



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350

SECNAVINST 5800.14A  
PERS-68

MAY 24 2005

SECNAV INSTRUCTION 5800.14A

From: Secretary of the Navy  
To: All Ships and Stations

Subj: NOTICE OF RELEASE OF MILITARY OFFENDERS CONVICTED OF  
SEX OFFENSES OR CRIMES AGAINST MINORS

Ref: (a) 10 U.S.C. 951 (Section 115(a)(8)(C) of P.L. 105-119  
of 26 Nov 97, 111 Stat 2466, reprinted as a note  
thereto)  
(b) 42 U.S.C. 14071  
(c) DOD Directive 1325.4 of 17 Aug 01  
(d) DOD Instruction 1325.7 of 17 Jul 01

Encl: (1) List of Offenses Requiring Processing as a Convicted  
Sex Offender  
(2) DD 2791 (APR 03), Notice of Release/Acknowledgement  
of Convicted Sex Offender Registration Requirements

1. Purpose

a. To provide policy and guidance for management of the notification program for military offenders currently or previously adjudged at a general or special courts-martial, or convicted by a State, Federal, or foreign court of a sex offense or crime against a minor for which notification is required.

b. To designate those persons responsible for identifying offenders for whom sex offender notifications are required.

c. To perform notifications required by references (a) and (b).

2. Cancellation. SECNAVINST 5800.14.

3. Discussion. Sex offenders were previously required to register themselves with appropriate authorities in the locality where they chose to live. This requirement has been expanded to better meet the needs of the community. References (c) and (d) implement the requirements of references (a) and (b) to ensure

registration and notification to State and local levels are made by the Services, not just the offender.

4. Applicability. This instruction applies throughout the Department of the Navy. It pertains to all Department of the Navy offenders who:

a. Have been adjudged, at any time, at a general or special courts-martial of a qualifying sex offense or crime against a minor as listed in enclosure (1).

b. Have a history of any State, Federal, or foreign conviction for a qualifying sex offense or crime against a minor for which notification is required.

5. Policy. The Department of the Navy will take steps necessary to register all offenders currently or previously adjudged at a general or special courts-martial, or previously convicted by a State, Federal, or foreign court of a sex offense or crime against a minor as required by references (a) through (d).

6. Limitation. No limitations are placed on the lawful prerogatives of the Department of the Navy or its officials.

7. Responsibility

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for overall policy and execution of this notification program.

b. Commander, Navy Personnel Command (PERS-84) (Corrections and Programs Division) and Commandant of the Marine Corps (PSL Corrections) are assigned as "Component-Responsible Officials" and shall:

(1) Develop and implement a notification program using a multi-disciplinary approach by judge advocates, corrections personnel, the Naval Criminal Investigative Service, and unit commanding officers.

(2) Establish procedures to ensure this notification program is in compliance with references (c) and (d).

(3) Establish a training program to ensure that service providers receive instruction in fulfilling the requirements for the Department of the Navy Notification Program.

(4) Establish an integrated and comprehensive system meeting the requirements of references (c) and (d).

(5) Coordinate provision of personnel in sufficient numbers to ensure that the program is effective.

b. The Component-Responsible Officials of this notification program for military offenders confined in their respective Service's correctional facilities shall:

(1) Ensure that prior to the permanent release from confinement of a prisoner, for whom sex offender notification is required, the correctional facility's commanding officer, officer in charge, chief petty officer in charge, or brig officer advise the prisoner of the registration requirements of the State in which the prisoner intends to reside upon release from confinement.

(2) Ensure that confinement facilities, through the use of enclosure (2), obtain the prisoner's acknowledgement in writing that the prisoner has been informed of the registration requirements. The notice, provided to the prisoner shall contain information that the prisoner is subject to a registration requirement as a sex offender in any State in which the prisoner resides, is employed, carries on a vocation, or is a student. The documentation shall be made a part of the prisoner's permanent file and the files maintained per current regulations.

(3) Ensure that before permanent release of a prisoner to a location inside the United States, for whom sex offender notification is required, the facility's commanding officer, officer in charge, chief petty officer in charge, or brig officer provide written notice of the release using enclosure (2) to the following:

(a) The chief law enforcement officer of the State in which the prisoner intends to reside upon release from confinement.

(b) The chief law enforcement officer of the local jurisdiction in which the prisoner intends to reside upon release from confinement.

(c) The State or local agency responsible for the receipt or maintenance of a sex offender registration in the State or local jurisdiction in which the prisoner intends to reside upon release from confinement.

(4) Ensure that before permanent release of a prisoner to a destination outside the United States, for whom sex offender notification is required, written notice of the offender's return to the community is provided using enclosure (2) per laws of the country of destination.

(5) Ensure enclosure (2) is used for making required notifications. The notice shall be provided in order to be received at least 5 days prior to the prisoner's permanent release from confinement. A prisoner's release date may not be extended due to failure of the confinement facility to complete required notifications prior to release.

(6) Ensure that upon transfer of a military prisoner, for whom sex offender notification is required, to a State or local confinement facility, or to a facility under the control of the Federal Bureau of Prisons, the Naval confinement facility provides written notification to the receiving confinement facility that the prisoner has been convicted. The receiving confinement facility will provide notice of release and inform the prisoner concerning registration obligations under the law. Notification to State and local officials is not required when prisoners are transferred to another correctional facility.

c. The Convening Authority or the Convening Authority's Designee shall:

(1) Ensure documentation of any sex offender registration or notification requirements for military offenders adjudged at a special or general courts-martial are included in the Reports of Results of Trial.

(2) After completion of judicial proceedings at a general or special courts-martial, and upon post-trial confinement of military offenders, provide documentation (i.e.,

Reports of Results of Trial) to the designated confinement facility indicating any sex offender registration or notification requirement to be accomplished by the confinement facility as described in paragraph 7b above.

(3) (no later than one working day after completion of judicial proceedings at a special or general courts-martial, resulting in adjudgement of a qualifying sex offense or crime against a minor) provide the Reports of Results of Trial indicating any sex offender registration or notification requirement to be accomplished, and documentation of the offender's stated intended address of residence (specifying the city and State) to the Naval Criminal Investigative Service when those offenders:

(a) Are not sentenced to any confinement, or receive a sentence in which all confinement is suspended.

(b) Are not confined in a service-operated confinement facility.

(c) Are not or will not be, under control of the U.S. Probation Office or Federal Bureau of Prisons at the time of release from military service.

(4) Obtain the member's acknowledgement in writing that they were informed of the registration requirements.

(5) Immediately, upon completion of any post-trial action that would affect reporting requirements under references (a) through (d), including, for example, modification or disapproval of findings or sentence, provide notification to the Naval Criminal Investigative Service of such action.

d. The Naval Criminal Investigative Service, upon notification from a convening authority concerning those military offenders adjudged at a general or special courts-martial for whom sex offender notification is required, shall:

(1) Ensure required notifications are made in order to be received within 10 days of the completion of:

(a) Judicial proceedings for those offenders meeting conditions of paragraph 7c(3)(a) and (b).

(b) Any post-trial action described in paragraph 7c(5).

(2) Ensure enclosure (2) is used for making required notifications.

(3) Ensure written notice of an offender's return to the community is provided to

(a) Officials outlined in paragraphs 7b(3)(a), 7b(3)(b), and 7b(3)(c) for offenders returning to a destination inside the United States.

(b) Officials outlined in paragraph 7b(4) for offenders returning to a destination outside the United States.

(4) Ensure prompt notification of all recipients of notifications that the previous notice is withdrawn in the event that notification of an offender's return to the community based on conviction for a sex offense or crime against a minor has been made, after which all such findings are disapproved in post-trial action described in paragraph 7(c)(5), and no conviction for a sex offense or crime against a minor is approved.

e. The Navy's Judge Advocate General shall provide advice, guidance, and assistance regarding the legal aspects of this notification program.

8. Form. DD 2791 (APR 03), Notice of Release/Acknowledgment of Military Offender Convicted of Sex Offender Registration Requirements may be obtained from [www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm](http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm):



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Distribution:  
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<http://neds.daps.dla.mil//>

**LIST OF OFFENSES REQUIRING PROCESSING AS A CONVICTED  
SEX OFFENDER**

Conviction of any of the following offenses punishable under the Uniform Code of Military Justice (UCMJ) shall require notification of State and local law enforcement agencies and provide information to inmates concerning sex offender registration requirements. For purposes of this instruction, conduct which is criminal only because of the age of the victim shall not be considered a triggering offense if the perpetrator was 18 years of age or younger when the offense was committed.

<u>UCMJ Art</u>	<u>DIBRS Code</u>	<u>Offense</u>
120	120A	Rape
120	120B1/2	Carnal Knowledge
125	125A	Forcible Sodomy
125	125b1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnapping of a minor).
	134-B6	Prostitution Involving a Minor
134	134-C1	Indecent Assault
134	134-C4	Assault with Intent to Commit Rape
134	134-C6	Assault with Intent to Commit Sodomy
134	134-R1	Indecent Act with a Minor
134	134-R3	Indecent Language to a Minor
134	134-S1	Kidnapping of a Minor (by a person not parent)
134	134-Z	Indecent exposure committed in the presence of a minor; depositing obscene materials involving minors in the mail; and pandering involving minors.
134	134-Z	Conduct Prejudicial to Good Order and Discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a minor or kidnapping of a minor)

<u>UCMJ Art</u>	<u>DIBRS Code</u>	<u>Offense</u>
134	134-Y2	Conviction under Federal or assimilated State law for offenses or sexual violence, or of a sexual nature against or involving a minor, including the production, possession, or transmission of pornography that depicts a minor, or kidnapping a minor
80		Attempt (to commit any of the foregoing)
81		Conspiracy (to commit any of the foregoing)
82	082-A	Solicitation (to commit any of the foregoing)

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NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS			
1. TO	STATE LAW ENFORCEMENT	LOCAL LAW ENFORCEMENT	STATE SEX OFFENDER REGISTRATION OFFICIAL
a. ADDRESS (Include ZIP Code)		b. DATE (YYYYMMDD)	
<p>Pursuant to 10 U.S.C. 951 (Note) and DODI 1325.7, paragraph 6.18.5, the Department of Defense is notifying your office of the release of an offender who, based on available information, was convicted of a sex offense or a crime against a victim who was a minor. The offender is subject to sex offender registration under Federal law. For additional information, please contact the point of contact with facility of release who is identified below.</p> <p style="text-align: center;"><b>PRIVACY ACT STATEMENT</b></p> <p><b>AUTHORITY:</b> 10 U.S.C. 951 (Note); DODI 1325.7, paragraph 6.18.5; and E.O. 9397.  <b>PRINCIPAL PURPOSE(S):</b> To notify an offender of the requirement to register upon release from confinement or military service with the state authorities as a sex offender, to record the offender's acknowledgement of receiving notice of and information pertaining to the requirement, and to obtain an offender's expected place of residence following release.  <b>ROUTINE USE(S):</b> To State and local law enforcement authorities for purposes of notification that a sex offender will be residing in a local community and to State or local officials for purposes of registering the individual as a sex offender.  <b>DISCLOSURE:</b> Voluntary; however, failure to provide an expected place of residency may result in denial of your request for parole or delay your release from confinement or military service.</p>			
2. NAME OF OFFENDER (Last, First, Middle Initial)	3. DATE OF BIRTH (YYYYMMDD)	4. SOCIAL SECURITY NUMBER	
5. CURRENT AND PRIOR CRIMINAL HISTORY OF SEXUAL OFFENSE(S)			
a. SPECIFIC OFFENSE TITLE AND DESCRIPTION (5 words or more)		b. DATE OF CONVICTION (YYYYMMDD)	c. PLACE OF CONVICTION
6. FINAL RELEASE DATE (YYYYMMDD)		7. RELEASE CONDITIONS OR RESTRICTIONS	
8. OFFENDER'S ACKNOWLEDGEMENT OF SEX OFFENDER REGISTRATION REQUIREMENTS			
<p>I, _____ (Full Name - Last, First, Middle) _____ (Rank) _____ (Service) _____ (Social Security Number), was convicted and sentenced for the commission of <input type="checkbox"/> a sexual offense <input type="checkbox"/> sexual offenses <input type="checkbox"/> an offense involving a _____ year old minor.</p> <p>I have been informed that I will be released from confinement or military service on or about: _____ (YYYYMMDD).</p> <p>I certify that upon release from confinement or military service I will reside at the following address: _____ (Initial) _____                      _____ (Street, Apartment Number, City, State and ZIP Code)</p> <p>I hereby acknowledge that I was informed that upon my release from confinement or military service, I am subject to registration requirements as a sex offender in any State or U.S. territory in which I will reside, be employed, carry on a vocation, or be a student. I was further informed that the chief local law enforcement officer of the jurisdiction in which I will reside upon release from confinement or military service is being provided written notice of the date of my release from confinement or military service, the offense(s) of which I was convicted, and that I am subject to a registration requirement as a sex offender. This notice will also be submitted to state law enforcement and sex offender officials. I understand that I must contact the office that follows, to ensure that sex offender registration requirements are met: _____ (Initial) _____                      _____ (Organization, Address (Include ZIP Code), and Telephone Number)</p> <p>I acknowledge that I was informed that every change in my address must be reported in the manner provided by State law. I also acknowledge being informed that if I move to another state, I must report the change of address to the responsible agency in the state I am leaving, and comply with the registration requirements in the new state of residence. I understand that the failure to register may constitute grounds to revoke parole. Finally, I understand that if I fail to register and/or change or update such registration information as required under a State sex offender registration program, I may be subject to criminal prosecution.</p> <p>Signed on this _____ day of _____.</p>			
WITNESS: (Signed Name) _____ (Printed Name)		OFFENDER: (Signed Name) _____ (Printed Name)	
9. CONFINEMENT FACILITY OR COMMAND RELEASING OFFENDER			
a. NAME OF FACILITY OR COMMAND		b. ADDRESS (Include ZIP Code)	
10. CONFINEMENT FACILITY OR COMMAND POINT OF CONTACT			
a. NAME (Last, First, Middle Initial)		b. ADDRESS (Include ZIP Code)	c. TELEPHONE NUMBER (Include Area Code)
11. CONFINEMENT FACILITY COMMANDER OR COMMANDER RELEASING OFFENDER			
a. TYPED NAME (Last, First, Middle Initial)		b. SIGNATURE	c. DATE SIGNED (YYYYMMDD)
<p>In the event you are not the law enforcement agency with jurisdiction authority consistent with the offender's release address, please forward these documents to the appropriate authority.</p>			

DD FORM 2791, APR 2003

REPLACES PREVIOUS EDITION AND DD FORM 2781-1, WHICH ARE OBSOLETE.

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