

INTERSTATE TEMPORARY TRAVEL, VACATIONING, AND THE REGISTRY

The question of registering in each state you temporarily visit comes up repeatedly. If you ask an attorney, they are usually reluctant to give advice (they must be licensed in the state you are traveling to) or are mostly unaware of the requirements, if there are any. Because there is so much conflicting information about this, it's time to separate fact from fiction. We tackle travel and registration, after an important warning.

WARNING FOR SUPERVISED OR RELOCATING REGISTRANTS

- This informational guideline does not apply to registrants under any type of supervision, parole, or probation. Such supervised registrants may have additional travel restrictions imposed by the supervising agency.
- Moving permanently within your state. If you intend to permanently leave, end your lease, or otherwise not return to your current residence, you must update your registration within your state.
- Moving permanently out of state. If you move from your current residence to another state, you must notify your current state and register in the new state. Failure to do so will result in federal charges for failure to register. Federal courts have concluded that you have been put on notice of a need to register under the 2006 federal Sex Offender Registration and Notification Act (SORNA, aka The Adam Walsh Act) when moving permanently between states. One of the main reasons behind federal SORNA is to prevent registrants from moving between states to escape the need to register. See [United States v. Ambert, 561 F.3d 1202, 1212 \(11th Cir. 2009\)](#).

NON-SUPERVISED REGISTRANTS

This informational guideline is for non-supervised registrants who simply travel to other states (interstate travel) for vacation, leisure, or visitation on a temporary basis while fully intending to return to their permanent residence. Here we analyze and question the need to register during interstate travel across the United States, and its territories.¹

You Have a Fundamental Federal Right to Interstate Travel While on a Registry.

The US Supreme Court has said that the right to travel is “a virtually unconditional personal right, guaranteed by the Constitution to us all. . . . [And] protects the right of a citizen of one state to enter and to leave another state, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State” [Saenz v. Roe, 526 U.S. 489, 498 and 500 \(1999\)](#).

Federal Law and the “Knowingly” Requirement

You must know the registry laws in your home state, which requires you to sign a document informing you of those requirements. However, it's hard to be compliant with a law you don't know about. Is a registrant to know that North Carolina won't allow you to attend the state fair, Alabama says you can't go to the beach, Illinois says you can't be in a public park, and on and on? There is no state or federal law that requires a registrant to know the registry laws in all 50 states and territories.

¹ These include Puerto Rico, Guam, US Virgin Islands, Northern Mariana Islands, American Samoa, Bajo Nuevo Bank, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, and Palmyra Atoll.

For example, International Megan's Law is February 28, 2016, addition to federal registration law (SORNA) that requires a 21-day advance notification for any international travel by registrants. Federal law, as well as each state law, requires that to be prosecuted for *failure to register* the registrant must “knowingly” or “willfully” fail to register. This “knowingly” requirement is known as an element of the crime of failure to register and prosecutors must prove that element beyond a reasonable doubt.

The Government must prove only that a convicted sex offender knew of a registration requirement and knowingly failed “to register or update a registration,” not that the sex offender also knew that the failure to register violates SORNA.

[United States v. Goering-Runyan](#), No. 22-30194, 2024 WL 511873, at *1 (9th Cir. Feb. 9, 2024) (underlining added) (quoting 18 U.S.C. § 2250(a)(3)).² See also [Bryan v. United States](#), 524 U.S. 184, 184, (1998) (“ ‘Knowingly’ refers to knowledge of the facts constituting the offense, as distinguished from knowledge of the law.”)

For the federal government to enforce this law, each registrant must be informed of the 21-day advance notice for international travel requirement. That is, the registrant must know that requirement. A state informs a registrant in writing of that requirement, usually by the registrant signing an acknowledgement of the requirement. That signature is proof that the registrant “knows” the requirement. At trial the prosecutor would place into evidence the registrant's signed acknowledgement of the requirement.

On Sanchez's signed sex offender registry document dated March 30, he initialed next to a statement that reads, “Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally”.

[United States v. Sanchez](#), 2:20-mj-04743-DUTY (C.D. Calif. 2020) [News citation](#)

The Attorney General of the United States confirms the inability to prosecute registrants if they are unaware of their obligations to do so:

If the jurisdiction fails to inform a sex offender about some of SORNA's registration requirements, the sex offender then does not know about some of his registration obligations under SORNA based on the information received from the jurisdiction, and may not learn of them from other sources. In such cases, the possibility of liability under 18 U.S.C. § 2250 continues to be limited to cases in which a sex offender “knowingly fails to register or update a registration as required by [SORNA].” The limitation to “knowing[]” violations provides a safeguard against liability based on unwitting violations of SORNA requirements of which a sex offender was not aware.

July 15, 2020. William P. Barr, Attorney General. <https://www.federalregister.gov/d/2020-15804/p-47> (underlining added).

State Law: The Interstate Traveling Failure to Register Boogeyman

While paranoia persists among traveling registrants, and rightfully so with so many registration requirements varying from state to state, it's time to understand what the law says and doesn't say for temporarily visiting and vacationing registrants in a state outside their permanent home residence.

² 18 U.S.C. § 2250(a)(3) reads:

(a) Whoever— . . . (3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act; shall be fined under this title or imprisoned not more than 10 years, or both.

With over 800,000 registrants in the United States, and many states having a period of initial registration of 2 to 5 days, in the more than 25 years since the start of nationwide registries surely by now someone would have been convicted of overstaying a visit. As far as we can tell, it just isn't so. After an exhaustive legal search, not a single case of a failure-to-register charge or conviction has been uncovered in the United States for temporarily visiting other states by registrants that we are aware of.

Most states have not enacted visitation statutes for length of time in their state before a need to register would trigger. For those that have, we still beg the question why has no one ever been charged or convicted for exceeding a visiting state registration requirement? We think there are three compelling reasons.

1. In the rare circumstance of an encounter with law enforcement, there is very little incentive for them to charge you for a registry violation. They could instead simply ask the registrant to leave the state or go register.
2. No state or federal law requires you to know another state's law for temporary travel registration requirements.
3. The "knowingly" requirement in many states.

Just like in federal court, most states would have to prove beyond a reasonable doubt that the registrant "knowingly" violated the visiting state's registration laws.

When registrants within their home state are charged with failure to register the state prosecutor must present evidence that the registrant was aware of their requirements to remain compliant with the registry: "The record reflects that Defendant printed and signed his name beneath a provision that provides, 'I understand all my registration requirements.'" [State v. Brown, 735 S.E.2d 634 \(N.C. Ct. App. 2012\)](#).

A traveling or visiting registrant could not be found guilty of knowingly failing to register. What could the visiting state provide in court to document the registrant was aware of their law for visitation? Though some would argue that "ignorance of the law is no defense," ignorance is a defense when the civil-regulatory statute specifically makes "knowing" the registration requirement an element of the crime that must be proved.

In light of our canons of statutory interpretation and the general culpability provisions set forth in our Crimes Code, we hold that the Commonwealth must prove that the offender knew of his SORNA obligations before he can be convicted of failing to comply with them.

[Commonwealth v. Roberts, No. 16 WAP 2023, 2025 WL 258755, \(Pa. Jan. 22, 2025\)](#)

[I]t is hard to fathom a situation in which a person could knowingly fail to register without first knowing they had such an obligation.

[State v. Graham, 549 S.W.3d 533, 538 \(Mo. App. W. Dist. 2018\)](#)

³ "Any person required to register for life pursuant to this article who knowingly provides materially false information or who refuses to provide accurate information when so required by the terms of this article, or who knowingly fails to register or knowingly fails to provide a change in any required information as required by this article, is guilty of a felony . . ." [W.Va. Code § 15-12-8\(c\)](#)

EXAMPLE 1: A registrant goes on vacation for 17 days to West Virginia, which has a 15-day visitation registration requirement in state law. How is the registrant entering West Virginia advised in writing with a confirming signature of the state's 15-day visitation law? West Virginia³ would have no means to meet the "knowingly" requirement for a successful prosecution. The same logic applies to every state a registrant visits.

EXAMPLE 2: The registrant then travels to North Carolina for 2 days and attends the NC State Fair,⁴ premises restriction for NC registrants. Visiting registrants are not "required to register under this Article" as the NC law is directed towards NC resident registrants. For the same reason, premises restrictions imposed across the few states that have such restrictions would be very unlikely to be successfully prosecuted as the visiting registrant has not been informed of such a restriction.

Summary

To date we are unaware of any prosecutions for registrants exercising their constitutional right to freely travel the United States for periodic vacations and temporary travel. The likelihood of encountering law enforcement while on vacation is possible, but very unlikely. The impetus for a visiting state to attempt to prosecute such a case is very unlikely. The likelihood of a successful conviction is even more remote as states have no means to inform visiting registrants of their civil-regulatory registry laws.

Registrants certainly may choose to be aware of various visitor state laws regarding registration where they plan to visit. In addition, they may choose to be cautious and if extending a visit beyond a clear statutory visitation requirement, register within the visiting state, or alternatively exit the state before the date of registration requirement would be imposed.

Being overly cautious by notifying your home state registration officials of your planned travel when not required, keeping detailed travel logs, introducing yourself to local law enforcement at your visiting state and invoking unnecessary paranoia while traveling for leisure may be unwarranted. Registrants now have full context for making an informed decision while traveling on vacation and temporary visitation out of their home state. Enjoy your trip!

DISCLAIMER: NARSOL does not provide legal advice. This informational statement does not provide legal advice and is to be used for informational purposes only. This area of state law is complex and often ambiguous concerning visiting registrants. Registrants may seek out competent legal counsel in the state they wish to visit for a more complete legal opinion.

⁴ "(a) It shall be unlawful for any person **required to register under this Article**, if the offense requiring registration is described in subsection (c) of this section, to knowingly be at any of the following locations: . . . (4) On the State Fairgrounds during the period of time each year that the State Fair is conducted." [N.C. Gen. Stat. § 14-208.18](#)