



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

IN REPLY REFER TO:

11000
LFF-3
FEB 03 2009

From: Commandant of the Marine Corps (LFF)
To: Distribution List

Subj: SUPPLEMENTAL IMPLEMENTATION GUIDANCE - REGISTERED SEX
OFFENDERS PROHIBITED OCCUPANCY AND ACCESS TO MARINE CORPS
GOVERNMENT-OWNED, LEASED, OR PRIVATIZED FAMILY HOUSING

Ref: (a) SECNAV Memo of 07 Oct 2008, "Policy for Sex
Offender Tracking and Assignment and Access
Restrictions within the Department of the Navy"
(b) CMC (I&L) Policy Letter ltr Ser 11000 LFF of 31
Dec 08 entitled "Registered Sex Offenders
Prohibited Occupancy and Access to Marine Corps
Government-Owned, Leased, or Privatized Family
Housing"
(c) The National Guidelines for Sex Offender Registration
and Notification, Final Guidelines of June 2008
(Department of Justice)

Encl: (1) Sex Offender Disclosure Certification Form
(2) Sex Offender Definitions

1. Per references (a) and (b), sex offenders are prohibited from occupying Department of Navy owned or leased military housing or Public-Private Venture housing, except where prohibited by law or otherwise waived by competent authority. Reference (b) specifically directed installations with Military Housing Offices to implement a screening process of all current and prospective residents to ensure sex offenders do not occupy Marine Corps Government-owned, leased or privatized housing. This letter provides supplemental implementation guidance to reference (b).

2. To identify registered sex offender status, there are multiple search options available, including web-based mailing address searches (by ZIP code) and various existing web-based state and federal sex offender registries or databases. To facilitate implementation of the SECNAV mandate and screening requirements directed in reference (b) in a consistent manner, the following guidance is provided.

Subj: SUPPLEMENTAL IMPLEMENTATION GUIDANCE - REGISTERED SEX OFFENDERS PROHIBITED OCCUPANCY AND ACCESS TO MARINE CORPS GOVERNMENT-OWNED, LEASED, OR PRIVATIZED FAMILY HOUSING

IMPLEMENTATION STRATEGY.

At a minimum, installations shall initiate database queries through the Dru Sjodin National Sex Offender Public Website (NSOPW) at <http://www.nsopr.gov>, per the following parameters:

- A. Screening of new Family Housing applicants: During in-processing and prior to assignment to government-owned or referral to the appropriate Public Private Venture (PPV) landlord for assignment to PPV-owned housing, individual name search remains the optimal approach. Searches should be conducted using the service and family members names, but may exclude those family members under the age of 14. Per reference (c), the Department of Justice indicates that sex offender registration and notification guidelines capture those adjudicated delinquent, but only if the offender is 14 years of age or older at the time of the offense. No convicted sex offenders under the age of 14 are included in the Dru Sjodin NSOPW database.
 - B. Current Family Housing occupants: By name search is preferred if possible. However, as an alternative, due to name similarities and name changes, a database search by locality and/or zip code parameters is an acceptable query to conduct the current occupant screening search.
3. Implementation of screening new applicants is required immediately. Actions associated with screening current occupants are as follows:
- A. Installations' review and screening of current housing occupants shall be completed NLT 15 Apr 2009.
 - B. Provide screening data results review, and report implementation status via the chain of command to HQMC LFF NLT 22 Apr 2009.
 - C. Installations shall incorporate recurring searches of applicable databases by ZIP code on a monthly basis; while not exhaustive, a search of sex offender registries by ZIP code alone will assist installations in identifying sex offenders who may not have been identified in the one-time

Subj: SUPPLEMENTAL IMPLEMENTATION GUIDANCE - REGISTERED SEX OFFENDERS PROHIBITED OCCUPANCY AND ACCESS TO MARINE CORPS GOVERNMENT-OWNED, LEASED, OR PRIVATIZED FAMILY HOUSING

screening of current residents or identified during screening at the time of application for assignment to Family Housing or referral to the PPV landlord.

4. The sex offender disclosure certification form at enclosure (1) should be used for disclosure purposes to screen housing applicants names against national and/or state sex offender registries or databases. No Privacy Act Statement is required on this form. While the form does collect the name of the housing applicant, a name alone does not constitute PII. The completed form should be retained along with applicants' housing applications per local directives and procedures.

5. Should installation screening actions identify any sex offenders resident in Unaccompanied Personnel Housing (bachelor quarters) aboard installations, such information shall be referred to the appropriate Commander (and Staff Judge Advocate) for resolution. While it is possible that sex offenders may be identified in bachelor quarters, it is highly unlikely, and each such case is best handled by the identified sex offender's chain of command.

6. Additional guidance related to implementation of SECNAV policy outlined in reference (a) and beyond Family Housing occupant screening is currently under review and will be promulgated via separate correspondence.

7. Guidance regarding screening and referral policies and procedures where Family Housing services are provided by other agencies or Services (e.g., Okinawa, Japan, where the U.S. Air Force serves as Executive Agent for joint housing management island-wide) is still under development and coordination with HQ USAF. Supplemental guidance for these locations will be promulgated once coordination is completed.

8. HQMC LFF POC for this issue is Ms. Nikki Kolen at (703) 695-9767, DSN 225-9767, or email nikki.kolen@usmc.mil.


A. V. ERMOVICK
By direction

Subj: SUPPLEMENTAL IMPLEMENTATION GUIDANCE - REGISTERED SEX
OFFENDERS PROHIBITED OCCUPANCY AND ACCESS TO MARINE CORPS
GOVERNMENT-OWNED, LEASED, OR PRIVATIZED FAMILY HOUSING

Distribution:

CG MARCORBASESLANT
CG MARCORBASESPAC
CG MARFORRES NEW ORLEANS LA
CG MCCDC QUANTICO VA
CO MARBKS WASHINGTON DC

Copy to:

CMC WASHINGTON, DC (MRA, CL, PA, LF)
CG MARFORCOM NORFOLK VA
CG MARFORPAC CAMP SMITH HI
CG MCIWEST
CG MCIEAST
CG MCB CAMP BUTLER OKINAWA JA
CG MCRD/WRR SAN DIEGO CA
CG MCRD/ERR PARRIS ISLAND SC
CG MCAGCC TWENTYNINE PALMS CA
CO MCB HAWAII
CO MCB QUANTICO VA
CO MCB CAMP PENDLETON CA
CO MCB CAMP LEJEUNE NC
CO MCLB BARSTOW CA
CO MCLB ALBANY GA
CO MCMWTC BRIDGEPORT CA
CO MCSF BLOUNT ISLAND FL
CO MCAS MIRAMAR CA
CO MCAS CAMP PENDLETON CA
CO MCAS YUMA AZ
CO MCAS BEAUFORT SC
CO MCAS CHERRY POINT NC
CO MCAS NEW RIVER NC
CO MCAS IWAKUNI JA
CO MCAF QUANTICO VA
COMUSMARFORK SEOUL KOR
CO HQBN HQMC ARLINGTON VA

**Registered Sex Offender Policy
Prohibited Occupancy and Access to Family Housing**

Specific Objective: To comply with prohibited Registered Sex Offender occupancy and access to USMC Family Housing policy stipulated in the following directives:

- A. SECNAV Memo of 07 Oct 2008 -- "Policy for Sex Offender Tracking and Assignment and Access Restrictions within the Department of the Navy"
- B. CMC I&L Policy Letter of 31 Dec 2008 -- "Registered Sex Offenders Prohibited Occupancy and Access to Marine Corps Government-Owned, Leased, or Privatized family Housing"

Disclosure Statement: Information provided is for public safety disclosure purposes in accordance with the Sex Offender Registration and Notification Act (SORNA), (P.L. 109-248), and to check names against national/ state sex offender registries.

Family Housing Applicant Action:

1. Are you or any member of your family for whom you seek authorized housing under this application a sex offender as defined in the enclosure, or required to register as a sex offender? (circle one)

YES

NO

Note: If you answered "Yes", your application will be referred to the Installation Commander and Legal for processing.

2. CERTIFICATION OF APPLICANT

I hereby certify that my response contained herein is true and correct, and I understand that the omission of any material fact may result in denial of my application for housing, or eviction from housing if the omission is discovered after assignment.

Signature: _____ Date: _____

Printed Name: _____

Definitions:

1. Sex Offender. The term sex offender means an individual who was convicted of a sex offense to include all persons who are required to be registered as a sex offender. Sex offense means (from section 111 of The Sex Offender Registration and Notification Act (SORNA)):

(i) A criminal offense that has an element involving a sexual act or sexual contact with another. Criminal offense refers to offenses under any body of criminal law, including state, local, tribal, foreign, and military.

(ii) A criminal offense that is a specified offense against a minor.

(iii) A Federal offense (including an offense prosecuted under 1152 or 1153 of title 18 United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, Or 2258), or 117, of title 18, United States Code. This covers most sex offenses under Federal law.

(iv) A military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note), the Uniform Code of Military Justice.

(v) An attempt or a conspiracy to commit an offense described in clauses (i) through (iv).

A foreign conviction is not a sex offense if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused. Sex offense convictions under the laws of Canada, United Kingdom, Australia, and New Zealand are deemed to have been obtained with sufficient safeguards for fundamental fairness and due process. Sex offense convictions under the laws of any foreign country are deemed to have been obtained with sufficient safeguards for fundamental fairness and due process if the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.

An offense involving consensual sexual conduct is not a sex offense if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

Convictions for SORNA purposes include convictions of juveniles who are prosecuted as adults. It does not include juvenile delinquency adjudications unless the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense. Considering the relevant aspects of the federal "aggravated sexual abuse" offense, it suffices for substantial compliance with the SORNA requirements to juveniles at least 14 years old at the time of the offense who are adjudicated delinquent for committing (or attempting or conspiring to commit) offenses under laws that cover: (1) engaging in a sexual act with another by force or the threat of serious violence; or (2)

engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim. Sexual act for this purpose includes any degree of genital or anal penetration, and any oral-genital or oral-anal contact.

Specified offense against a minor means an offense against a minor that involves any of the following:

- (a) An offense involving kidnapping (unless committed by a parent or guardian).
- (b) An offense involving false imprisonment (unless committed by a parent or guardian).
- (c) Solicitation to engage in sexual conduct.
- (d) Use is a sexual performance.
- (e) Solicitation to practice prostitution.
- (f) Video voyeurism as described in section 1801 of title 18, United States Code.
- (g) Possession, production, or distribution of child pornography.
- (h) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
- (i) Any conduct that by its nature is a sex offense against a minor.