

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: DISCLOSURE OF PSI TO :
MEGAN'S LAW TIERING AGENCY :
IN SEX OFFENDER CASES : **STANDING ODER 2024-01**
SUBJECT TO SORNA :

WHEREAS, the Sex Offender Registration and Notification Act (SORNA), 42 U.S.C. § 16901 *et seq.*, defines what constitutes a sex offense and establishes a system of “tiers” that corresponds to the severity of a sex offender’s sex offense; and

WHEREAS, SORNA defines a sex offender as an individual “convicted of a sex offense,” 42 U.S.C. § 16911(1), defines the term “sex offense,” 42 U.S.C. §§ 16911(5), (7), & (8), and requires sex offenders to register and keep their registrations current in jurisdictions where they reside, work, and are a student, 42 U.S.C. § 16913; and

WHEREAS, SORNA includes three tiers—tier I, tier II, and tier III—and a sex offender’s tier depends on the severity of his prior sex offense conviction. *See* 42 U.S.C. §§ 16911(2)-(4); and

WHEREAS, in the State of New Jersey, the County Prosecutors are responsible for determining the level of risk of re-offense and place the offender in a "tier" based upon that determination, N.J.S.A. 2C:7-8, and are also charged with determining the scope of community notification, subject to judicial review in accordance with the procedures established by the Supreme Court of New Jersey N.J.S.A. 2C:7-6 *et seq.*; and

WHEREAS, each New Jersey County Prosecutor's Office has a separate Megan's Law file for each registrant in which all information and documentation relied upon to reach the tier determination is kept; and, according to New Jersey law, for discovery purposes, this file is provided to a registrant's counsel or to a prosecutor and shall be made available after receipt of the application for judicial review; and

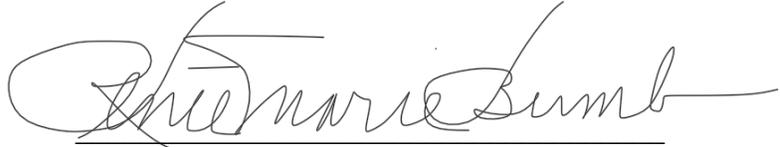
WHEREAS, records maintained pursuant to Megan's Law shall be open to any law enforcement agency in New Jersey or any other state. N.J.S.A. 2C:7-5a; and

WHEREAS, in order to comply with the above-described requirements of SORNA, involving tiering and discovery purposes, the New Jersey County Prosecutors, as well as out-of-state law enforcement agencies, require relevant information contained in Presentence Investigation Reports (PSI) prepared by United States District Court, District of New Jersey, Probation Office; and

WHEREAS, disclosure of a PSI must be authorized by the United States District Court;

NOW, THEREFORE, based upon all of the foregoing, **IT IS HEREBY ORDERED**, effective immediately, that as a matter of course, a PSI may be provided to any relevant law enforcement agency, including any New Jersey State County Prosecutor's Office, for use in the sex offender tiering classification process under SORNA; and

IT IS FURTHER ORDERED that the law enforcement agency may only further disclose a PSI to a Court, the defendant and/or defense counsel, if the defendant challenges the law enforcement agency's determination of the defendant's tier classification.



Hon. Renée Marie Bumb
Chief United States District Judge

Date: 2/1/24