

# The new SORNA: legislative authority or administrative fiat?

written by David M | September 29, 2022



By David M . . . Are you old enough to remember the oil crisis of the 1970's and the two decades of 55MPH driving which followed? I am. In the mid '80's singer Sammy Hagar had a hit song titled, "I Can't Drive 55," which appears to be his personal protest against the creation of the so-called "National Speed Limit."

"So-called" because the federal government has no constitutional authority to impose its bureaucratic will upon the sovereign states. "Then how did we end up with 20 years of 55 MPH limitations on our nation's highways?" you might ask. It's simple; the federal government may not have the 'authority' to impose its will, but after decade upon decade of concessions by "We, the People," the federal government has been handed that power.

In this case, money equals power, and states which refused to

adopt the speed limit saw a significant reduction in federal funding to their transportation systems. Some states held out, so funding was withheld in other areas as well, and the coercion tactic worked. The result was twenty plus years of 55MPH driving across the nation as every state was forced to "voluntarily comply."

It wasn't until the mid '90's before the policy was reversed, and states again had control over their roadways.

Because holding federal funds hostage and demanding a ransom of compliance worked so well, this fiscal blackmail was extended into other areas, including the AWA and "The Registry." The DOJ has recently adopted a vastly more restrictive SORNA, not by congressional legislation as required, but by mere administrative fiat. In West Virginia, for example, the WVSP launched a massive and costly mail campaign persuading registered citizens across the state into signing documents agreeing to a 21-day prior notification requirement for international travel.

While this new SORNA restriction is not contained within the WV registry laws, any registrant who was frightened enough into going in and signing the document is now legally bound to comply with the policy mandate for the remainder of their term of registration; for many this means a lifetime of unwarranted travel restrictions.

Technically speaking, SORNA can only be forced legally upon individuals convicted under federal rather than state jurisdiction. Even so, the feds get around this, once again by administrative fiat.

The Adam Walsh Child Protection & Safety Act of 2006 established funding penalties for states which failed to substantially implement SORNA. Any state found to be non-compliant as determined by the DOJ SMART Office (Sex Offender Management, Apprehension, Registration & Tracking) has their

Byrne/JAG award reduced by 10%. This amounts to a substantial amount as \$187 million was awarded in 2021 to support local, state, and tribal law enforcement activities; thus, it pays to be “substantially compliant” with regard to SORNA.

The Byrne Grant is the primary provider of federal funding for criminal justice initiatives at the local and state levels, providing critical funding to support a wide range of law enforcement activities.

States determined by SMART to be non-compliant may apply to have their Byrne/JAG funding reinstated for the singular purpose of implementing SORNA. Twenty-two states have applied for reinstatement:

Because the reinstated funds can be used only for the implementation of SORNA requirements, even though they may not be codified in a given state’s registry laws, this can mean bad news for the registrants living in these jurisdictions, quite possibly resulting in more rules, more regulations, more restrictions, and vastly less freedom and personal liberty.

These changes need to be challenged in the courts.

All registrants and their families are urged to write their state and federal representatives demanding fair, just, and impartial sexual offense laws based upon the enormity of factual, evidence-based data. To stand silent is to condone and accept injustice.