- 18-6609 Video Voyeurism
- 18-7804 Racketeering (involving kidnapping of a minor)
- 18-8602(1) Sex trafficking

#### Category D

- 18-1505B Sexual Abuse and Exploitation of a Vulnerable Adult  
18-1508 Lewd Conduct  
18-6101(3), (4), (5), (6), (7), (8), & (9) Rape (incapable... of giving legal consent; ...force or violence; ...infliction...of bodily harm; ...unconscious...; ...belief that person is her husband...; ...belief that person is someone other than accused...; ...belief that actor will cause physical harm to someone or property, etc. in future...)  
18-6108(3), (4) (5), (6), & (7) Male Rape (incapable... of giving legal consent; ...force or violence; ...threats...of bodily harm; prevented from resistance by use of substance...;...unconscious...)  
18-6608 Forcible Sexual Penetration by use of a Foreign Object

#### Category E

- 18-1506A Ritualized Abuse of a Child  
18-4003(d) Murder Committed in Perpetration of Rape  
18-4502 1° Kidnapping Committed for Purpose of Rape, Infamous Crime or Lewd Conduct...  
Recidivists (excluding solely Video Voyeurism on adult victim and any Category A offense. However, conviction for one of these offenses plus conviction for any Category B, C, D or E offense shall qualify as a recidivist for registration level purposes)

#### **REGISTRATION LEVELS**

\*Note: Offenders are required to register for the maximum years indicated. They may petition for removal from registration requirement after the minimum years indicated.

**Level 1:** 10 year maximum, 5 year minimum

**Level 2:** 20 year maximum, 10 year minimum; may petition for tier reduction after 5 years

**Level 3:** 30 year maximum, 15 year minimum; may petition for tier reduction after 7 ½ years

**Level 4:** 40 year maximum, 20 year minimum; may petition for tier reduction after 10 years

**Level 5:** Includes VSP's – Life maximum, not eligible for registration removal; may petition for tier reduction after 20 years if placed by risk review adjustment

## Risk Level Registration Matrix

Offense Category	Number of Static/Dynamic Variables Met (Criminal History/Psychological Components)	Registration Level (Based on <u>Assessed</u> Risk to Reoffend)	Term of Registration
A	Up to 9	1	10 Years
			5 Years Minimum
A	10 - 24	2	20 Years
			10 Years Minimum 5 Years Level Reduction Petition
A	25 - 44	3	30 Years
			15 Years Minimum 7½ Years Level Reduction Petition
A	45 - 69	4	40 Years
			20 Years Minimum 10 Years Level Reduction Petition
A	70 or more	5	Life
			No Minimum 20 Years Level Reduction Petition
B	Up to 14	2	20 Years
			10 Years Minimum 5 Years Level Reduction Petition
B	15 – 34	3	30 Years
			15 Years Minimum 7½ Years Level Reduction Petition
B	35 – 59	4	40 Years
			20 Years Minimum 10 Years Level Reduction Petition
B	60 or more	5	Life
			No Minimum 20 Years Level Reduction Petition
C	Up to 19	3	30 Years
			15 Years Minimum 7½ Years Level Reduction Petition

C	20 – 44	4	40 Years
			20 Years Minimum 10 Years Level Reduction Petition
C	45 or more	5	Life
			No Minimum 20 Years Level Reduction Petition
D	Up to 24	4	40 Years
			20 Years Minimum 10 Years Level Reduction Petition
D	25 or more	5	Life
			No Minimum 20 Years Level Reduction Petition
E	Static/Dynamic Variables not a factor	5	Life
			No Minimum No Level Reduction

**Static/Dynamic variables** include factors related to mental status, substance abuse, sexual and/or violent offending, social considerations, and criminal behavior.

**Protective variables** consider factors such as sex offender/substance/mental health treatment, risk assessment, community supervision performance, relationship & employment history, pro-social behavior, and polygraph evaluation.

**MATRIX EXPLANATION:**

\*Note: Excluding Category E offenses, all offenders start at Level 4. The board has established a process of advancement and reduction of risk levels. The following provides examples but the process is more detailed.

*If an offender is convicted of 18-5707 Sexual Exploitation of a Child – Possession of Sexually Exploitative Material, which is a Category B offense, and meets up to 14 of the Static/Dynamic variables, the resulting registration level would be 2. If that offender meets 15 to 34 of the Static/Dynamic variables, the resulting registration level would be 3. If that offender meets 35 to 59 of the Static/Dynamic variables, the resulting registration level would be 4. If that offender meets 60 or more of the Static/Dynamic variables, the resulting registration level would be increased to 5.*

*Protective variables would then be considered. On initial classification, if the offender meets conditions in either Protective Variable Category 1 or 2, the final registration level would be reduced by one level. After ½ of the minimum registration period for levels 2 through 4, an offender may request a reduction in registration level review. Registration levels may be reduced up to 2 levels depending on whether the conditions in either Protective Variable Category 1 or 2, or both, are met. An offender must wait one year after a successful request for*

*reduction in tier to request another reduction in tier. An offender may only be reduced two registration levels from initial classification level.*

**PROTECTIVE VARIABLES CONSIDERED:**

Category 1 - 1 Level reduction could occur if all variables are met:

- Sex offender treatment completion with documentation that identified dynamic variables in psychosexual evaluation were addressed and aware of how to manage those situations
- Probation or parole completion with documentation of good performance under supervision
- Current psychosexual evaluation indicating assessed low re-offense risk
- Current STATIC-99, STABLE-2007 and ACUTE-2007 (if within scoring protocol) concluding low re-offense risk
- Completion of Level applicable time in community (continuous) with no criminal behavior
- No Health & Welfare reports filed during applicable time in community
- Polygraph indicating no new victims and truthfulness of information submitted to SOMB

Category 2 – 1 level reduction could occur if all variables are met:

- Long term marriage/domestic partner relationship (2+ years)
- Long term employment with same employer (2+ years)
- Letters from peers indicating pro-social behavior
- Verification of financially responsible behavior (credit score)
- AA or NA attendance records and passed drug tests for 2 years if applicable
- Verification of treatment compliance for psychiatric conditions if applicable (2+ years)
- Recent evaluation verifying previous psychiatric condition no longer exists/does not need treatment if applicable
- Verification of treatment compliance if medical treatment (e.g. Depo-Provera) for sexual offending behavior was obtained
- Polygraph indicating no new victims and truthfulness of information submitted to SOMB

And one of the following:

- Church or other volunteer organization verification of regular pro-social activity involvement and how person contributed to activity (2+ years)
- Verification of regular involvement in cooperative sporting activities (2+ years)
- Completion of additional education (GED, HSE, college degree, certification in specialized skills)