

# Lifetime Supervision

## Compilation of State Policies Concerning Individuals Convicted of a Sex Offense

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## Abstract

The purpose of this resource is to identify whether states have established unique sentencing policies for individuals convicted of a sex offense authorizing community supervision for life. In states where lifetime supervision policies were identified, we also examined whether the state has an established pathway off of lifetime supervision status. This resource highlights each state's relevant statutes to lifetime supervision policies with the green text emphasizing the pathway off of supervision (when applicable).

There are limitations to this resource. First, we looked only for unique sentencing policies for individuals convicted of a sex offense. In some instances, states may have general indeterminate sentencing structures by which convicted defendants may end up under supervision orders for life. For example, states may allow defendants sentenced to life in prison to apply for parole. If granted, parole may include community supervision for life, consistent with the underlying life incarceration sentence. Since these parole policies are not unique to sex offenses, but instead are applicable only when the court explicitly imposes a life sentence, we did not include these statutes in this report.

For example, Idaho is an indeterminate sentencing state with a parole system. In some cases, individuals convicted of a sex offense may receive a sentence of life incarceration with the possibility of parole. If paroled, those individuals would be under parole supervision for the remainder of their sentence, which is for life. The Board of Correction in Idaho may submit a request to the Idaho Commission of Pardons and Parole for early termination of parole after serving at least 5 years on parole. However, since these parole policies do not apply to all sex offenses and are related to the underlying life imprisonment sentence and standard parole processes, we do not include these statutes in this report.

State laws frequently change. Please note that any statutory language included in this document may be subject to change over time, and readers should verify that statutes have not been amended after publication of this resource.

## State Summary

	Lifetime Supervision	Pathway Off Lifetime Supervision
Alabama	--	--
Alaska	--	--
Arizona	X	X
Arkansas	--	--
California	X	Unknown
Colorado	X	X
Connecticut	--	--
Delaware	--	--
District of Columbia	--	--
Florida	--	--
Georgia	--	--
Hawaii	--	--
Idaho	--	--
Illinois	X	X
Indiana	X	X
Iowa	X	X
Kansas	X	--
Kentucky	--	--
Louisiana	X	X
Maine	X	X
Maryland	X	X
Massachusetts	--	--
Michigan	X	--
Minnesota	X	--
Mississippi	--	--
Missouri	X	X
Montana	--	--
Nebraska	X	--
Nevada	X	X
New Hampshire	X	X
New Jersey	X	X
New Mexico	X	X
New York	--	--
North Carolina	X	X
North Dakota	X	X
Ohio	--	--
Oklahoma	X	X
Oregon	X	--
Pennsylvania	--	--
Rhode Island	X	X
South Carolina	--	--
South Dakota	--	--
Tennessee	X	X

Texas	--	--
Utah	--	--
Vermont	--	--
Virginia	--	--
Washington	X	--
West Virginia	X	X
Wisconsin	X	X
Wyoming	--	--



## Alabama

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

## Alaska

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

## Arizona

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input checked="" type="checkbox"/>

**Summary:** Discretionary sentence of probation up to life. Includes all sex offenses, sexual exploitation of a child, stalking, and failure to register offenses. Court may grant termination of lifetime supervision if they determine justice is no longer served with continued supervision and if the probationer's conduct warrants termination. Earliest period of review for lifetime supervision is prescribed in A.R.S. Section 13-902 subsection A. Petition is made to the court. Decision to terminate is made by the court.

### Arizona Lifetime Supervision Statutes

#### A.R.S. section 13-902. Periods of probation; monitoring; fees

A. Unless terminated sooner, probation may continue for the following periods:

1. For a class 2 felony, seven years.
2. For a class 3 felony, five years.
3. For a class 4 felony, four years.
4. For a class 5 or 6 felony, three years.
5. For a class 1 misdemeanor, three years.
6. For a class 2 misdemeanor, two years.
7. For a class 3 misdemeanor, one year.

B. Notwithstanding subsection A of this section, unless terminated sooner, probation may continue for the following periods:

1. For a violation of section 28-1381 or 28-1382, five years.
2. For a violation of section 28-1383, ten years.

C. If the court has required, as a condition of probation, that the defendant make restitution for any economic loss related to the defendant's offense and that condition has not been satisfied, the court at any time before the termination or expiration of probation may extend the period within the following limits:

1. For a felony, not more than five years.
2. For a misdemeanor, not more than two years.

D. Notwithstanding any other provision of law, justice courts and municipal courts may impose the probation periods specified in subsection A, paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

*E. After conviction of a felony offense or an attempt to commit any offense that is included in chapter 14<sup>1</sup> or 35.1<sup>2</sup> of this title or section 13-2308.01,<sup>3</sup> 13-2308.03,<sup>4</sup> 13-2923,<sup>5</sup> 13-3212<sup>6</sup> or 13-3623,<sup>7</sup> if probation is available, probation may continue for a term of not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.*

*F. After conviction of a violation of section 13-3824, subsection A,<sup>8</sup> if a term of probation is imposed and the offense for which the person was required to register was a felony, probation may continue for a term of not less than the term that is specified in subsection A of this section up to and including life and that the court believes is appropriate for the ends of justice.*

*G. If a person is convicted on or after November 1, 2006 of a dangerous crime against children as defined in section 13-705, a term of probation is imposed, the person is required to register pursuant to section 13-3821 and the person is classified as a level three offender pursuant to section 13-3825, the court shall require global position system or electronic monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267, subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation.*

## Arizona Pathway Off Lifetime Supervision Statutes

**See above for minimum timeline for review, prescribed in A.R.S. Section 13-902.**

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<sup>1</sup> [A.R.S. Title 13, Chapter 14](#) – “Sexual Offenses”

<sup>2</sup> [A.R.S. Title 13, Chapter 35.1](#) – “Sexual Exploitation of Children”

<sup>3</sup> [A.R.S. Section 13-2308.01](#) – “Terrorism”

<sup>4</sup> [A.R.S. Section 13-2308.03](#) – “Unlawful use of infectious biological substance or radiological agent”

<sup>5</sup> [A.R.S. Section 13-2923](#) – “Stalking”

<sup>6</sup> [A.R.S. Section 13-3212](#) – “Child sex trafficking”

<sup>7</sup> [A.R.S. Section 13-3623](#) – “Child or vulnerable adult abuse”

<sup>8</sup> [A.R.S. Section 13-3824](#), subsection A – Failure to Register as a Sex Offender

## **A.R.S. Section 13-901. Probation**

A. If a person who has been convicted of an offense is eligible for probation, the court may suspend the imposition or execution of sentence and, if so, shall without delay place the person on intensive probation supervision pursuant to section 13-913 or supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate, including participation in any programs authorized in title 12, chapter 2, article 11. If a person is not eligible for probation, imposition or execution of sentence shall not be suspended or delayed. If the court imposes probation, it may also impose a fine as authorized by chapter 8 of this title. If probation is granted the court shall impose a condition that the person waive extradition for any probation revocation procedures and it shall order restitution pursuant to section 13-603, subsection C where there is a victim who has suffered economic loss. When granting probation to an adult the court, as a condition of probation, shall assess a monthly fee of not less than \$65 unless, after determining the inability of the probationer to pay the fee, the court assesses a lesser fee. This fee is not subject to any surcharge. In justice and municipal courts the fee shall only be assessed when the person is placed on supervised probation. For persons placed on probation in the superior court, the fee shall be paid to the clerk of the superior court and the clerk of the court shall pay all monies collected from this fee to the county treasurer for deposit in the adult probation services fund established by section 12-267. For persons placed on supervised probation in the justice court, the fee shall be paid to the justice court and the justice court shall transmit all of the monies to the county treasurer for deposit in the adult probation services fund established by section 12-267. For persons placed on supervised probation in the municipal court, the fee shall be paid to the municipal court. The municipal court shall transmit all of the monies to the city treasurer who shall transmit the monies to the county treasurer for deposit in the adult probation services fund established by section 12-267. Any amount assessed pursuant to this subsection shall be used to supplement monies used for the salaries of adult probation and surveillance officers and for support of programs and services of the superior court adult probation departments.

B. The period of probation shall be determined according to section 13-902, except that if a person is released pursuant to section 31-233, subsection B and community supervision is waived pursuant to section 13-603, subsection K, the court shall extend the period of probation by the amount of time the director of the state department of corrections approves for the inmate's temporary release.

C. The court, in its discretion, may issue a warrant for the rearrest of the defendant and may modify or add to the conditions or, if the defendant commits an additional offense or violates a condition, may revoke probation in accordance with the rules of criminal procedure at any time before the expiration or termination of the period of probation. If the court revokes the defendant's probation and the defendant is serving more than one probationary term concurrently, the court may sentence the person to terms of imprisonment to be served consecutively.

D. At any time during the probationary term of the person released on probation, any probation officer, without warrant or other process and at any time until the final disposition of the case, may rearrest any person and bring the person before the court.

E. The court, on its own initiative or on application of the probationer, after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim, may terminate the period of probation or intensive probation and discharge the defendant at a time earlier than that originally imposed if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it.

F. When granting probation the court may require that the defendant be imprisoned in the county jail at whatever time or intervals, consecutive or nonconsecutive, the court shall determine, within the period of probation, as long as the period actually spent in confinement does not exceed one year or the maximum period of imprisonment allowed under chapter 7 of this title, whichever is the shorter.

G. If the defendant is placed on lifetime probation and has served one year in the county jail as a term of probation, the court may require that the defendant be additionally imprisoned in the county jail at whatever time or intervals, consecutive or nonconsecutive, the court shall determine, within the period of probation if the defendant's probation is revoked by the court and the defendant is subsequently reinstated on probation. The period actually spent in confinement as a term of being reinstated on probation shall not exceed one year or, when including the initial one-year period of incarceration imposed as a term of probation, the maximum period of imprisonment allowed under chapter 7 of this title, whichever is shorter.

H. If restitution is made a condition of probation, the court shall fix the amount of restitution and the manner of performance pursuant to chapter 8 of this title.

I. When granting probation, the court shall set forth at the time of sentencing and on the record the factual and legal reasons in support of each sentence.

J. If the defendant meets the criteria set forth in section 13-901.01 or 13-3422, the court may place the defendant on probation pursuant to either section. If a defendant is placed on probation pursuant to section 13-901.01 or 13-3422, the court may impose any term of probation that is authorized pursuant to this section and that is not in violation of section 13-901.01.

K. If the court imposes a term of probation, the court may require the defendant to report to a probation officer. The court or the defendant's probation officer may allow the defendant to fulfill a reporting requirement through remote reporting. The probation officer shall take into consideration and make accommodations for the probationer's work schedule, family caregiver obligations, substance abuse treatment or recovery program, mental health treatment, transportation availability and medical care requirements before setting the reporting time and location requirements for the probationer.

## Arkansas

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## California

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** California statutes include a requirement that, if parole is granted for individuals sentenced to a life term for certain sex offenses, the terms of parole must extend for the rest of the individual's life. We were unable to identify whether there is a pathway off of parole for these sentences.

### California Lifetime Supervision Statutes

#### California Penal Code PEN 3000.1

(a)(1) In the case of any inmate sentenced under Section 1168 for any offense of first or second degree murder with a maximum term of life imprisonment, the period of parole, if parole is granted, shall be the remainder of the inmate's life.

(2) Notwithstanding any other law, in the case of any inmate sentenced to a life term under subdivision (b) of Section 209, if that offense was committed with the intent to commit a specified sexual offense, Section 269 or 288.7, subdivision (c) of Section 667.51, Section 667.71 in which one or more of the victims of the offense was a child under 14 years of age, or subdivision (j), (l), or (m) of Section 667.61, the period of parole, if parole is granted, shall be the remainder of the inmate's life.

(b) Notwithstanding any other law, when any person referred to in paragraph (1) of subdivision (a) has been released on parole from the state prison, and has been on parole continuously for seven years in the case of any person imprisoned for first degree murder, and five years in the case of any person imprisoned for second degree murder, since release from confinement, the board shall, within 30 days, discharge that person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and transmit a copy of it to the parolee.

(c) In the event of a retention on parole pursuant to subdivision (b), the parolee shall be entitled to a review by the board each year thereafter.

(d) There shall be a hearing as provided in Sections 3041.5 and 3041.7 within 12 months of the date of any revocation of parole of a person referred to in subdivision (a) to consider the release of the inmate on parole and, notwithstanding paragraph (3) of subdivision (b) of Section 3041.5, there shall be annual parole consideration hearings thereafter, unless the person is released or otherwise ineligible for parole release. The panel or board shall release the person within one year of the date of the revocation unless it determines that the circumstances and gravity of the parole violation are such that consideration of the public safety requires a more lengthy period of incarceration or unless there is a new prison commitment following a conviction.

(e) The provisions of Section 3042 shall not apply to any hearing held pursuant to this section.

## California Pathway Off Lifetime Supervision Statutes

No applicable policies identified. Due to time constraints, we were unable to gather additional information directly from California state authorities.

### Colorado

Lifetime Supervision



Pathway off Lifetime Supervision



**Summary:** Colorado laws prescribe mandatory indeterminate incarceration sentence up to a maximum term of life for most serious sex offenses. Those eligible parole would be subject to parole supervision up to a term of life. In other instances, the court may sentence an individual convicted of a sex offense to an indeterminate term of probation with a minimum term of 10 or 20 years, depending on the seriousness of the offense. Those sentenced to probation are required to undergo intensive supervision probation unless/until otherwise ordered by the court. After a minimum term of supervision, individuals may petition the court (if on probation) or the parole board (if on parole) for discharge from the lifetime supervision requirements. Eligibility for discharge from lifetime supervision is determined based on completion of treatment, recommendations from the parole/probation officer, and consideration of criteria established by the Sex Offender Management Board.

Each year, the Colorado Department of Corrections, Colorado Department of Public Safety, and Colorado State Judicial Department publish a report on lifetime supervision for persons convicted of a sex offense in Colorado. The reports include longitudinal data on the overall change in populations under supervision including the number of new admissions, number of discharge hearings, and number of individuals removed from lifetime supervision.<sup>9</sup>

## Colorado Lifetime Supervision Statutes

### C.R.S. Section 18-1.3-1004. Indeterminate sentence

(1)(a) Except as otherwise provided in this subsection (1) and in subsection (2) of this section, the district court having jurisdiction shall sentence a sex offender to the custody of the department for an indeterminate term of at least the minimum of the presumptive range specified in section 18-1.3-401 for the level of offense committed and a maximum of the sex offender's natural life.

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<sup>9</sup> Colorado Department of Corrections, Colorado Department of Public Safety, and State Judicial Department. (Nov. 2023). ["Lifetime Supervision of Sex Offenders: Annual Report."](#) Denver, Colorado.

(b) If the sex offender committed a sex offense that constitutes a crime of violence, as defined in section 18-1.3-406,<sup>10</sup> the district court shall sentence the sex offender to the custody of the department for an indeterminate term of at least the midpoint in the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

(c) If the sex offender committed a sex offense that makes him or her eligible for sentencing as an habitual sex offender against children pursuant to section 18-3-412,<sup>11</sup> the district court shall sentence the sex offender to the custody of the department for an indeterminate term of at least three times the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

(d) If the sex offender committed a sex offense that constitutes a sexual offense, as defined in section 18-3-415.5,<sup>12</sup> and the sex offender, prior to committing the offense, had notice that he or she had tested positive for the human immunodeficiency virus (HIV) and HIV infection, and the infectious agent of the HIV infection was in fact transmitted, the district court shall sentence the sex offender to the custody of the department for an indeterminate term of at least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

(e)(I) Notwithstanding any other provision of law, the district court shall sentence a sex offender to the custody of the department for an indeterminate term as specified in subparagraph (II) of this paragraph (e) if the sex offender:

(A) Committed a class 2, class 3, or class 4 sex offense in violation of section 18-3-402, 18-3-405, or 18-3-405.3 when the act includes sexual intrusion as defined in section 18-3-401(5) or sexual penetration as defined in section 18-3-401(6);

(B) Committed the act against a child who was under twelve years of age at the time of the offense; and

(C) Was at least eighteen years of age and at least ten years older than the child.

(II) The district court shall sentence a sex offender to the department of corrections for an indeterminate term of incarceration of:

(A) At least ten to sixteen years for a class 4 felony to a maximum of the person's natural life, as provided in this subsection (1), if he or she committed a crime as described in subparagraph (I) of this paragraph (e);

(B) At least eighteen to thirty-two years for a class 3 felony to a maximum of the person's natural life, as provided in this subsection (1), if he or she committed a crime as described in subparagraph (I) of this paragraph (e); and

(C) At least twenty-four to forty-eight years for a class 2 felony, to a maximum of the person's natural life, as provided in this subsection (1), if he or she committed a crime as described in subparagraph (I) of this paragraph (e).

(III) If the defendant is placed on parole, the parole board shall order the defendant to wear electronic monitoring for the duration of his or her period of parole.

(2)(a) The district court having jurisdiction, based on consideration of the evaluation conducted pursuant to section 16-11.7-104,<sup>13</sup> C.R.S., and the factors specified in section 18-1.3-203,<sup>14</sup> may sentence a sex offender to probation for an indeterminate period of at least ten years for a class 4 felony or

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<sup>10</sup> C.R.S. Section 18-1.3-406 – “Mandatory sentences for violent crimes - definitions”

<sup>11</sup> C.R.S. Section 18-3-412 – “Habitual sex offenders against children – indictment or information – verdict of the jury”

<sup>12</sup> C.R.S. Section 18-3-415.5 – “Testing persons charged with certain sexual offenses for serious sexually transmitted infection – mandatory sentencing”

<sup>13</sup> C.R.S. section 16-11.7-104 – “Sex offenders – evaluation and identification required”

<sup>14</sup> C.R.S. Section 18-1.-203 – “Criteria for granting probation”

twenty years for a class 2 or 3 felony and a maximum of the sex offender's natural life; except that, if the sex offender committed a sex offense that constitutes a crime of violence, as defined in section 18-1.3-406, or committed a sex offense that makes him or her eligible for sentencing as a habitual sex offender against children pursuant to section 18-3-412, or a sex offense requiring sentencing pursuant to paragraph (e) of subsection (1) of this section, the court shall sentence the sex offender to the department of corrections as provided in subsection (1) of this section. For any sex offender sentenced to probation pursuant to this subsection (2), the court shall order that the sex offender, as a condition of probation, participate in an intensive supervision probation program established pursuant to section 18-1.3-1007,<sup>15</sup> until further order of the court.

(b) The court, as a condition of probation, may sentence a sex offender to a residential community corrections program pursuant to section 18-1.3-301 for a minimum period specified by the court. Following completion of the minimum period, the sex offender may be released to intensive supervision probation as provided in section 18-1.3-1008(1.5).

(3) Each sex offender sentenced pursuant to this section shall be required as a part of the sentence to undergo treatment to the extent appropriate pursuant to section 16-11.7-105, C.R.S.

(4) Repealed by Laws 2012, Ch. 268, § 14, eff. June 7, 2012.

(5)(a) Any sex offender sentenced pursuant to subsection (1) of this section and convicted of one or more additional crimes arising out of the same incident as the sex offense shall be sentenced for the sex offense and such other crimes so that the sentences are served consecutively rather than concurrently.

(b)(I) Except as otherwise provided in subparagraph (II) of this paragraph (b), if a sex offender sentenced pursuant to this part 10 is convicted of a subsequent crime prior to being discharged from parole pursuant to section 18-1.3-1006 or discharged from probation pursuant to section 18-1.3-1008, any sentence imposed for the second crime shall not supersede the sex offender's sentence pursuant to the provisions of this part 10. If the sex offender commits the subsequent crime while he or she is on parole or probation and the sex offender receives a sentence to the department of corrections for the subsequent crime, the sex offender's parole or probation shall be deemed revoked pursuant to section 18-1.3-1010, and the sex offender shall continue to be subject to the provisions of this part 10.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply if the sex offender commits a subsequent crime that is a class 1 felony.

## Colorado Pathway Off Lifetime Supervision Statutes

### **C.R.S. Section 18-1.3-1008 – Probation – conditions - release.**

(1) If the court sentences a sex offender to probation, in addition to any conditions imposed pursuant to section 18-1.3-204, the court shall require as a condition of probation that the sex offender participate until further order of the court in the intensive supervision probation program created pursuant to section 18-1.3-1007.

(1.5) If the court as a condition of probation sentences a sex offender to a residential community corrections program, following completion of the minimum period of sentence specified by the court, the community corrections program shall notify the judicial department when it determines that the sex offender has successfully progressed in treatment and would not pose an undue threat to the community if allowed to live in the community while continuing on intensive supervision probation. The

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<sup>15</sup> C.R.S. Section 18-1.3-1007 – “Probation – intensive supervision program”



community corrections program shall base its determination on the criteria established by the management board pursuant to section 18-1.3-1009. The judicial department shall file the recommendations of the community corrections program with the court. Upon order of the court, the sex offender shall be released from the community corrections program, and the court shall order the sex offender, as a condition of probation, to participate in the intensive supervision program created in section 18-1.3-1007. The sex offender shall participate in such program until further order of the court.

(2) On completion of twenty years of probation for any sex offender convicted of a class 2 or 3 felony or on completion of ten years of probation for any sex offender convicted of a class 4 felony, the court shall schedule a review hearing to determine whether the sex offender should be discharged from probation. In making its determination, the court shall determine whether the sex offender has successfully progressed in treatment and would not pose an undue threat to the community if allowed to live in the community without treatment or supervision. The sex offender's probation officer and treatment provider shall make recommendations to the court concerning whether the sex offender has met the requirements of this section such that he or she should be discharged from probation.

(3)

(a) In determining whether to discharge a sex offender from probation pursuant to this section, the court shall consider the recommendations of the sex offender's probation officer and treatment provider. The recommendations of the probation officer and the treatment provider shall be based on the criteria established by the management board pursuant to section 18-1.3-1009. If the court chooses not to follow the recommendations made, the court shall make findings on the record in support of its decision.

(b) If the court does not discharge the sex offender from probation pursuant to paragraph (a) of this subsection (3), the court shall review such denial at least once every three years until it determines that the sex offender meets the criteria for discharge as specified in paragraph (a) of this subsection (3). At each review, the sex offender's probation officer and treatment provider shall make recommendations, based on the criteria established by the management board pursuant to section 18-1.3-1009, concerning whether the sex offender should be discharged.

## Connecticut

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Delaware

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## District of Columbia

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Florida

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified. However, at least one violent sex offense requires either a sentence of incarceration for life or a split sentence with a minimum term of imprisonment followed by probation for life.

## Georgia

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified. However, many violent sex offenses require either a sentence of incarceration for life or a split sentence with a minimum term of imprisonment followed by probation for life.

## Hawaii

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Idaho

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

## Illinois

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input checked="" type="checkbox"/>

**Summary:** Illinois statutes require a term of mandatory supervised release up to a term of life for certain sex offenses. Individuals sentenced to mandatory supervised release may petition the Prisoner Review Board for early release from mandatory supervised release upon meeting certain statutory criteria.

### Illinois Lifetime Supervision Statutes

#### **730 ILCS 5/5-8-1 Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.**

(a) Except as otherwise provided in the statute defining the offense or in Article 4.5 of Chapter V, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, subject to Section 5-4.5-115 of this Code, according to the following limitations:

(1) for first degree murder,

(a) (blank),

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subparagraph (b-5) are present, the court may sentence the defendant, subject to Section 5-4.5-105, to a term of natural life imprisonment, or

(b-5) A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to a term of natural life imprisonment if:

(1) the murdered individual was an inmate at an institution or facility of the Department of Corrections, or any similar local correctional agency and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof;

(2) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus, or other public conveyance;

(3) the defendant committed the murder pursuant to a contract, agreement, or understanding by which he or she was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value;

(4) the murdered individual was killed in the course of another felony if:

(A) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and (B) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of clause (A) of this clause (4), the defendant acted with the intent to kill the murdered individual or with the knowledge that his or her acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(B) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of clause (A) of this clause (4), the defendant acted with the intent to kill the murdered individual or with the knowledge that his or her acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(C) the other felony was an inherently violent crime or the attempt to commit an inherently violent crime. In this clause (C), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion;

(5) the defendant committed the murder with intent to prevent the murdered individual from testifying or participating in any criminal investigation or prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; for purposes of this clause (5), "participating in any criminal investigation or prosecution" is intended to include those appearing in the proceedings in any capacity such as trial judges, prosecutors, defense attorneys, investigators, witnesses, or jurors;

(6) the defendant, while committing an offense punishable under Section 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual;

(7) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual;

(8) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom;

(9) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of

the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person;

(10) the murder was intentional and involved the infliction of torture. For the purpose of this clause (10), torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim;

(11) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle;

(12) the murdered individual was a person with a disability and the defendant knew or should have known that the murdered individual was a person with a disability. For purposes of this clause (12), "person with a disability" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care;

(13) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986;

(14) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(15) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-14.9 of this Code;

(16) the murdered individual was a member of a congregation engaged in prayer or other religious activities at a church, synagogue, mosque, or other building, structure, or place used for religious worship; or

(17)(i) the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse;

(ii) the defendant knew or should have known that the murdered individual was a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse; and

(iii) the murdered individual was killed in the course of acting in his or her capacity as a physician, physician assistant, psychologist, nurse, or advanced practice registered nurse, or to prevent him or her from acting in that capacity, or in retaliation for his or her acting in that capacity.

(c) the court shall sentence the defendant to a term of natural life imprisonment if the defendant, at the time of the commission of the murder, had attained the age of 18, and:

(i) has previously been convicted of first degree murder under any state or federal law, or

(ii) is found guilty of murdering more than one victim, or

(iii) is found guilty of murdering a peace officer, fireman, or emergency management worker when the peace officer, fireman, or emergency management worker was killed in the course of performing his official duties, or to prevent the peace officer or fireman from performing his official duties, or in retaliation for the peace officer, fireman, or emergency management worker from performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer, fireman, or emergency management worker, or

(iv) is found guilty of murdering an employee, or any similar local correctional agency, when the employee was killed in the course of performing his official duties, or to prevent the employee from performing his official duties, or in retaliation for the employee performing his official duties, or

(v) is found guilty of murdering an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid person while employed by a municipality or other governmental unit when the person was killed in the course of performing official duties or to prevent the person from performing official duties or in retaliation for performing official duties and the defendant knew or

should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistant or first aid personnel, or

(vi) (blank), or

(vii) is found guilty of first degree murder and the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 2012.

For purposes of clause (v), "emergency medical technician - ambulance", "emergency medical technician - intermediate", "emergency medical technician - paramedic", have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

(d)(i) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(ii) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(iii) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(2) (blank);

(2.5) for a person who has attained the age of 18 years at the time of the commission of the offense and who is convicted under the circumstances described in subdivision (b)(1)(B) of Section 11-1.20 or paragraph (3) of subsection (b) of Section 12-13, subdivision (d)(2) of Section 11-1.30 or paragraph (2) of subsection (d) of Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or paragraph (1.2) of subsection (b) of Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or paragraph (2) of subsection (b) of Section 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012, the sentence shall be a term of natural life imprisonment.

(b) (Blank).

(c) (Blank).

(d) Subject to earlier termination under Section 3-3-8, the parole or mandatory supervised release term shall be written as part of the sentencing order and shall be as follows:

(1) for first degree murder or for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or before December 12, 2005, 3 years;

(1.5) except as provided in paragraph (7) of this subsection (d), for a Class X felony except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 18 months;

(2) except as provided in paragraph (7) of this subsection (d), for a Class 1 felony or a Class 2 felony except for the offense of criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offenses of manufacture and dissemination of child pornography under clauses (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009, 12 months;

(3) except as provided in paragraph (4), (6), or (7) of this subsection (d), for a Class 3 felony or a Class 4 felony, 6 months; no later than 45 days after the onset of the term of mandatory supervised release, the Prisoner Review Board shall conduct a discretionary discharge review pursuant to the provisions of

Section 3-3-8, which shall include the results of a standardized risk and needs assessment tool administered by the Department of Corrections; the changes to this paragraph (3) made by this amendatory Act of the 102nd General Assembly apply to all individuals released on mandatory supervised release on or after the effective date of this amendatory Act of the 102nd General Assembly, including those individuals whose sentences were imposed prior to the effective date of this amendatory Act of the 102nd General Assembly;

(4) for defendants who commit the offense of predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault, on or after December 13, 2005 (the effective date of Public Act 94-715), or who commit the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, manufacture of child pornography, or dissemination of child pornography after January 1, 2009, the term of mandatory supervised release shall range from a minimum of 3 years to a maximum of the natural life of the defendant;

(5) if the victim is under 18 years of age, for a second or subsequent offense of aggravated criminal sexual abuse or felony criminal sexual abuse, 4 years, at least the first 2 years of which the defendant shall serve in an electronic monitoring or home detention program under Article 8A of Chapter V of this Code;

(6) for a felony domestic battery, aggravated domestic battery, stalking, aggravated stalking, and a felony violation of an order of protection, 4 years;

(7) for any felony described in paragraph (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section 3-6-3 of the Unified Code of Corrections requiring an inmate to serve a minimum of 85% of their court-imposed sentence, except for the offenses of predatory criminal sexual assault of a child, aggravated criminal sexual assault, and criminal sexual assault if committed on or after December 13, 2005 (the effective date of Public Act 94-715) and except for the offense of aggravated child pornography under Section 11-20.1B, 11-20.3, or 11-20.1 with sentencing under subsection (c-5) of Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012, if committed on or after January 1, 2009 and except as provided in paragraph (4) or paragraph (6) of this subsection (d), the term of mandatory supervised release shall be as follows:

(A) Class X felony, 3 years;

(B) Class 1 or Class 2 felonies, 2 years;

(C) Class 3 or Class 4 felonies, 1 year.

(e) (Blank).

(f) (Blank).

(g) Notwithstanding any other provisions of this Act and of Public Act 101-652: (i) the provisions of paragraph (3) of subsection (d) are effective on July 1, 2022 and shall apply to all individuals convicted on or after the effective date of paragraph (3) of subsection (d); and (ii) the provisions of paragraphs (1.5) and (2) of subsection (d) are effective on July 1, 2021 and shall apply to all individuals convicted on or after the effective date of paragraphs (1.5) and (2) of subsection (d).

## Pathway Off Lifetime Supervision Statutes

### 730 ILCS 5/3-3-8 - Length of parole and mandatory supervised release; discharge.

(a) The length of parole for a person sentenced under the law in effect prior to the effective date of this amendatory Act of 1977 and the length of mandatory supervised release for those sentenced under the law in effect on and after such effective date shall be as set out in Section 5-8-1 unless sooner terminated under paragraph (b) of this Section.



(b) The Prisoner Review Board may enter an order releasing and discharging one from parole or mandatory supervised release, and his or her commitment to the Department, when it determines that he or she is likely to remain at liberty without committing another offense.

(b-1) Provided that the subject is in compliance with the terms and conditions of his or her parole or mandatory supervised release, the Prisoner Review Board shall reduce the period of a parolee or releasee's parole or mandatory supervised release by 90 days upon the parolee or releasee receiving a high school diploma, associate's degree, bachelor's degree, career certificate, or vocational technical certification or upon passage of high school equivalency testing during the period of his or her parole or mandatory supervised release. A parolee or releasee shall provide documentation from the educational institution or the source of the qualifying educational or vocational credential to their supervising officer for verification. Each reduction in the period of a subject's term of parole or mandatory supervised release shall be available only to subjects who have not previously earned the relevant credential for which they are receiving the reduction. As used in this Section, "career certificate" means a certificate awarded by an institution for satisfactory completion of a prescribed curriculum that is intended to prepare an individual for employment in a specific field.

(b-2) The Prisoner Review Board may release a low-risk and need subject person from mandatory supervised release as determined by an appropriate evidence-based risk and need assessment.

(c) The order of discharge shall become effective upon entry of the order of the Board. The Board shall notify the clerk of the committing court of the order. Upon receipt of such copy, the clerk shall make an entry on the record judgment that the sentence or commitment has been satisfied pursuant to the order.

(d) Rights of the person discharged under this Section shall be restored under Section 5-5-5.

(e) Upon a denial of early discharge under this Section, the Prisoner Review Board shall provide the person on parole or mandatory supervised release a list of steps or requirements that the person must complete or meet to be granted an early discharge at a subsequent review and share the process for seeking a subsequent early discharge review under this subsection. Upon the completion of such steps or requirements, the person on parole or mandatory supervised release may petition the Prisoner Review Board to grant them an early discharge review. Within no more than 30 days of a petition under this subsection, the Prisoner Review Board shall review the petition and make a determination.

## Indiana

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** Indiana statutes require lifetime parole supervision for individuals convicted of certain sex offenses and those determined by the court to meet the classification of a sexually violent predator. In some cases, individuals may petition the court for reconsideration of their classification as a sexually violent predator. If the court determines an individual should no longer be considered a sexually violent predator, they may be discharged from the associated lifetime parole supervision requirements.



## Lifetime Supervision Statutes

### **IN Code Section 35-50-6-1: Parole; Discharge to community transition program or probation; Lifetime parole for sexually violent predators and murderers**

Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board, unless:
  - (A) the person is being placed on parole for the first time;
  - (B) the person is not being placed on parole following a term of imprisonment that includes a sentence imposed for a crime of violence (as defined in IC 35-50-1-2);
  - (C) the person is not a sex offender (as defined in IC 11-8-8-4.5); and
  - (D) in the six (6) months before being placed on parole, the person has not violated a rule of the department of correction or a rule of the penal facility in which the person is imprisoned;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if the sentence included a period of probation.

A person described in subdivision (1) shall be released on parole for not more than twelve (12) months, as determined by the parole board.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in IC 11-8-8-4.5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who:

- (1) is a sexually violent predator under IC 35-38-1-7.5;
- (2) has been convicted of murder (IC 35-42-1-1); or
- (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

When a person described in this subsection completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a person described in subsection (e) and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with

IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a person described in subsection (e) and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a person described in subsection (e) who was convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
  - (A) at least as stringent; and
  - (B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

(i) If a court orders the parole board to place a sexually violent predator whose sentence does not include a commitment to the department of correction on lifetime parole under IC 35-38-1-29, the parole board shall place the sexually violent predator on lifetime parole and supervise the person in the same manner in which the parole board supervises a sexually violent predator on lifetime parole whose sentence includes a commitment to the department of correction.

(j) Time served while confined to a jail or prison does not count toward time served on parole.

## Pathway Off Lifetime Supervision Statutes

### IN Code Section 35-38-1-7.5 – Sexually Violent Predators

(a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:
  - (A) IC 35-42-4-1;
  - (B) IC 35-42-4-2 (before its repeal);

- (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);
- (D) IC 35-42-4-5(a)(1);
- (E) IC 35-42-4-5(a)(2);
- (F) IC 35-42-4-5(a)(3) (before that provision was redesignated by P.L.158-2013, SECTION 441);
- (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for a crime committed before July 1, 2014) or Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);
- (H) IC 35-42-4-5(b)(2); or
- (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, probation, or parole for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the court to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court or juvenile court makes its determination under subsection (e);
- or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator or an offender against children. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
  - (A) Rape (IC 35-42-4-1).
  - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
  - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
  - (D) An offense that results in serious bodily injury.
  - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (6) The person did not have a position of authority or substantial influence over the victim.
- (7) The court finds that the person should not be considered a sexually violent predator.

## Iowa

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** Individuals convicted of certain class B and class C felonies must also receive a special sentence of community supervision as if on parole under the jurisdiction of the Board of Parole. The special sentence of supervision begins at the conclusion of all other terms of the sentence for the underlying offense (e.g., after completion of an incarceration sentence). Individuals may be discharged from parole in the same manner as other standard parole sentences. The Board of Parole conducts occasional reviews of individuals to determine whether the person is able and willing to act as a law-abiding citizen without continued supervision.

### Iowa Lifetime Supervision Statutes

#### Iowa Code 903B.1 Special sentence — class “B” or class “C” felonies.

A person convicted of a class “C” felony or greater offense under chapter 709<sup>16</sup> or section 728.12,<sup>17</sup> or a class “B” felony under section 713.3,<sup>18</sup> subsection 1, paragraph “d”, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person’s life, with eligibility for parole as provided in chapter 906. The board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under this section shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole or work release. The person shall be placed on the corrections continuum in chapter 901B, and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in chapters 901B, 905, 906, and 908, and rules adopted under those chapters for persons on parole or work release. The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under section 903A.2.<sup>19</sup>

### Iowa Pathway Off Lifetime Supervision Statutes

906.15 Discharge from parole.

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<sup>16</sup> Iowa Code Chapter 709 – “Sexual Abuse”

<sup>17</sup> Iowa Code Section 728.12 – “Sexual exploitation of a minor”

<sup>18</sup> Iowa Code Section 713.3 – “Burglary in the first degree.” Subsection 1, paragraph d – “the person performs or participates in a sex act with any person which would constitute sexual abuse under section 709.1”

<sup>19</sup> Iowa Code Section 903A.2 – “Earned Time”

1. Unless sooner discharged, a person released on parole shall be discharged when the person’s term of parole equals the period of imprisonment specified in the person’s sentence, less all time served in confinement. Discharge from parole may be granted prior to such time, when an early discharge is appropriate. The board shall periodically review all paroles, and when the board determines that any person on parole is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the board shall discharge the person from parole. A parole officer shall periodically review all paroles assigned to the parole officer, and when the parole officer determines that any person assigned to the officer is able and willing to fulfill the obligations of a law-abiding citizen without further supervision, the officer may discharge the person from parole after notification and approval of the district director and notification of the board of parole. In any event, discharge from parole shall terminate the person’s sentence. If a person has been sentenced to a special sentence under section 903B.1<sup>20</sup> or 903B.2,<sup>21</sup> the person may be discharged early from the sentence in the same manner as any other person on parole. However, a person convicted of a violation of section 709.3,<sup>22</sup> 709.4,<sup>23</sup> or 709.8<sup>24</sup> committed on or with a child, or a person serving a sentence under section 902.12,<sup>25</sup> shall not be discharged from parole until the person’s term of parole equals the period of imprisonment specified in the person’s sentence, less all time served in confinement.

2. A parole officer or the district director who acts in compliance with this section is acting in the course of the person’s official duty and is not personally liable, either civilly or criminally, for the acts of a person discharged from parole by the officer after such discharge, unless the discharge constitutes willful disregard of the person’s duty.

## Kansas

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

**Summary:** Kansas statutes currently prescribe mandatory lifetime supervision for sexually violent crimes, including attempt, solicitation, and conspiracy to commit sexually violent crimes. The prisoner review board does not have the authority to discharge individuals from lifetime supervision. Although there is no current pathway off of lifetime supervision, the creation of a pathway was proposed by the Judicial Council Advisory Committee on Sex Offenses and Registration in December 2020.

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<sup>20</sup> Iowa Code Section 903B.1 – “Special sentence – class ‘B’ or class ‘C’ felonies

<sup>21</sup> Iowa Code Section 903B.2 – “Special sentence – class ‘D’ felonies or misdemeanors

<sup>22</sup> Iowa Code Section 709.3 – “Sexual abuse in the second degree”

<sup>23</sup> Iowa Code Section 709.4 – “Sexual abuse in the third degree”

<sup>24</sup> Iowa Code Section 709.8 – “Lascivious acts with a child”

<sup>25</sup> Iowa Code Section 902.12 – “Minimum sentence for certain felonies – eligibility for parole or work release”

## Kansas Lifetime Supervision Statutes

### **K.S.A. 22-3717 Parole or postrelease supervision; eligibility; interviews, notices and hearings; rules and regulations; conditions of parole or postrelease supervision.**

(a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.



(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state;
- (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 21-6813(e), and amendments thereto; and
- (d) any other evidence the court finds trustworthy and reliable.



(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection (u), persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to K.S.A. 22-3716(c), and amendments thereto, or whose

underlying prison term expires while serving a sanction pursuant to K.S.A. 22-3716(c), and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, "sexually violent crime" means:

- (A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 21-5503, and amendments thereto;
- (B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;
- (C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments thereto;
- (D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and amendments thereto;
- (E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;
- (F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
- (G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments thereto;
- (H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 21-5510, and amendments thereto;
- (I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- (J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 21-5604(b), and amendments thereto;
- (K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;
- (L) internet trading in child pornography, as defined in K.S.A. 21-5514(a), and amendments thereto;
- (M) aggravated internet trading in child pornography, as defined in K.S.A. 21-5514(b), and amendments thereto;
- (N) commercial sexual exploitation of a child, as defined in K.S.A. 21-6422, and amendments thereto; or
- (O) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional

release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the

inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such

resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances that would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances that would render payment unworkable;

(5) unless it finds compelling circumstances that would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner

review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court that sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances that would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions that result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and



(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643,<sup>26</sup> prior to its repeal, or K.S.A. 21-6627,<sup>27</sup> and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July

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<sup>26</sup> Prior to repeal in 2011, K.S.A. 21-4643 prescribed mandatory minimum sentences for individuals convicted of certain sex offenses.

<sup>27</sup> K.S.A. 21-6627 "Mandatory term of imprisonment of 25 or 40 years for certain offenders; exceptions."

1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

### Kansas Pathway Off Lifetime Supervision

Kansas does not currently have statutes authorizing relief from lifetime supervision conditions. However, the Judicial Council Advisory Committee on Sex Offenses and Registration published a report on December 11, 2020 recommending that the state establish a process of relief.<sup>28</sup> In their proposal, the Committee recommended a process in which an individual could petition the Prisoner Review Board (PRB) for relief after 10 years of supervision, so long as they have completed any other court-ordered programming. The county/district attorney where the individual was sentenced and the victim from the case must be notified. The individual under supervision would have the burden to prove to the PRB by “clear and convincing evidence” relief from supervision would not pose a danger to the public. Individuals who are denied relief would be able to petition again in five years.

### Kentucky

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

### Louisiana

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input checked="" type="checkbox"/>

**Summary:** Louisiana requires lifetime supervision after release from incarceration for individuals convicted of a sex offense where the victim was under the age of 13. Lifetime supervision is administered by the Division of Probation and Parole under the Department of Public Safety and Corrections. Individuals under lifetime supervision may petition the sentencing court for early termination from lifetime supervision status.

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<sup>28</sup> Judicial Council Advisory Committee on Sex Offenses and Registration. December 11, 2020. Final Report. Kansas Judicial Council; Topeka, WA. Available online: <https://www.kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/2020%20Reports/2020%20Sex%20Offenses%20Report.pdf>



## Louisiana Lifetime Supervision Statutes

### Louisiana R.S. 15:561.2 Supervised release upon expiration of sentence

A. A person convicted on or after August 15, 2006, of a sex offense as defined in R.S. 15:541<sup>29</sup> when the victim is under the age of thirteen years shall be placed upon supervised release as provided for by this Chapter whenever he is released from the custody of the Department of Public Safety and Corrections upon expiration of his sentence.

B. Any person placed on supervised release pursuant to the provisions of this Section shall be on supervised release for life from the date of release from incarceration. Notwithstanding any other provision of law to the contrary, any person who was placed upon supervised release pursuant to the provisions of this Section, may petition the sentencing court for a termination of the supervision.

### Louisiana Administrative Code 22:I.403

A. Purpose-to state the secretary's policy regarding the supervised release of sex offenders upon expiration of sentence pursuant to legislative intent.

B. Applicability-deputy secretary, assistant secretary and the Director of Probation and Parole. The Director of Probation and Parole is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and to convey its contents to appropriate staff and any and all affected sex offenders under supervision pursuant to this regulation.

C. Policy-it is the secretary's policy that a uniform procedure be established and adhered to relative to the supervised release of certain sex offenders who have been released from the custody of the department upon expiration of sentence.

D. Definition. *Probation and Parole Officer*-for the purpose of this regulation, shall include supervised release officers, Department of Public Safety and Corrections officers and supervising officers as these terms are utilized in R.S. 15.561.1 through 7. Probation and parole officers are employed by the Division of Probation and Parole and have all the powers and duties of probation and parole officers as provided by law.

### E. General Procedures

1. A person convicted on or after August 15, 2006, and releasing on or after August 15, 2008, of a sex offense as defined in R.S. 15:541 when the victim is under the age of thirteen years, as stated on the bill of information, shall be placed upon supervised release for life when he is released from the custody of the Department of Public Safety and Corrections upon expiration of his sentence. Notwithstanding any other provision of law to the contrary, any person who is placed upon supervised release may petition the sentencing court for a termination of the supervision.

2. Supervised release shall be administered by the Division of Probation and Parole.

3. When a sex offender is placed on supervised release pursuant to the provisions of this regulation, the probation and parole officer shall:

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<sup>29</sup> Louisiana R.S. 15:541 – “Definitions.” Includes definitions of sex offenses.

- a. inform the sex offender that he will be placed upon supervised release for the duration of his natural life;
- b. inform the sex offender of the conditions of supervised release as provided for in R.S. 15:561.5 (see Subsection F of this Section);
- c. require the sex offender to read and sign a Notification of Supervised Release Certificate to verify the fact that the sex offender will be placed upon supervised release and that the conditions of the supervised release have been explained to him.

## F. Supervised Release Conditions

1. A sex offender placed on supervised release pursuant to the provisions of this regulation shall comply with the following conditions:

- a. report immediately to the Division of Probation and Parole district office which is listed on the certificate of supervised release;
- b. establish a schedule of a minimum of one meeting per month with the probation and parole officer to provide the officer with his current address, e-mail address or addresses, instant message name or names, date of birth, place of employment and verification of compliance with all registration and notification requirements of a sex offender as required by statute;
- c. be subject to periodic visits with the probation and parole officer without prior notice;
- d. abide by any curfew set by the probation and parole officer;
- e. refrain from using or possessing any controlled dangerous substance or alcoholic beverage and submit, at the sex offender's expense, to screening, evaluation and treatment for controlled dangerous substances or alcohol abuse as directed by the probation and parole officer;
- f. refrain from using or possessing any pornographic or sexually explicit materials. "Pornographic or sexually explicit materials" means any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, phonograph record, album, cassette, wire or tape recording, compact disc, digital versatile disc, digital video disc or any other form of visual technology or other similar tangible work or thing which is devoted to or principally consists of descriptions or depictions of illicit sex or sexual immorality, the graphic depiction of sex, including but not limited to the visual depiction of sexual activity or nudity, ultimate sexual acts, normal or perverted, actual, simulated or animated, whether between human beings, animals or an animal and a human being;
- g. report to the probation and parole officer when directed to do so;
- h. not associate with persons known to be engaged in criminal activities or with persons known to have been convicted of a felony without written permission of the probation and parole officer;
- i. in all respects, conduct himself honorably, work diligently at a lawful occupation and support his dependents, if any, to the best of his ability;
- j. promptly and truthfully answer all inquiries directed to him by the probation and parole officer;
- k. live and remain at liberty and refrain from engaging in any type of criminal conduct;
- l. not have in his possession or control any firearms or dangerous weapons;
- m. submit himself to available medical, psychiatric or mental health examination and treatment for offenders convicted of sex offenses when deemed appropriate and ordered to do so by the probation and parole officer;

n. defray the cost, or any portion thereof, of the supervised release by making payments to the department in a sum and manner determined by the department, based upon the offender's ability to pay;

o. submit a residence plan for approval by the probation and parole officer;

p. submit himself to continued supervision, either in person or through remote monitoring, of all of the following internet related activities:

i. the sex offender's incoming and outgoing e-mail and other internet-based communications;

ii. the sex offender's history of websites visited and the content accessed; and

iii. the periodic unannounced inspection of the contents of the sex offender's computer or any other computerized device or portable media device and the removal of such information, computer, computer device or portable media device to conduct a more thorough inspection;

q. comply with such other specific conditions as are appropriate, stated directly and without ambiguity so as to be understandable to a reasonable man.

2. Sex offenders on supervised release pursuant to this regulation shall be subject to the same probation and parole policies and procedures as any other sex offender on probation or parole supervision.

#### G. Sanctions for Failure to Comply

1. Sex offenders on supervised release who fail to comply with the conditions of their release and supervision as provided for in Subsection F shall be referred to the district attorney for prosecution of the new charge pursuant to R.S. 15:561.7.

2. Upon a first conviction of R.S. 15:561.7, the sex offender shall be fined not more than one thousand dollars and imprisoned with hard labor for not less than 2 years nor more than 10 years without benefit of parole, probation or suspension of sentence.

3. Upon a second or subsequent conviction of R.S. 15:561.7, the sex offender shall be fined three thousand dollars and imprisoned with hard labor for not less than 5 years or more than 20 years without benefit of parole, probation or suspension of sentence.

## Louisiana Pathway Off Lifetime Supervision Statutes

### Louisiana R.S. 15:561.2 Supervised release upon expiration of sentence

A. A person convicted on or after August 15, 2006, of a sex offense as defined in R.S. 15:541<sup>30</sup> when the victim is under the age of thirteen years shall be placed upon supervised release as provided for by this Chapter whenever he is released from the custody of the Department of Public Safety and Corrections upon expiration of his sentence.

B. Any person placed on supervised release pursuant to the provisions of this Section shall be on supervised release for life from the date of release from incarceration. **Notwithstanding any other provision of law to the contrary, any person who was placed upon supervised release pursuant to the provisions of this Section, may petition the sentencing court for a termination of the supervision.**

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<sup>30</sup> Louisiana R.S. 15:541 – “Definitions.” Includes definitions of sex offenses.

## Maine

Lifetime Supervision



Pathway off Lifetime Supervision



**Summary:** Maine statutes prescribe a mandatory, indefinite term of post-release supervision up to life for individuals convicted of certain sex offenses when the victim is less than 12 years old. In addition, statutes allow for the discretionary imposition of indefinite to life supervision for individuals sentenced as a repeat sexual assault offender. Individuals under supervision may petition the court for discharge from lifetime supervision requirements.

### Maine Lifetime Supervision and Pathway for Relief Statutes

#### M.R.S. Title 17-A Section 1881. Inclusion of period of supervised release after imprisonment

1. Mandatory imposition of supervised release. If a person is convicted of gross sexual assault with a person who has not yet attained 12 years of age, in violation of section 253, subsection 1, paragraph C, the court, in addition to imposing as part of the sentence a definite term of imprisonment in accordance with section 253-A, subsection 2, shall impose as part of the sentence a period of supervised release of up to life to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314 and must include the best available monitoring technology for the full period of supervised release. [PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Discretionary imposition of supervised release. If a person is convicted of gross sexual assault in violation of any provision of section 253 other than section 253, subsection 1, paragraph C, the court, if it imposes as part of the sentence a definite term of imprisonment that does not include a period of probation, also may impose as part of the sentence a period of supervised release to immediately follow that imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 2314. If a person has been convicted of violating any provision of section 253 other than section 253, subsection 1, paragraph C, the authorized period of supervised release is:

A. Any period of years for a person sentenced as a repeat sexual assault offender pursuant to section 253-A, subsection 1; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. For a person not sentenced under section 253-A, subsection 1 or 2, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years for a Class B or Class C violation of section 253. [PL 2019, c. 113, Pt. A, §2 (NEW).] [PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Modification of requirements. During the period of supervised release specified in the sentence made pursuant to subsections 1 and 2, and upon application of a person on supervised release or the person's probation officer, or upon the court's own motion, the court, after notice to the probation officer and the person on supervised release and a hearing, may modify the requirements imposed by the court,

add further requirements authorized by section 1882 or relieve the person on supervised release of any requirement imposed by the court that, in its opinion, imposes on the person an unreasonable burden. [PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Ex parte modification of requirements for immediate necessity. Notwithstanding subsection 3, the court may grant, ex parte, a motion brought by the probation officer of the person on supervised release to add further requirements if the court determines that all reasonable efforts have been made to give written or oral notice to the person on supervised release and the requirements are immediately necessary to protect the safety of an individual or the public. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time and place when the court will hold a hearing on the added requirements, is given to the person on supervised release. [PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Termination by court. On application of the person on supervised release or the person's probation officer, or on the court's own motion, and if warranted by the conduct of the person, the court may terminate a period of supervised release and discharge the person at any time earlier than that provided in the sentence made pursuant to subsections 1 and 2. A termination and discharge may not be ordered unless notice of the motion is given to the probation officer and the attorney for the State. A termination and discharge relieves the person on supervised release of any obligations imposed by the sentence of supervised release.

6. Termination to prevent delay of consecutive term of imprisonment. The court, in order to comply with section 1608, subsection 7, shall terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment. [PL 2019, c. 113, Pt. A, §2 (NEW).]

7. Revoked period of supervised release to be served in prison. The court may revoke a period of supervised release pursuant to section 1883 for any ground specified in subsection 8. If the court revokes a period of supervised release, the court shall require the person to serve time in prison under the custody of the Department of Corrections. This time in prison may equal all or part of the period of supervised release, without credit for time served on post-release supervision. The remaining portion of the period of supervised release that is not required to be served in prison, if any, may not run during the time in prison and must resume again after the person's release and is subject to revocation at a later date. [PL 2019, c. 113, Pt. A, §2 (NEW).]

8. Grounds for revocation. The court may revoke a period of supervised release for:

A. A violation of supervised release; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Criminal conduct committed during the term of imprisonment; or [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. Refusal during the term of imprisonment to actively participate, when requested to do so by the Department of Corrections, in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers. [PL 2019, c. 113, Pt. A, §2 (NEW).]

## Maryland

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** Maryland statutes prescribe mandatory lifetime sexual offender supervision for individuals classified as ‘sexually violent predators,’ those convicted of certain sex offenses (or attempt of those offenses), and those with repeat convictions of sex offenses requiring registration. Further, Maryland statutes allow for discretionary application of lifetime sexual offender supervision for other sex offenses not covered by the mandatory supervision statutes.

Maryland statutes provide a pathway off lifetime supervision. Individuals may petition the original sentencing court for discharge after serving at least 5 years of supervision. If denied, individuals can petition the court again after one year.

The Maryland Sexual Offender Advisory Board previously published a report discussing the state’s policies of lifetime supervision.<sup>31</sup> This report includes a useful flow chart of the processes for relief from the state’s lifetime supervision policies.

### Maryland Lifetime Supervision Statutes

#### Md. Code, Crim. Proc. Section 11-723

(a) Except where a term of natural life without the possibility of parole is imposed, a sentence for the following persons shall include a term of lifetime sexual offender supervision:

(1) a person who is a sexually violent predator;

(2) a person who has been convicted of a violation of:

(i) § 3-303<sup>32</sup> or § 3-304<sup>33</sup> of the Criminal Law Article; or

(ii) § 3-305<sup>34</sup> or § 3-306<sup>35</sup> of the Criminal Law Article as the sections existed before October 1, 2017, if the person was an adult at the time of the offense;

(3) a person who has been convicted of a violation of § 3-309<sup>36</sup> or § 3-310<sup>37</sup> of the Criminal Law Article, § 3-311<sup>38</sup> of the Criminal Law Article as the section existed before October 1, 2017, or, if the person was an adult at the time of the offense, an attempt to commit a violation of § 3-306 of the Criminal Law Article as the section existed before October 1, 2017;

<sup>31</sup> Maryland Sexual Offender Advisory Board. 2014. 2014 Report to the Maryland General Assembly (MSAR # 8425). Annapolis, MD.

<sup>32</sup> Md. Code, Crim. Law, Section 3-303 – Rape in the first degree

<sup>33</sup> Md. Code, Crim. Law, Section 3-304 – Rape in the second degree

<sup>34</sup> Md. Code, Crim. Law, Section 3-305 – Sexual offense in the first degree [repealed]

<sup>35</sup> Md. Code, Crim. Law, Section 3-306 – Sexual offense in the second degree [repealed]

<sup>36</sup> Md. Code, Crim. Law, Section 3-309 – Attempted rape in the first degree

<sup>37</sup> Md. Code, Crim. Law, Section 3-310 – Attempted rape in the second degree

<sup>38</sup> Md. Code, Crim. Law, Section 3-311 – Attempted sexual offense in the first degree [repealed]

- (4) a person who has been convicted of a violation of § 3-602<sup>39</sup> of the Criminal Law Article:
  - (i) that was committed when the person was an adult against a child under the age of 13 years; or
  - (ii) that was committed when the person was at least 21 years old against a child under the age of 16 years;
- (5) a person who is required to register under § 11-704(c) of this subtitle; and
- (6) a person who has been convicted more than once arising out of separate incidents of a crime that requires registration under this subtitle.

(b) Except where a term of natural life without the possibility of parole is imposed, a sentence for a violation of § 3-307(a)(1) or (2)<sup>40</sup> of the Criminal Law Article may include a term of lifetime sexual offender supervision.

(c)

(1) Except as provided in paragraph (2) of this subsection, the term of lifetime sexual offender supervision imposed on a person for a crime committed on or after October 1, 2010, shall:

- (i) be a term of life; and
- (ii) commence on the expiration of the later of any term of imprisonment, probation, parole, or mandatory supervision.

(2) For a person who is required to register under § 11-704(c) of this subtitle, the term of lifetime sexual offender supervision imposed for an act committed on or after October 1, 2010, shall:

- (i) commence when the person's obligation to register commences; and
- (ii) expire when the person's obligation to register expires, unless the juvenile court:
  1. finds after a hearing that there is a compelling reason for the supervision to continue; and
  2. orders the supervision to continue for a specified period of time.

(d)

(1) For a sentence that includes a term of lifetime sexual offender supervision, the sentencing court, or juvenile court in the case of a person who is required to register under § 11-704(c) of this subtitle, shall impose special conditions of lifetime sexual offender supervision on the person at the time of sentencing, or imposition of the registration requirement in juvenile court, and advise the person of the length, conditions, and consecutive nature of that supervision.

(2) Before imposing special conditions, the sentencing court or juvenile court shall order:

- (i) a presentence investigation in accordance with § 6-112 of the Correctional Services Article; and
- (ii) for a sentence for a violation of § 3-307(a)(1) or (2) of the Criminal Law Article, a risk assessment of the person conducted by a sexual offender treatment provider.

(3) The conditions of lifetime sexual offender supervision may include:

- (i) monitoring through global positioning satellite tracking or equivalent technology;
- (ii) where appropriate and feasible, restricting a person from living in proximity to or loitering near schools, family child care homes, child care centers, and other places used primarily by minors;
- (iii) restricting a person from obtaining employment or from participating in an activity that would bring the person into contact with minors;

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<sup>39</sup> Md. Code, Crim. Law, Section 3-602 – Sexual abuse of a minor

<sup>40</sup> Md. Code, Crim. Law, Section 3-307 – Sexual offense in the third degree



- (iv) requiring a person to participate in a sexual offender treatment program;
  - (v) prohibiting a person from using illicit drugs or alcohol;
  - (vi) authorizing a parole and probation agent to access the person's personal computer to check for material relating to sexual relations with minors;
  - (vii) requiring a person to take regular polygraph examinations;
  - (viii) prohibiting a person from contacting specific individuals or categories of individuals; and
  - (ix) any other conditions deemed appropriate by the sentencing court or juvenile court.
- (4) The sentencing court or juvenile court may adjust the special conditions of lifetime sexual offender supervision, in consultation with the person's sexual offender management team.

## Maryland Pathway Off Lifetime Supervision Statutes

### Md. Code, Crim. Proc, section 11-724

- (a) A person subject to lifetime sexual offender supervision may not knowingly or willfully violate the conditions of the lifetime sexual offender supervision imposed under § 11–723 of this subtitle.
- (b) A person who violates any conditions imposed under § 11–723 of this subtitle:
- (1) for a first offense, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and
  - (2) for a second or subsequent offense, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.
- (c) Imprisonment for a lifetime sexual offender supervision violation is not subject to diminution credits.
- (d)
- (1) A violation of subsection (a) of this section does not discharge a person from lifetime sexual offender supervision.
  - (2) On release from a sentence imposed under subsection (b) of this section, a person remains on lifetime sexual offender supervision, subject to the original terms of supervision, until discharged under subsection (f) of this section.
- (e) During the period of lifetime sexual offender supervision, the court may:
- (1) remand the person to a correctional facility or release the person with or without bail pending the hearing or determination of a charge of violation of a condition of lifetime sexual offender supervision; and
  - (2) if the court finds that the person committed a violation of a condition of supervision, impose a sentence as prescribed in subsection (b) of this section.
- (f)
- (1) The sentencing court shall hear and adjudicate a petition for discharge from lifetime sexual offender supervision.
  - (2) A person may file a petition for discharge after serving at least 5 years of extended sexual offender supervision.
  - (3) If a petition for discharge is denied, a person may not renew the petition for a minimum of 1 year.
  - (4) A petition for discharge shall include:
    - (i) a risk assessment of the person conducted by a sexual offender treatment provider within 3 months before the date of the filing of the petition; and
    - (ii) a recommendation regarding the discharge of the person from the sexual offender management team.



- (5)
  - (i) The sentencing court may not deny a petition for discharge without a hearing.
  - (ii) The court may not discharge a person from lifetime sexual offender supervision unless the court makes a finding on the record that the petitioner is no longer a danger to others.
- (6)
  - (i) The judge who originally imposed the lifetime sexual offender supervision shall hear a petition for discharge.
  - (ii) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, another judge may act in the matter.

### Massachusetts

Lifetime Supervision*	<input type="checkbox"/>
Pathway off Lifetime Supervision*	<input type="checkbox"/>

**Summary:** Massachusetts previously had statutes prescribing lifetime supervision for individuals convicted of certain circumstances, but the statutes were declared unconstitutional. We were unable to determine the current status of Massachusetts’ policies for lifetime supervision and/or a pathway off of lifetime supervision.

### Michigan

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

**Summary:** Michigan statutes require lifetime electronic monitoring of individuals convicted of criminal sexual conduct in the first degree and for individuals convicted of criminal sexual conduct in the second degree when the perpetrator is at least 17 years old and the victim is less than 13 years old. The requirement for lifetime electronic monitoring also applies to conspiracy to commit the aforementioned offenses. We did not identify any statutory or regulatory pathway off of the requirements for lifetime electronic monitoring.

### Michigan Lifetime Supervision Statutes

**MCL 750.520n Lifetime electronic monitoring.**

Sec. 520n.

(1) A person convicted under section 520b<sup>41</sup> or 520c<sup>42</sup> for criminal sexual conduct committed by an individual 17 years old or older against an individual less than 13 years of age shall be sentenced to lifetime electronic monitoring as provided under section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285.<sup>43</sup>

(2) A person who has been sentenced under this chapter to lifetime electronic monitoring under section 85 of the corrections code of 1953, 1953 PA 232, MCL 791.285, who does any of the following is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both:

(a) Intentionally removes, defaces, alters, destroys, or fails to maintain the electronic monitoring device in working order.

(b) Fails to notify the department of corrections that the electronic monitoring device is damaged.

(c) Fails to reimburse the department of corrections or its agent for the cost of the monitoring.

(3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(4) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed for another violation arising from the same transaction

**MCL Section 791.285 Lifetime electronic monitoring program; establishment; implementation; manner of wearing or carrying; reimbursement; "electronic monitoring" defined.**

Sec. 85.

(1) The lifetime electronic monitoring program is established in the department.<sup>44</sup> The lifetime electronic monitoring program must implement a system of monitoring individuals released from parole, prison, or both parole and prison who are sentenced by the court to lifetime electronic monitoring. The lifetime electronic monitoring program must accomplish all of the following:

(a) By electronic means, track the movement and location of each individual from the time the individual is released on parole or from prison until the time of the individual's death.

(b) Develop methods by which the individual's movement and location may be determined, both in real time and recorded time, and recorded information retrieved upon request by the court or a law enforcement agency.

(2) An individual who is sentenced to lifetime electronic monitoring shall wear or otherwise carry an electronic monitoring device as determined by the department under the lifetime electronic monitoring program in the manner prescribed by that program and shall reimburse the department or its agent as provided under section 36a while the individual is still on parole, and at the rate of \$60.00 per month after the individual is discharged from parole but is still subject to electronic monitoring.

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<sup>41</sup> [MCL Section 750.520b](#) – “Criminal sexual conduct in the first degree; circumstances; felony; consecutive terms”

<sup>42</sup> [MCL Section 750.520c](#) – “Criminal sexual conduct in the second degree; felony.”

<sup>43</sup> The Michigan Supreme Court clarified in 2017 that the lifetime electronic monitoring requirement applies to all convictions for first degree criminal sexual conduct regardless of the age of the defendant and victim. The application of lifetime electronic monitoring does not apply only in those convictions resulting in a sentence of incarceration for life without the possibility of parole. *People v. Comer*, 500 Mich 278 (2017).

<sup>44</sup> Details about the Department of Corrections policy are available in [Michigan Department of Corrections Policy Directive 06.04.100 “Lifetime Electronic Monitoring of Sex Offenders.”](#)

(3) As used in this section, "electronic monitoring" means a device by which, through global positioning system satellite or other means, an individual's movement and location are tracked and recorded.

## Minnesota

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

**Summary:** Minnesota statutes prescribe mandatory conditional release supervision for certain individuals convicted of a sex offense. Statutes prescribing mandatory supervision do not include attempted offenses.<sup>45</sup> Statutes explicitly preclude the possibility of discharge from conditional release supervision for those supervised for life as the result of a sex offense.

### Minnesota Lifetime Supervision Statutes

#### Minn. Stat. Section 609.3455

#### 609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.

##### Subdivision 1. Definitions.

(a) As used in this section, the following terms have the meanings given.

(b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, 609.3453, or 609.3458, if the adult sentence has been executed.

(c) "Extreme inhumane conditions" mean situations where, either before or after the sexual penetration or sexual contact, the offender knowingly causes or permits the complainant to be placed in a situation likely to cause the complainant severe ongoing mental, emotional, or psychological harm, or causes the complainant's death.

(d) A "heinous element" includes:

- (1) the offender tortured the complainant;
- (2) the offender intentionally inflicted great bodily harm upon the complainant;
- (3) the offender intentionally mutilated the complainant;
- (4) the offender exposed the complainant to extreme inhumane conditions;
- (5) the offender was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the complainant to submit;
- (6) the offense involved sexual penetration or sexual contact with more than one victim;
- (7) the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the complainant; or

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<sup>45</sup> See clarification and reference to court cases in footnote 13 of the [2020-2021 Sex Offenses Sentencing Practices report](#) published by the Minnesota Sentencing Guidelines Commission.

(8) the offender, without the complainant's consent, removed the complainant from one place to another and did not release the complainant in a safe place.

(e) "Mutilation" means the intentional infliction of physical abuse designed to cause serious permanent disfigurement or permanent or protracted loss or impairment of the functions of any bodily member or organ, where the offender relishes the infliction of the abuse, evidencing debasement or perversion.

(f) A conviction is considered a "previous sex offense conviction" if the offender was convicted and sentenced for a sex offense before the commission of the present offense.

(g) A conviction is considered a "prior sex offense conviction" if the offender was convicted of committing a sex offense before the offender has been convicted of the present offense, regardless of whether the offender was convicted for the first offense before the commission of the present offense, and the convictions involved separate behavioral incidents.

(h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States, this state, or any other state.

(i) "Torture" means the intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner.

(j) An offender has "two previous sex offense convictions" only if the offender was convicted and sentenced for a sex offense committed after the offender was earlier convicted and sentenced for a sex offense and both convictions preceded the commission of the present offense of conviction.

**Subd. 2. Mandatory life sentence without release; egregious first-time and repeat offenders.**

(a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

(c) The court shall sentence a person who was under 18 years of age at the time of the commission of an offense described in paragraph (a) to imprisonment for life.

**Subd. 3. Mandatory life sentence for egregious first-time offenders.**

(a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact finder determines that a heinous element exists.

(b) The fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343.

**Subd. 3a. Mandatory sentence for certain engrained offenders.**

(a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if:

- (1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458;
- (2) the fact finder determines that the offender is a danger to public safety; and
- (3) the fact finder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

(b) The fact finder shall base its determination that the offender is a danger to public safety on any of the following factors:

- (1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines;
- (2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224 or 609.2242, including:
  - (i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or
  - (ii) a violation or attempted violation of a similar law of any other state or the United States; or
- (3) the offender planned or prepared for the crime prior to its commission.

(c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22.

#### **Subd. 4. Mandatory life sentence; repeat offenders.**

(a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458 and:

- (1) the person has two previous sex offense convictions;
- (2) the person has a previous sex offense conviction and:
  - (i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;
  - (ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or
  - (iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for the previous sex offense conviction; or
- (3) the person has two prior sex offense convictions, and the fact finder determines that the prior convictions and present offense involved at least three separate victims, and:
  - (i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;
  - (ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for one of the prior sex offense convictions.

(b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, 609.3453, or 609.3458, or any similar statute of the United States, this state, or any other state.

**Subd. 5. Life sentences; minimum term of imprisonment.**

At the time of sentencing under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based on the sentencing guidelines or any applicable mandatory minimum sentence, that must be served before the offender may be considered for supervised release. If the offender was under 18 years of age at the time of the commission of the offense, the minimum term of imprisonment specified by the court shall not exceed the applicable minimum term of imprisonment described in subdivision 4b.

**Subd. 6. Mandatory ten-year conditional release term.**

Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.

**Subd. 7. Mandatory lifetime conditional release term.**

(a) When a court sentences an offender under subdivision 3 or 4, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender's life.

(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342,<sup>46</sup> 609.343,<sup>47</sup> 609.344,<sup>48</sup> 609.345,<sup>49</sup> 609.3453,<sup>50</sup> or 609.3458,<sup>51</sup> and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender's life.

(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of section 609.345, unless the offender's previous or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, 609.3453, or 609.3458, subdivision 1, paragraph (b), or any similar statute of the United States, this state, or any other state.

**Subd. 8. Terms of conditional release; applicable to all sex offenders.**

(a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3453, or 609.3458. Except as

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<sup>46</sup> [Minn. Stat. Section 609.342](#) – “Criminal sexual conduct in the first degree”

<sup>47</sup> [Minn. Stat. Section 609.343](#) – “Criminal sexual conduct in the second degree”

<sup>48</sup> [Minn. Stat. Section 609.344](#) – “Criminal sexual conduct in the third degree”

<sup>49</sup> [Minn. Stat. Section 609.345](#) – “Criminal sexual conduct in the fourth degree”

<sup>50</sup> [Minn. Stat. Section 609.3453](#) – “Criminal sexual predatory conduct”

<sup>51</sup> [Minn. Stat. Section 609.3458](#) – “Sexual extortion”

provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release.

#### **Subd. 9. Applicability.**

The provisions of this section do not affect the applicability of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

#### **Subd. 10. Presumptive executed sentence for repeat sex offenders.**

Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse; and
- (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

## **Minnesota Pathway Off Lifetime Supervision Statutes**

### **Minn. Stat. Section 244.05, Subdivision 5**

Subd. 5. Supervised release, life and indeterminate sentences.

(a) The board may, under rules adopted by the commissioner, grant supervised release or parole as follows:

- (1) to an inmate serving a mandatory life sentence after the inmate has served the minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);



- (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime committed on or before April 30, 1980; or
- (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate has served the minimum term of imprisonment.
- (b) For cases involving multiple sentences, the board must grant or deny supervised release as follows:
- (1) if an inmate is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all unexpired sentences; and
  - (2) notwithstanding any other law to the contrary, if an inmate who was under the age of 18 at the time of the commission of the relevant offenses and has served the minimum term of imprisonment specified in subdivision 4b is serving multiple sentences that are consecutive to one another, the board may grant or deny supervised release on one or more sentences.
- (c) No less than three years before an inmate has served the applicable minimum term of imprisonment, the board must assess the inmate's status and make programming recommendations relevant to the inmate's release review. The commissioner must ensure that any board programming recommendations are followed and implemented.
- (d) The board must conduct a supervised release review hearing as soon as practicable before an inmate has served the applicable minimum term of imprisonment.
- (e) The board shall require the preparation of a community investigation report. The report shall:
- (1) reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time;
  - (2) include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision; and
  - (3) include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.
- (f) The board shall require the preparation of a development report when making a supervised release decision regarding an inmate who was under 18 years of age at the time of the commission of the offense. The report must be prepared by a mental health professional qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The board may use a previous report that was prepared within 12 months immediately preceding the hearing.
- (g) The board shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time.
- (h) The board shall permit a prosecutor from the office that prosecuted the case to submit a written statement in advance of the review hearing.
- (i) When considering whether to grant supervised release or parole to an inmate serving a life sentence or indeterminate sentence, the board shall consider, at a minimum, the following:
- (1) the report prepared pursuant to paragraph (e);
  - (2) the report prepared pursuant to paragraph (f), if applicable;
  - (3) a victim statement under paragraph (g), if submitted;
  - (4) the statement of a prosecutor under paragraph (h), if submitted;
  - (5) the risk the inmate poses to the community if released;
  - (6) the inmate's progress in treatment, if applicable;
  - (7) the inmate's behavior while incarcerated;
  - (8) psychological or other diagnostic evaluations of the inmate;



- (9) information on the inmate's rehabilitation while incarcerated;
  - (10) the inmate's criminal history;
  - (11) if the inmate was under 18 years of age at the time of the commission of the offense, relevant science on the neurological development of juveniles and information on the inmate's maturity and development while incarcerated; and
  - (12) any other relevant conduct of the inmate while incarcerated or before incarceration.
- (j) The board may not grant supervised release or parole to an inmate unless:
- (1) while in prison:
    - (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
    - (ii) the inmate has been assessed for substance use disorder needs and, if appropriate, has successfully completed substance use disorder treatment; and
    - (iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and
  - (2) a comprehensive individual release plan is in place for the inmate that:
    - (i) ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment; and
    - (ii) includes a postprison employment or education plan for the inmate.
- (k) Supervised release or parole must be granted with a majority vote of the quorum required under section 244.049, subdivision 3. If there is a tie vote, supervised release or parole is granted only if the commissioner votes in favor of granting supervised release or parole.
- (l) Within 30 days after a supervised release review hearing, the board must issue a decision on granting release, including an explanation for the decision. If an inmate is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all sentences.
- (m) If the board does not grant supervised release, the explanation of that decision must identify specific steps that the inmate can take to increase the likelihood that release will be granted at a future hearing.
- (n) When granting supervised release under this subdivision, the board must set prerelease conditions to be followed by the inmate, if time permits, before their actual release or before constructive parole becomes effective. If the inmate violates any of the prerelease conditions, the commissioner may rescind the grant of supervised release without a hearing at any time before the inmate's release or before constructive parole becomes effective. A grant of constructive parole becomes effective once the inmate begins serving the consecutive sentence.
- (o) If the commissioner rescinds a grant of supervised release or parole, the board:
- (1) must set a release review date that occurs within 90 days of the commissioner's rescission; and
  - (2) by majority vote, may set a new supervised release date or set another review date.
- (p) If the commissioner revokes supervised release or parole for an inmate serving a life sentence, the revocation is not subject to the limitations under section 244.30 and the board:
- (1) must set a release review date that occurs within one year of the commissioner's final revocation decision; and
  - (2) by majority vote, may set a new supervised release date or set another review date.
- (q) The board may, by a majority vote, grant a person on supervised release or parole for a life or indeterminate sentence a final discharge from their sentence in accordance with section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory lifetime conditional release term under section 609.3455, subdivision 7, be discharged from that term.
- (r) For purposes of this subdivision:
- (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

- (2) "constructive parole" means the status of an inmate who has been paroled from an indeterminate sentence to begin serving a consecutive sentence in prison; and
- (3) "victim" has the meaning given in section 611A.01, paragraph (b).

### Mississippi

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

### Missouri

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input checked="" type="checkbox"/>

**Summary:** Missouri requires lifetime supervision for individuals convicted of certain sex offenses. In some cases, the application of lifetime supervision is dependent upon the victim age and criminal history of the individual convicted of the offense. Lifetime supervision for individuals convicted of a sex offense includes electronic monitoring. The parole board may issue early termination from lifetime supervision only after the individual reaches age 65, and the decision to terminate is to be based on the results of a risk assessment.

### Missouri Lifetime Supervision and Pathway Off Supervision Statutes

**RSMo Section 217.735. Lifetime supervision required for certain offenders — electronic monitoring — termination at age sixty-five permitted, when — rulemaking authority.**

1. Notwithstanding any other provision of law to the contrary, the division of probation and parole shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030,<sup>52</sup> 566.032,<sup>53</sup> 566.060,<sup>54</sup> 566.062,<sup>55</sup> 566.067,<sup>56</sup> 566.083,<sup>57</sup> 566.100,<sup>58</sup> 566.151,<sup>59</sup> 566.212\*,<sup>60</sup> 566.213\*,<sup>61</sup> 568.020,<sup>62</sup> 568.080\*,<sup>63</sup> or 568.090\*<sup>64</sup> based on an act committed on or after August 28, 2006; or

(2) Section 566.068,<sup>65</sup> 566.069,<sup>66</sup> 566.210,<sup>67</sup> 566.211,<sup>68</sup> 573.200,<sup>69</sup> or 573.205<sup>70</sup> based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566<sup>71</sup> or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.<sup>72</sup>

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the parole board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040,<sup>73</sup> the division of probation and parole may adopt rules relating to supervision and electronic monitoring of offenders under this section.

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<sup>52</sup> [RSMo Section 566.030](#) – “Rape in the first degree”

<sup>53</sup> [RSMo Section 566.032](#) – “Statutory rape and attempt to commit, first degree”

<sup>54</sup> [RSMo Section 566.060](#) – “Sodomy in the first degree”

<sup>55</sup> [RSMo Section 566.062](#) – “Statutory sodomy and attempt to commit, first degree”

<sup>56</sup> [RSMo Section 566.067](#) – “Child molestation, first degree”

<sup>57</sup> [RSMo Section 566.083](#) – “Sexual misconduct involving a child”

<sup>58</sup> [RSMo Section 566.100](#) – “Sexual abuse in the first degree”

<sup>59</sup> [RSMo Section 566.151](#) – “Enticement of a child”

<sup>60</sup> [RSMo Section 566.212\\*](#) - “Sexual trafficking of a child” - Effective until December 31, 2016

<sup>61</sup> [RSMo Section 566.213](#) – “Sexual trafficking of a child under age twelve” – Effective until December 31, 2016

<sup>62</sup> [RSMo Section 568.020](#) – “Incest”

<sup>63</sup> [RSMo Section 568.080\\*](#) - “Child used in sexual performance” – Effective until December 31, 2016

<sup>64</sup> [RSMo Section 565.090\\*](#) – “Promoting sexual performance by a child” – Effective until December 31, 2016

<sup>65</sup> [RSMo Section 566.068](#) – “Child molestation, second degree”

<sup>66</sup> [RSMo Section 566.069](#) – “Child molestation, third degree”

<sup>67</sup> [RSMo Section 566.210](#) – “Sexual trafficking of a child, first degree”

<sup>68</sup> [RSMo Section 566.211](#) – “Sexual trafficking of a child, second degree”

<sup>69</sup> [RSMo Section 573.200](#) – “Child used in sexual performance”

<sup>70</sup> [RSMo Section 573.205](#) – “Promoting sexual performance by a child”

<sup>71</sup> [RSMo Chapter 566](#) – “Sexual Offenses”

<sup>72</sup> [RSMo Section 568.045](#) – “Endangering the welfare of a child in the first degree”

<sup>73</sup> [RSMo Section 217.040](#) – “Rulemaking authority”

## Montana

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

## Nebraska

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

**Summary:** Nebraska laws require mandatory lifetime supervision by the Division of Parole Supervision for some individuals convicted of a sex offense. Policies do not allow for early termination from lifetime supervision. However, the Division of Parole Supervision must conduct an annual review to determine whether the conditions imposed as a part of community supervision are still necessary to protect public safety. Conditions imposed must be the least restrictive options necessary to reduce the risk of recidivism.

### Nebraska Lifetime Supervision Statutes

**Neb. Rev. Stat. Section 83-174.03 – Certain sex offenders; supervision by Division of Parole Supervision; notice prior to release; risk assessment and evaluation; conditions of community supervision.**

1) Any individual who, on or after July 14, 2006, (a) is convicted of or completes a term of incarceration for a registrable offense under section 29-4003<sup>74</sup> and has a previous conviction for a registrable offense under such section, (b) is convicted of sexual assault of a child in the first degree pursuant to section 28-319.01,<sup>75</sup> or (c) is convicted of or completes a term of incarceration for an aggravated offense as defined in section 29-4001.01,<sup>76</sup> shall, upon completion of his or her term of incarceration or release from civil commitment, be supervised in the community by the Division of Parole Supervision for the remainder of his or her life.

(2) Notice shall be provided to the division by an agency or political subdivision which has custody of an individual required to be supervised in the community pursuant to subsection (1) of this section at least sixty days prior to the release of such individual from custody.

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<sup>74</sup> [Neb. Rev. Stat. Section 29-4003](#) – Applicability of the Sex Offender Registration Act

<sup>75</sup> [Neb. Rev. Stat. Section 28-319.01](#) – “Sexual assault of a child; first degree”

<sup>76</sup> [Neb. Rev. Stat. Section 29-4001.01](#) – Terms, defined for purposes of the Sex Offender Registration Act

(3) Individuals required to be supervised in the community pursuant to subsection (1) of this section shall undergo a risk assessment and evaluation by the division to determine the conditions of community supervision to be imposed to best protect the public from the risk that the individual will reoffend.

(4) Conditions of community supervision imposed on an individual by the division may include the following:

- (a) Drug and alcohol testing if the conviction resulting in the imposition of community supervision involved the use of drugs or alcohol;
- (b) Restrictions on employment and leisure activities necessary to minimize interaction with potential victims;
- (c) Requirements to report regularly to the individual's community supervision officer;
- (d) Requirements to reside at a specified location and notify the individual's community supervision officer of any change in address or employment;
- (e) A requirement to allow the division access to medical records from the individual's current and former providers of treatment;
- (f) A requirement that the individual submit himself or herself to available medical, psychological, psychiatric, or other treatment, including, but not limited to, polygraph examinations; or
- (g) Any other conditions designed to minimize the risk of recidivism, including, but not limited to, the use of electronic monitoring, which are not unduly restrictive.

**Neb. Rev. Stat. Section 29-4019 – Offense requiring lifetime community supervision; sentencing court; duties.**

(1) When sentencing a person convicted of an offense which requires lifetime community supervision upon release pursuant to section 83-174.03, the sentencing court shall:

- (a) Provide written notice to the defendant that he or she shall be subject to lifetime community supervision by the Division of Parole Supervision upon release from incarceration or civil commitment. The written notice shall inform the defendant (i) that he or she shall be subject to lifetime community supervision by the division upon release and that the division shall conduct a risk assessment and evaluation to determine the conditions of community supervision which will minimize, in the least restrictive manner that is compatible with public safety, the risk of the defendant committing additional offenses, (ii) that a violation of any of the conditions of community supervision imposed by the division may result in the revision of existing conditions, the addition of new conditions, a recommendation that civil commitment proceedings should be instituted, or criminal prosecution, and (iii) of his or her right to challenge the determination of the conditions of community supervision by the division and the right to a periodic review of the conditions of community supervision pursuant to section 83-174.03 to determine if the conditions are still necessary to protect the public;
- (b) Require the defendant to read and sign a form stating that the duty of the defendant to comply with the conditions of community supervision and his or her rights to challenge the conditions of community supervision imposed by the division has been explained; and
- (c) Retain a copy of the written notification signed by the defendant.

(2) Prior to the release of a person serving a sentence for an offense requiring lifetime community supervision by the Division of Parole Supervision pursuant to section 83-174.03, the Department of Correctional Services, the Department of Health and Human Services, or a city or county correctional or jail facility shall:

(a) Provide written notice to the person that he or she shall be subject to lifetime community supervision by the division upon release from incarceration. The written notice shall inform the person (i) that he or she shall be subject to lifetime community supervision by the division upon release and that the division shall conduct a risk assessment and evaluation of the defendant to determine the conditions of community supervision which will minimize, in the least restrictive manner that is compatible with public safety, the risk of the person committing additional offenses, (ii) that a violation of any of the conditions of community supervision imposed by the division may result in the revision of existing conditions, the addition of new conditions, a recommendation that civil commitment proceedings should be instituted, or criminal prosecution, and (iii) of his or her right to challenge the determination of the conditions of community supervision by the division and the right to a periodic review of the conditions of community supervision pursuant to section 83-174.03 to determine if the conditions are still necessary to protect the public;

(b) Require the defendant to read and sign a form stating that the duty of the defendant to comply with the conditions of community supervision and his or her right to challenge the conditions of community supervision imposed by the division has been explained; and

(c) Retain a copy of the written notification signed by the person.

**Neb. Rev. Stat. Section 83-1,103.03 – Lifetime community supervision; Division of Parole Supervision; annual review**

The Division of Parole Supervision shall review the conditions of community supervision imposed on an individual pursuant to section 83-174.03 on an annual basis and shall provide the individual the opportunity to submit written materials to the division for consideration during such review.

If the division determines, after reviewing the individual's conduct while under supervision and any other relevant facts, that one or more of the conditions of community supervision imposed upon the individual is no longer necessary to reduce the risk of the individual reoffending or is no longer the least restrictive condition compatible with public safety, the division shall revise the conditions of community supervision so that the individual's freedom is not unnecessarily restricted.

## Nevada

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** Nevada statutes prescribe a special sentence of lifetime supervision for individuals convicted of a sex offense. The special sentence of lifetime supervision also applies to convictions for an attempt to commit a sex offense and convictions of some other violent offenses when there is a finding of sexual motivation. Individuals may petition the sentencing court or State Board of Parole Commissioners for release from lifetime supervision. Eligibility for release from lifetime supervision is outlined in state statutes and does not absolve the individual of any requirements to register as a sex offender.

## Nevada Lifetime Supervision and Pathway Off Statutes

### **NRS Section 176.0931 – Special sentence for sex offenders; petition for release from lifetime supervision.**

1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.
2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.
3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:
  - (a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;<sup>77</sup>
  - (b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and
  - (c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.
4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.
5. As used in this section:
  - (a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:
    - (1) An offense that involves:
      - (I) A victim less than 18 years of age;
      - (II) A crime against a child as defined in NRS 179D.0357;
      - (III) A sexual offense as defined in NRS 179D.097;
      - (IV) A deadly weapon, explosives or a firearm;
      - (V) The use or threatened use of force or violence;
      - (VI) Physical or mental abuse;
      - (VII) Death or bodily injury;
      - (VIII) An act of domestic violence;
      - (IX) Harassment, stalking, threats of any kind or other similar acts;
      - (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
      - (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.
    - (2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:
      - (I) A tribal court.
      - (II) A court of the United States or the Armed Forces of the United States.
  - (b) "Sexual offense" means:

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<sup>77</sup> [NRS Chapter 179D](#) – "Registration of sex offenders and offenders convicted of a crime against a child"

- (1) A violation of NRS 200.366,<sup>78</sup> subsection 4 of NRS 200.400,<sup>79</sup> NRS 200.710,<sup>80</sup> 200.720,<sup>81</sup> subsection 2 of NRS 200.730,<sup>82</sup> paragraph (a) of subsection 1 of NRS 200.975,<sup>83</sup> NRS 201.180,<sup>84</sup> 201.230,<sup>85</sup> 201.450,<sup>86</sup> 201.540<sup>87</sup> or 201.550<sup>88</sup> or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;<sup>89</sup>
- (2) An attempt to commit an offense listed in subparagraph (1); or
- (3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

## New Hampshire

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** New Hampshire statutes provide the option for judges to impose a term of lifetime supervision for some sex offenses. Lifetime supervision is administered by the Department of Corrections. Individuals sentenced to lifetime supervision may petition the court for release after at least 15 years after their last conviction or release from incarceration. If the individual is denied release, they may petition the court again after five years.

### New Hampshire Lifetime Supervision and Pathway Off Statutes

#### NH Rev Stat Section 632-A:10-a Sexual assault and related offenses; Penalties

Notwithstanding RSA 651:2, and except where an extended term is sought as provided in RSA 651:6:

- I. A person convicted of aggravated felonious sexual assault under:
  - (a) RSA 632-A:2,<sup>90</sup> I(I) shall be sentenced in accordance with subparagraph (b) and paragraphs II-V and may be sentenced to lifetime supervision under paragraph V.

<sup>78</sup> [NRS Section 200.366](#) – “Sexual assault: definition; penalties; exclusions.”

<sup>79</sup> [NRS Section 200.400\(4\)](#) – Battery with intent to commit sexual assault

<sup>80</sup> [NRS 200.710](#) – “Unlawful to use minor in producing pornography or as a subject of sexual portrayal in performance”

<sup>81</sup> [NRS 200.720](#) – “Promotion of sexual performance of minor unlawful”

<sup>82</sup> [NRS 200.730\(2\)](#) – “Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful” subsection 2 – subsequent offense.

<sup>83</sup> [NRS 200.975](#) – “Fertility fraud; penalties; notice of conviction to professional licensing board.” Paragraph a of subsection 1 – knowingly implanting own human material in a patient without consent.

<sup>84</sup> [NRS 201.180](#) – “Incest: Definition; penalty”

<sup>85</sup> [NRS 201.230](#) – “Lewdness with child under 16 years; penalties”

<sup>86</sup> [NRS 201.450](#) – “Sexual Penetration of a Dead Human Body”

<sup>87</sup> [NRS 201.540](#) – “Sexual conduct between certain employees of school or volunteers at school and pupil: Penalty; exception”

<sup>88</sup> [NRS 201.550](#) – “Sexual conduct between certain employees of college or university and student: Penalty; exception”

<sup>89</sup> [NRS 201.560](#) – “Luring children or persons with mental illness”

<sup>90</sup> [RSA Section 632-A:2](#) – “Aggravated Felonious Sexual Assault”



(b) Any provision of RSA 632-A:2 shall be sentenced to a maximum sentence which is not to exceed 20 years and a minimum which is not to exceed 1/2 of the maximum.

II. If a court finds that a defendant has been previously convicted under RSA 632-A:2 or any other statute prohibiting the same conduct in another state, territory or possession of the United States, the defendant shall be sentenced to a maximum sentence which is not to exceed 40 years and a minimum which is not to exceed 1/2 of the maximum.

III. If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A:2 or any other statute prohibiting the same conduct in another state, territory or possession of the United States, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

IV. In this section, the phrase "previously convicted" shall mean any conviction obtained by trial on the merits, or negotiated plea with the assistance of counsel and evidencing a knowing, intelligent and voluntary waiver of the defendant's rights, provided, however, that previous imprisonment is not required.

V.

(a) When a defendant pleads or is found guilty of aggravated felonious sexual assault under RSA 632-A:2, I(l), the judge may include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any terms of lifetime supervisions shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the release of the offender from incarceration, parole or probation.

(b) A person sentenced to lifetime supervision under subparagraph (a) may petition the court for release from lifetime supervision. The court shall grant a petition for release from a special sentence of lifetime supervision if:

- (1) The person has not committed a crime for 15 years after his last conviction or release from incarceration, whichever occurs later; and
- (2) The person is not likely to pose a threat to the safety of others if released from supervision.

(c) Prior to granting any petition pursuant to subparagraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

## New Jersey

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** New Jersey statutes prescribe a mandatory sentence of parole supervision for life for individuals convicted of certain sex offenses or convictions for attempt to commit qualifying sex offenses. In other cases, the court has the discretion to impose a sentence of parole supervision for life if

necessary for public safety and/or to reduce recidivism. Individuals sentenced to parole supervision for life may petition the court for release from lifetime supervision. Individuals may be released if they have not committed a new crime in the last 15 years in the community and no longer pose a threat to public safety.

## New Jersey Lifetime Supervision and Pathway Off Statutes

### NJ Rev Stat Section 2C:46-6.4 – Special sentence of parole supervision for life

2. a. Notwithstanding any provision of law to the contrary, a judge imposing sentence on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, luring, violating a condition of a special sentence of community supervision for life pursuant to subsection d. of this section, or an attempt to commit any of these offenses shall include, in addition to any sentence authorized by this Code, a special sentence of parole supervision for life. Notwithstanding any provision of law to the contrary, a court imposing sentence on a person who has been convicted of endangering the welfare of a child pursuant to paragraph (4) or subparagraph (a) or sub-subparagraph (iii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, leader of a child pornography network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit either of these offenses shall include, upon motion of the prosecutor, a special sentence of parole supervision for life in addition to any sentence authorized by Title 2C of the New Jersey Statutes, unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.

b. The special sentence of parole supervision for life required by this section shall commence immediately upon the defendant's release from incarceration. If the defendant is serving a sentence of incarceration for another offense at the time he completes the custodial portion of the sentence imposed on the present offense, the special sentence of parole supervision for life shall not commence until the defendant is actually released from incarceration for the other offense. Persons serving a special sentence of parole supervision for life shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation. Such conditions may include the requirement that the person comply with the conditions set forth in subsection f. of this section concerning use of a computer or other device with access to the Internet or the conditions set forth in subsection g. of this section concerning the operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27). If the defendant violates a condition of a special sentence of parole supervision for life, the defendant shall be subject to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-123.65), and for the purpose of calculating the limitation on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the defendant related to the special sentence of parole supervision for life shall be deemed to be a term of life imprisonment. When the court suspends the imposition of sentence on a defendant who has been

convicted of any offense enumerated in subsection a. of this section, the court may not suspend imposition of the special sentence of parole supervision for life, which shall commence immediately, with the Division of Parole of the State Parole Board maintaining supervision over that defendant, including the defendant's compliance with any conditions imposed by the court pursuant to N.J.S.2C:45-1, in accordance with the provisions of this subsection. Nothing contained in this subsection shall prevent the court from at any time proceeding under the provisions of N.J.S.2C:45-1 through N.J.S.2C:45-4 against any such defendant for a violation of any conditions imposed by the court when it suspended imposition of sentence, or prevent the Division of Parole from proceeding under the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any such defendant for a violation of any conditions of the special sentence of parole supervision for life, including the conditions imposed by the court pursuant to N.J.S.2C:45-1. In any such proceeding by the Division of Parole, the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing revocation and return to prison shall be applicable to such a defendant, notwithstanding that the defendant may not have been sentenced to or served any portion of a custodial term for conviction of an offense enumerated in subsection a. of this section.

c. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of parole supervision for life may be released from that parole supervision term only by court order as provided in this subsection.

d. A person who violates a condition of a special sentence of community supervision for life or parole supervision for life imposed pursuant to this section without good cause is guilty of a crime of the third degree. Notwithstanding any other law to the contrary, a person sentenced pursuant to this subsection shall be sentenced to a term of imprisonment, unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. Nothing in this subsection shall preclude subjecting a person who violates any condition of a special sentence of parole supervision for life to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

e. A person who, while serving a special sentence of parole supervision for life imposed pursuant to this section, commits a violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, section 8 of P.L.2017, c.141 (C.2C:24-4.1), N.J.S.2C:18-2 when the offense is a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7, which term shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other law, be served in its entirety prior to the person's resumption of the term of parole supervision for life.

f. The special sentence of parole supervision for life required by this section may include any of the following Internet access conditions:

- (1) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;
- (2) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- (3) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use;
- (4) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability; and
- (5) Require the person to disclose all passwords used by the person to access any data, information, image, program, signal or file on the person's computer or any other device with Internet capability.

g. The special sentence of parole supervision for life required by this section may include reasonable conditions prohibiting or restricting the person's operation of an unmanned aircraft system in order to reduce the likelihood of a recurrence of criminal or delinquent behavior.

## New Mexico

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** New Mexico statutes provide for an indeterminate term of supervised parole up to an individual's natural life for certain sex offenses. After five years, the parole board must review the individual's progress to determine whether they should remain on supervised parole. After the initial review, individuals are reviewed again by the parole board once every two and a half years.

### New Mexico Lifetime Supervision and Pathway Off Statutes

**Section 31-21-10.1 NMSA 1978 – Sex offenders; period of parole; terms and conditions of parole**

- A. If the district court sentences a sex offender to a term of incarceration in a facility designated by the corrections department, the district court shall include a provision in the judgment and sentence that specifically requires the sex offender to serve an indeterminate period of supervised parole for a period of:
  - (1) not less than five years and not in excess of twenty years for the offense of kidnapping when committed with intent to inflict a sexual offense upon the victim, criminal sexual penetration in the

third degree, criminal sexual contact of a minor in the fourth degree or sexual exploitation of children in the second degree; or

(2) not less than five years and up to the natural life of the sex offender for the offense of aggravated criminal sexual penetration, criminal sexual penetration in the first or second degree, criminal sexual contact of a minor in the second or third degree or sexual exploitation of children by prostitution in the first or second degree.

A sex offender's period of supervised parole may be for a period of less than the maximum if, at a review hearing provided for in Subsection C of this section, the state is unable to prove that the sex offender should remain on parole.

B. Prior to placing a sex offender on parole, the board shall conduct a hearing to determine the terms and conditions of supervised parole for the sex offender. The board may consider any relevant factors, including:

- (1) the nature and circumstances of the offense for which the sex offender was incarcerated;
- (2) the nature and circumstances of a prior sex offense committed by the sex offender;
- (3) rehabilitation efforts engaged in by the sex offender, including participation in treatment programs while incarcerated or elsewhere;
- (4) the danger to the community posed by the sex offender; and
- (5) a risk and needs assessment regarding the sex offender, developed by the sex offender management board of the New Mexico sentencing commission or another appropriate entity, to be used by appropriate parole board personnel.

C. When a sex offender has served the initial five years of supervised parole, and at two and one-half year intervals thereafter, the board shall review the duration of the sex offender's supervised parole. At each review hearing, the attorney general shall bear the burden of proving by clear and convincing evidence that the sex offender should remain on parole.

D. The board may order a sex offender released on parole to abide by reasonable terms and conditions of parole, including:

- (1) being subject to intensive supervision by a parole officer of the corrections department;
- (2) participating in an outpatient or inpatient sex offender treatment program;
- (3) a parole agreement by the sex offender not to use alcohol or drugs;
- (4) a parole agreement by the sex offender not to have contact with certain persons or classes of persons; and
- (5) being subject to alcohol testing, drug testing or polygraph examinations used to determine if the sex offender is in compliance with the terms and conditions of the sex offender's parole.

E. The board shall require electronic real-time monitoring of every sex offender released on parole for the entire time the sex offender is on parole. The electronic monitoring shall use global positioning system monitoring technology or any successor technology that would give continuous information on the sex offender's whereabouts and enable law enforcement and the corrections department to determine the real-time position of a sex offender to a high level of accuracy.

F. The board shall notify the chief public defender of an upcoming parole hearing for a sex offender pursuant to Subsection C of this section, and the chief public defender shall make representation available to the sex offender at the parole hearing.

G. If the board finds that a sex offender has violated the terms and conditions of the sex offender's parole, the board may revoke the sex offender's parole or may modify the terms and conditions of parole.

H. The provisions of this section shall apply to all sex offenders, except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act [31-21-22 to 31-21-26 NMSA 1978].

I. As used in this section, "sex offender" means a person who is convicted of, pleads guilty to or pleads nolo contendere to any one of the following offenses:

- (1) kidnapping, as provided in Section 30-4-1 NMSA 1978, when committed with intent to inflict a sexual offense upon the victim;
- (2) aggravated criminal sexual penetration or criminal sexual penetration in the first, second or third degree, as provided in Section 30-9-11 NMSA 1978;
- (3) criminal sexual contact of a minor in the second, third or fourth degree, as provided in Section 30-9-13 NMSA 1978;
- (4) sexual exploitation of children in the second degree, as provided in Section 30-6A-3 NMSA 1978;
- (5) sexual exploitation of children by prostitution in the first or second degree, as provided in Section 30-6A-4 NMSA 1978; or
- (6) child solicitation by electronic communication device, as provided in Section 30-37-3.2 NMSA 1978.

## New York

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## North Carolina

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** Following modifications in 2023, North Carolina now requires satellite based monitoring for life for those convicted of aggravated sex offenses, those classified as a sexually violent predator, those convicted of statutory rape or a sex offense against a child by an adult, and those classified as reoffenders with certain sex offenses. Lifetime satellite based monitoring applies only in cases where a judge finds that the defendant requires the highest level of supervision and monitoring following review of the results from a risk assessment and consideration of other relevant evidence. For other sex

offenses, satellite-based monitoring may be ordered for a term not to exceed fifty years if the court finds that the defendant requires the highest level of supervision and monitoring.

After five years, individuals may petition the court for release from satellite based monitoring. Release may be granted if the court finds that the individual no longer requires the highest level of supervision and monitoring. If denied release, an individual may file a new petition for release after two years.

## North Carolina Lifetime Supervision Statutes

### NC Gen Stat Section 14-208.40A – Determination of satellite-based monitoring requirement by court.

(a) When an offender is convicted of a reportable conviction as defined by G.S. 14-208.6(4), during the sentencing phase, the district attorney shall present to the court any evidence of the following:

- (1) That the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
- (2) That the offender is a reoffender.
- (3) That the conviction offense was an aggravated offense.
- (4) That the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.28.
- (5) That the offense involved the physical, mental, or sexual abuse of a minor.

The district attorney shall have no discretion to withhold any evidence required to be submitted to the court pursuant to this subsection. The offender shall be allowed to present to the court any evidence that the district attorney's evidence is not correct.

(b) After receipt of the evidence from the parties, the court shall determine whether the offender's conviction places the offender in one of the categories described in G.S. 14-208.40(a), and if so, shall make a finding of fact of that determination, specifying each of the following:

- (1) Whether the offender has been classified as a sexually violent predator pursuant to G.S. 14-208.20.
- (2) Whether the offender is a reoffender.
- (3) Whether the conviction offense was an aggravated offense.
- (4) Whether the conviction offense was a violation of G.S. 14-27.23 or G.S. 14-27.28.
- (5) Whether the offense involved the physical, mental, or sexual abuse of a minor.

(c) The court shall order that the Department of Adult Correction do a risk assessment of the offender if the court finds any of the following:

- (1) The offender has been classified as a sexually violent predator.
- (2) The offender has committed an aggravated offense.
- (3) The offender was convicted of G.S. 14-27.23<sup>91</sup> or G.S. 14-27.28.<sup>92</sup>

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<sup>91</sup> [NCGS Section 14-27.23](#) – “Statutory rape of a child by an adult”

<sup>92</sup> [NCGS section 14-27.28](#) – “Statutory sexual offense with a child by an adult”



(4) The offender is a reoffender of a crime under G.S. 14-27.21,<sup>93</sup> 14-27.22,<sup>94</sup> 14-27.23, 14-27.24,<sup>95</sup> 14-27.25(a),<sup>96</sup> 14-27.26,<sup>97</sup> 14-27.27,<sup>98</sup> 14-27.28,<sup>99</sup> 14-27.29,<sup>100</sup> 14-27.30(a),<sup>101</sup> 14-43.11,<sup>102</sup> 14-43.13,<sup>103</sup> 14-178(b)(1)<sup>104</sup> and (b)(2), 14-190.16,<sup>105</sup> 14-205.2(d),<sup>106</sup> 14-205.3(b),<sup>107</sup> 14-318.4(a1),<sup>108</sup> or 14-318.4(a2).

The Department shall have up to 60 days to complete the risk assessment of the offender and report the results to the court. The Department may use a risk assessment of the offender done within six months of the date of the hearing.

(c1) Upon receipt of a risk assessment from the Department of Adult Correction pursuant to subsection (c) of this section, the court shall determine whether, based on the Department's risk assessment and all relevant evidence, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for the life of the offender.

(d) The court shall order that the Department of Adult Correction do a risk assessment of the offender if the court finds each of the following:

(1) The offender committed an offense that involved the physical, mental, or sexual abuse of a minor.

(2) The offense under subdivision (1) of this subsection is not an aggravated offense or a violation of G.S. 14-27.23 or G.S. 14-27.28.

(3) The offender is not a reoffender, or is a reoffender of a crime under G.S. 14-27.31, 14-27.32, 14-27.33, 14-178(b)(3), 14-190.6, 14-190.9(a1), 14-190.17, 14-190.17A, 14-202.1, 14-202.3, 14-202.4(a), or 14-205.2(c).

The Department shall have up to 60 days to complete the risk assessment of the offender and report the results to the court. The Department may use a risk assessment of the offender done within six months of the date of the hearing.

(e) Upon receipt of a risk assessment from the Department of Adult Correction pursuant to subsection (d) of this section, the court shall determine whether, based on the Department's risk assessment and all relevant evidence, the offender requires the highest possible level of supervision and monitoring. If the court determines that the offender does require the highest possible level of supervision and monitoring, the court shall order the offender to enroll in a satellite-based monitoring program for a

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<sup>93</sup> [NCGS Section 14-27.21](#) – “First-degree forcible rape”

<sup>94</sup> [NCGS Section 14-27.22](#) – “Second-degree forcible rape”

<sup>95</sup> [NCGS Section 14-27.24](#) – “First-degree statutory rape”

<sup>96</sup> [NCGS Section 14-27.25\(a\)](#) – “Statutory rape of person who is 15 years of age or younger”

<sup>97</sup> [NCGS Section 14-27.26](#) – “First-degree forcible sexual offense”

<sup>98</sup> [NCGS Section 14-27.27](#) – “Second-degree forcible sexual offense”

<sup>99</sup> [NCGS Section 14-27.28](#) – “Statutory sexual offense with a child by an adult”

<sup>100</sup> [NCGS Section 14-27.29](#) – “First-degree statutory sexual offense”

<sup>101</sup> [NCGS Section 14-27.30\(a\)](#) – “Statutory sexual offense with a person who is 15 years of age or younger”

<sup>102</sup> [NCGS Section 14-43.11](#) – “Human trafficking”

<sup>103</sup> [NCGS Section 14-43.13](#) – “Sexual servitude”

<sup>104</sup> [NCGS Section 14-178\(b\)\(1\)](#) – “Incest”

<sup>105</sup> [NCGS Section 14-190.16](#) – “First degree sexual exploitation of a minor”

<sup>106</sup> [NCGS Section 14-205.2\(d\)](#) – “Patronizing a prostitute”

<sup>107</sup> [NCGS Section 14-205.3\(b\)](#) – “Promoting prostitution”

<sup>108</sup> [NCGS Section 14-318.4\(a1\)/\(a2\)](#) – “Child abuse a felony”



period of time to be specified by the court, not to exceed 50 years. (2007-213, s. 2; 2008-117, s. 16.1; 2011-145, s. 19.1(h); 2015-181, s. 41; 2017-186, s. 2(u); 2021-138, s. 18(d); 2021-180, s. 19C.9(jj); 2021-182, s. 2(b); 2023-14, s. 8.1(a).)

## North Carolina Pathway Off Lifetime Supervision Statutes

### **NC Gen Stat Section 14-208.43 Petition for termination or modification of the satellite-based monitoring requirement.**

(a) An offender who is ordered on or after December 1, 2021, to enroll in satellite-based monitoring may file a petition for termination or modification of the monitoring requirement with the superior court in the county where the conviction occurred five years after the date of initial enrollment.

(b) The district attorney in the district in which the petition is filed shall be given notice of the petition at least three weeks before the hearing on the matter. The petitioner may present evidence in support of the petition, and the district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied.

(c) The victim of the underlying offense may appear and be heard by the court in a proceeding regarding a petition for termination or modification of satellite-based monitoring requirement. If the victim has elected to receive notices of such proceedings, the district attorney's office shall notify the victim of the date, time, and place of the hearing. The district attorney's office may provide the required notification electronically or by telephone, unless the victim requests otherwise. The victim shall be responsible for notifying the district attorney's office of any changes in the victim's address and telephone number or other contact information. The judge in any court proceeding subject to this section shall inquire as to whether the victim is present and wishes to be heard. If the victim is present and wishes to be heard, the court shall grant the victim an opportunity to be reasonably heard. The right to be reasonably heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement, or submission of an audio or video statement.

(d) The petition may be granted only if the court makes all of the following findings:

(1) The petitioner has been enrolled in the satellite-based monitoring program for at least five years.

(2) The petitioner no longer requires the highest possible level of supervision and monitoring for the period initially ordered.

(e) The court may order any of the following:

(1) The petitioner to remain enrolled in the satellite-based monitoring program for a period less than the period initially ordered, to be specified by the court.

(2) The petitioner's requirement to enroll in the satellite-based monitoring program be terminated.

(f) If the court denies the petition, the person may again petition the court for relief in accordance with this section two years from the date of the denial of the original petition to terminate the satellite-based monitoring requirement. If the court grants the petition, the clerk of court shall forward a certified copy of the order to the Post Release Supervision and Parole Commission. (2006-247, s. 15(a); 2007-213, s. 11; 2007-484, s. 42(b); 2008-117, s. 18; 2011-145, s. 19.1(h); 2017-186, s. 2(z); 2021-138, s. 18(h); 2021-182, s. 2(d), (j).)

## North Dakota

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** North Dakota allows for the discretionary imposition of lifetime probation following conviction for gross sexual imposition and/or continuous sexual abuse of a child. Individuals may petition the court for early termination of probation if supervision no longer serves the interest of justice.

### North Dakota Lifetime Supervision and Pathway Off Statutes

#### **N.D.C.C. Section 12.1-32-06.1 – Length and termination of probation – Additional probation for violation of conditions - penalty.**

1. Except as provided in this section, the length of unsupervised probation imposed in conjunction with a sentence to probation or a suspended execution or deferred imposition of sentence may not extend for more than five years for a felony and two years for a misdemeanor or infraction from the later of the date of:
  - a. The order imposing probation;
  - b. The defendant's release from incarceration; or
  - c. Termination of the defendant's parole.
2. Except as provided in this section, the length of supervised probation imposed in conjunction with a sentence of probation or a suspended execution or deferred imposition of sentence may not extend for more than five years for a felony offense subject to section 12.1-32-09.1, a felony offense subject to section 12.1-32-02.1, which involves the use of a firearm or dangerous weapon, a second or subsequent violation of section 12.1-17-07.1, a second or subsequent violation of any domestic violence protection order, a violation of chapter 12.1-41, or a violation of section 14-09-22; three years for any other felony offense; two years for a class A misdemeanor; and three hundred sixty days for a class B misdemeanor offense from the later of the date of:
  - a. The order imposing probation;
  - b. The defendant's release from incarceration; or
  - c. Termination of the defendant's parole.
3. If the defendant has pled or been found guilty of an offense for which the court imposes a sentence of restitution or reparation for damages resulting from the commission of the offense, the court may, following a restitution hearing pursuant to section 12.1-32-08, impose additional periods of unsupervised probation not to exceed five years for each additional period imposed.
4. If the defendant has pled or been found guilty of a felony sexual offense in violation of chapter 12.1-20, the court shall impose at least five years but not more than ten years of supervised probation to be served after sentencing or incarceration. If the defendant has pled or been found guilty of a class AA felony sexual offense in violation of section 12.1-20-03<sup>109</sup> or 12.1-20-03.1,<sup>110</sup> the court may impose

<sup>109</sup> [N.D.C.C. Section 12.1-20-03](#) – “Gross sexual imposition – Penalty”

<sup>110</sup> [N.D.C.C. Section 12.1-20-03.1](#) – “Continuous sexual abuse of a child.”

lifetime supervised probation on the defendant. If the defendant has pled or been found guilty of a misdemeanor sexual offense in violation of chapter 12.1-20, the court may impose additional periods of probation not to exceed two years for each additional period imposed. If the unserved portion of the defendant's maximum period of incarceration is less than one year, a violation of the probation imposed under this subsection is a class A misdemeanor.

5. If the defendant has pled or been found guilty of abandonment or nonsupport of spouse or children, the period of probation may be continued for as long as responsibility for support continues.

6. In felony and misdemeanor cases, in consequence of violation of probation conditions, the court may impose additional probation if the defendant has not served the maximum sentence of imprisonment available to the court at the time of initial sentencing or deferment or the total time on probation authorized under this section.

a. For class B and greater felony offenses, an offense subject to section 12.1-32-09.1, a felony offense subject to section 12.1-32-02.1, which involves the use of a firearm or dangerous weapon, a second or subsequent violation of section 12.1-17-07.1, a second or subsequent violation of any domestic violence protection order, a violation of chapter 12.1-41, or a violation of section 14-09-22, the total time on probation may not exceed ten years.

b. For all other felony offenses, the total time on probation may not exceed five years.

c. For misdemeanor cases, the total time on probation may not exceed three years.

d. The court shall allow the defendant credit for a sentence of probation from the date the defendant began probation until the date a petition to revoke probation was filed with the court. If the defendant is on supervised probation, the defendant is not entitled to credit for a sentence of probation for any period the defendant has absconded from supervision. The total amount of credit a defendant is entitled to for time spent on probation must be stated in the criminal judgment or order of revocation of probation.

7. The court may terminate a period of probation and discharge the defendant at any time earlier than that provided in subsection 1 if warranted by the conduct of the defendant and the ends of justice.

8. Notwithstanding the fact that a sentence to probation subsequently can be modified or revoked, a judgment that includes such a sentence constitutes a final judgment for all other purposes.

## Ohio

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Oklahoma

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** In Oklahoma, the Department of Corrections is authorized to use GPS monitoring for some persons convicted of a sex offense for the duration of their registration on the sex offender registry. Consequently, it is possible that individuals would be supervised using GPS monitoring for life if they are required to register for a lifetime.

## Oklahoma Lifetime Supervision Statutes

### 57 OK. Stat. Section 510.10 – Electronic monitoring of inmates.

- A. The Department of Corrections and the Pardon and Parole Board are hereby authorized to use electronic monitoring devices for any inmate sentenced for a crime, any person granted parole, or as disciplinary sanction as authorized by law.
- B. The electronic monitoring of an inmate pursuant to this section shall be in addition to active supervision required by law. An inmate assigned to electronic monitoring shall be required to pay the Department of Corrections or the Pardon and Parole Board for all or part of any monitoring equipment or fee, supervision cost, or other costs while assigned to electronic monitoring. The Department of Corrections or the Pardon and Parole Board shall determine whether the person has the ability to pay all or part of such costs or fee.
- C. From and after the effective date of this act, any person in the custody of the Department of Corrections who is assigned to a community corrections center, community work center, or halfway house, and who has any current or previous convictions for a crime which would require the person to register as a sex offender pursuant to the Oklahoma Sex Offenders Registration Act, shall be assigned to a global position monitoring system for the duration of the registration period. Any offender paroled who is subject to the provisions of the Oklahoma Sex Offenders Registration Act shall be assigned to global position monitoring.
- D. As used in this section, "electronic monitoring" means monitoring of an inmate within a specified location or locations by means of a global positioning device approved by the Department of Corrections or the Pardon and Parole Board with active supervision by correctional officers, employees of the Department of Corrections, or probation and parole officers of the Pardon and Parole Board. A global position monitoring system must utilize a backup data storage collection system.
- E. The Department of Corrections and the Pardon and Parole Board shall promulgate and adopt rules and procedures necessary to implement the provisions of this section.

## Oklahoma Pathway Off Lifetime Supervision Statutes

**Because Oklahoma statutes for lifetime monitoring are tied to an individual's registration status, the pathway off supervision is directly tied to a change in the requirements to register.**

### 57 OK. Stat. Section 583 – Registration – time limits – duration – petition for release from registration requirement – information to be provided to offender.

- A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall register, in person, as follows:
  - 1. With the Department of Corrections within three (3) business days of being convicted or receiving a suspended sentence or any probationary term, including a deferred sentence

imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, if the person is not incarcerated, or not less than three (3) business days prior to the release of the person from a correctional institution, except as provided in subsection B of this section;

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for seven (7) consecutive days or fourteen (14) days in a sixty-day period, or longer, calculated beginning with the first day. The registration is required within three (3) days after entering the jurisdiction of the law enforcement authority; and
3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

For purposes of this section, "local law enforcement authority" means:

- a. the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state, or
- b. the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state, and
- c. the police or security department of any institution of higher learning within this state if the person:
  - (1) enrolls as a full-time or part-time student,
  - (2) is a full-time or part-time employee at an institution of higher learning, or
  - (3) resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

B. Any person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of this title and who enters this state on or after November 1, 1989, shall register, in person, as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. Such registration is required within two (2) days after entering the state;
2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority; and
3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

Upon registering a person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses

listed in Section 582 of this title, the local law enforcement authority shall forward the registration information to the sex offender level assignment committee of the Department of Corrections.

- C. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the Department of Corrections as follows:
1. For a total period of fifteen (15) years, if the level assignment of the person is one;
  2. For a total period of twenty-five (25) years, if the level assignment of the person is two; and
  3. For life, if the level assignment of the person is three or the person is classified as a habitual or aggravated sex offender.

The registration period shall begin from the date of the completion of the sentence, and shall not conclude until the offender has been in compliance for the total amount of time required by this act. For level one and level two offenders, if the offender ceases to properly register during the fifteen-year or twenty-five-year periods, the Department of Corrections shall retain the name of the offender on the registry until the offender has fully complied with the requirements of this act for the total period of time required. The Department of Corrections shall maintain records necessary to determine whether the offender has registered for the total period of time required. The information received pursuant to the registration with the Department of Corrections required by this section shall be maintained by the Department of Corrections for at least ten (10) years from the date that the offender completed the obligations under this act.

- D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the local law enforcement authority as follows:
1. For a total period of fifteen (15) years, if the level of the person is one;
  2. For a total period of twenty-five (25) years, if the level of the person is two; and
  3. For life, if the level of the person is three or the person has been classified as a habitual or aggravated sex offender.

The registration period shall begin from the date of completion of the sentence and shall not conclude until the offender has been in compliance for the total amount of time required by this act. The information received pursuant to the registration with the local law enforcement authority required by this section shall be maintained by such authority for at least ten (10) years from the date that the offender completed the obligations under this act.

- E. Any person assigned a level of one who has been registered for a period of ten (10) years and who has not been arrested or convicted for any felony or misdemeanor offense since being released from confinement, may petition the district court in the jurisdiction where the person resides for the purpose of removing the level designation and allowing the person to no longer be subject to the registration requirements of the Sex Offenders Registration Act.

- F. When registering an offender as provided in this section the Department of Corrections or the local law enforcement agency having jurisdiction shall:
1. Inform the offender of the duty to register and obtain the information required for registration as described in this section;
  2. Inform the offender that if the offender changes address, the offender shall appear in person and give notice of the move and the new address to the Department of Corrections and to the local law enforcement authority in the location in which the offender previously resided no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;
  3. Inform the offender that if the offender changes address to another state, the offender shall appear in person and give notice of the move and shall register the new address with

- the Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes residency or is temporarily domiciled in the new state, if the new state has a registration requirement;
4. Inform the offender that if the offender participates in any full-time employment, with or without compensation, and changes or terminates such employment, the offender shall appear in person and give notice of the change or termination of employment to the Department of Corrections and to the local law enforcement authority in the location where the offender was employed within three (3) days of such change or termination of employment;
  5. Inform the offender that if the offender participates in any full-time or part-time employment, in another state, with or without compensation for more than fourteen (14) cumulative days in any sixty-day period or an aggregate period exceeding thirty (30) days in a calendar year, then the offender has a duty to register as a sex offender in that state;
  6. Inform the offender that if the offender enrolls in any type of school in another state as a full-time or part-time student then the offender has a duty to register as a sex offender in that state;
  7. Inform the offender that if the offender enrolls in any school within this state as a full-time or part-time student, then the offender has a duty to register as a sex offender with the Department of Corrections and the local law enforcement authority;
  8. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in this state, then the offender has a duty to appear in person and notify the Department of Corrections and the local law enforcement authority of such employment or participation at least three (3) days before commencing or upon terminating such employment or participation;
  9. Inform the offender that if the offender graduates, transfers, drops, terminates or otherwise changes enrollment or employment at any school in this state, then the offender shall appear in person and notify the Department of Corrections and the local law enforcement authority of such change in enrollment or employment within three (3) days of the change; and
  10. Require the offender to read and sign a form stating that the duty of the person to register under the Sex Offenders Registration Act has been explained.
- G. For the purpose of this section, the "date of the completion of the sentence" means the day an offender completes all incarceration, probation and parole pertaining to the sentence.
- H. Any person who resides in another state and who has been convicted of an offense or received a deferred judgment for an offense in this state, or in another jurisdiction, which offense if committed or attempted in this state would have been punishable as one or more of the offenses listed in Section 582 of this title, and who is the spouse of a person living in this state shall be registered as follows:
1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for five (5) consecutive days or longer, calculated beginning with the first day or an aggregate period of five (5) days or longer in a calendar year. Such registration is required within two (2) days after entering the state; and
  2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay within this state for two (2) consecutive days or longer, calculated beginning with the first day. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority.



- I. The duty to register as a sex offender in this state shall not be prevented if, at the time of registration, it is determined that the person owns or leases a residence that is located within a restricted area provided for in Section 590 of this title.

## Oregon

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

**Summary:** Oregon statute prescribe lifetime supervision for individuals convicted of rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree when the victim is under 12 years of age, or kidnapping in the first degree when committed in furtherance of one of the aforementioned offenses. Oregon does not have an established pathway off of lifetime supervision, but individuals are only required to be actively supervised for the first 10 years after release from prison and then must be actively tracked during the remainder of their life which may be done using an electronic device.

### Oregon Lifetime Supervision Statutes

#### **ORS 144.103 – Term of active post-prison supervision for person convicted of certain offenses.**

(1) Except as otherwise provided in ORS 137.765 (Sexually violent dangerous offenders) and subsection (2) of this section, any person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365 (Rape in the second degree), 163.375 (Rape in the first degree), 163.395 (Sodomy in the second degree), 163.405 (Sodomy in the first degree), 163.408 (Unlawful sexual penetration in the second degree), 163.411 (Unlawful sexual penetration in the first degree), 163.425 (Sexual abuse in the second degree) or 163.427 (Sexual abuse in the first degree) shall serve a term of active post-prison supervision that continues until the term of the post-prison supervision, when added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

(2) Intentionally left blank —Ed.

(a) A person sentenced to a term of imprisonment for violating one of the offenses listed in paragraph (b) of this subsection shall serve a term of post-prison supervision that continues for the rest of the person's life if the person was at least 18 years of age at the time the person committed the crime.

(b) The offenses to which paragraph (a) of this subsection applies are:

(A) ORS 163.375 (Rape in the first degree) (1)(b);

(B) ORS 163.405 (Sodomy in the first degree) (1)(b);

(C) ORS 163.411 (Unlawful sexual penetration in the first degree) (1)(b); and

(D) ORS 163.235 (Kidnapping in the first degree) when the offense is committed in furtherance of the commission or attempted commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree if the victim is under 12 years of age.

(c) When a person is sentenced to a term of post-prison supervision described in paragraph (a) of this subsection, the person must be actively supervised for at least the first 10 years of



the post-prison supervision and actively tracked for the remainder of the term. Active tracking may be done by means of an electronic device attached to the person.

(3)A person sentenced to a term of imprisonment for violating ORS 163.185 (Assault in the first degree) (1)(b) shall serve a term of post-prison supervision that continues until the term of the post-prison supervision, when added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the violation. [1991 c.831 §1; 1993 c.301 §4; 1999 c.161 §1; 1999 c.163 §5; subsection (2) of 2005 Edition enacted as 2005 c.513 §2; 2006 c.1 §2; 2013 c.708 §31; 2021 c.653 §7].]

## Pennsylvania

Lifetime Supervision	<input type="checkbox"/>
Pathway off Lifetime Supervision	<input type="checkbox"/>

No applicable policies identified.

## Rhode Island

Lifetime Supervision	<input checked="" type="checkbox"/>
Pathway off Lifetime Supervision	<input checked="" type="checkbox"/>

**Summary:** Rhode Island statutes require the imposition of lifetime community supervision for persons convicted of first-degree child molestation. Persons convicted of second-degree child molestation are subject to an additional term of community supervision of 30 years. For first degree child-molestation, community supervision must include GPS monitoring. The lifetime supervision term begins after completion of all other terms of the sentence such as incarceration or probation.

Individuals may petition the Parole Board for early termination of lifetime supervision after completing 15 years of supervision. Termination may be granted if the individual has not committed another sex offense and if the Board believes that supervision is no longer necessary to protect public safety. If defined termination, individuals may petition the Board again after three years.

### Rhode Island Lifetime Supervision Statutes

#### RI Gen. L. Section 13-8-30 – Community supervision for child molestation offenses.

Notwithstanding any other provision of the general laws to the contrary, any person convicted of first degree child molestation pursuant to § 11-37-8.1 or second degree child molestation pursuant to § 11-37-8.3 shall, in addition to any other penalty imposed, be subject to community supervision upon that person's completion of any prison sentence, suspended sentence, and/or probationary term imposed as a result of that conviction.

In the case of a person convicted of first degree child molestation pursuant to § 11-37-8.1, community supervision shall be for life and pursuant to the provisions of § 11-37-8.2.1, community supervision shall include electronic monitoring via an active global positioning system for life. In the case of a person eighteen (18) years or older convicted of second degree child molestation pursuant to § 11-37-8.3, the term of the original sentence imposed and the term of community supervision shall not exceed thirty (30) years.

## Rhode Island Pathway Off Lifetime Supervision Statutes

### RI Gen. L. Section 13-8-32 – Community supervision

- (a) Except as otherwise provided in this section, a person who has been placed on community supervision shall be subject to the provisions of law governing parole as if the person were a parolee. The parole board shall impose terms and conditions for the sentence within thirty (30) days of sentencing. The terms and conditions may be revised, altered, and amended by the parole board at any time.
- (b) A person under community supervision shall be under the jurisdiction, supervision and control of the parole board in the same manner as a person under parole supervision. The board is authorized on an individual basis to establish any conditions of community supervision that may be necessary to ensure public safety, which may include protecting the public from a person committing a sex offense including child molestation or child kidnapping as well as promoting the rehabilitation of the person. The conditions shall include at the expense of the offender sex offender treatment with a recognized treatment provider in the field to be determined by the board for as long as the board deems necessary, and compliance with the requirements of chapter 37 of title 11.
- (c) The board is authorized to impose and enforce a supervision fee, and rehabilitation fee upon a person on community supervision. To the extent possible the board shall set the fee in an amount that will substantially defray the cost of the community supervision program.
- (d) The board shall also establish a fee waiver procedure for hardship cases and indigency.
- (e) After a person sentenced to community supervision has been under supervision for a period of fifteen (15) years or any time after the person ceases to be a resident of the state, the person may petition the board for termination of community supervision. A petition for termination which is based upon the person no longer being a resident of Rhode Island shall be accompanied by an affidavit of the person attesting to his or her non-residency and providing his or her new out of state address. A petition for termination which is based upon the completion of fifteen (15) years of community supervision may only occur by a majority vote of all the members of the community supervision board. Termination may only occur by a majority vote of all the members. Upon receiving a petition for termination, the board shall, within sixty (60) days, conduct a hearing before the full membership. At least thirty (30) days prior to a hearing on the petition, the board shall cause a criminal history check to be conducted, and notify in writing the victims of the crime for which the sentence was imposed, the attorney general, and the chief of police or head of the organized police department of the municipality in which the crime was committed, and the chief of police or head of the organized police department of the municipality in which the person resides, of the person's petition for release from community supervision. Those officials and victims shall be provided the opportunity to respond to the petition. The officials and victims may appear in person or be represented or make written

recommendations to the board, but failure of any or all of the officials to appear or make recommendations shall not delay the termination procedure.

- (f) If a victim is deceased at the time the termination hearing is scheduled the deceased victim may be represented by his relatives in the following order: mother, father, spouse, child, grandchild, brother or sister, niece or nephew.
- (g) Prior to the hearing, the petitioner shall be examined, personally interviewed and evaluated by a psychiatrist or licensed psychologist, who is an expert in the field of sex offender treatment and approved by the board. The psychiatrist or psychologist shall file written reports with the board of his or her examinations and diagnoses, and his or her recommendation for the disposition of the person. The petitioner's treatment while on community supervision shall be examined and considered by the psychiatrist or psychologist in the recommendation. The reports shall be admissible in a hearing pursuant to this section. If the person refuses, without good cause, to be personally interviewed by the psychiatrist or psychologist, the person shall be deemed to have waived his or her right to a hearing on the petition, and the petition shall be dismissed by the board. The cost of the examination and evaluation shall be the responsibility of the person petitioning for release from supervision; provided, that procedures shall be established for cases of hardship or indigency.
- (h) At the hearing, the board shall call any witnesses that it deems necessary, including the examining psychiatrist or psychologist, the attorney general, the police chief or the victims of the crime or his or her family member, as the board deems necessary. The petitioner may offer any witnesses and other proof at the hearing that is relevant to the petition.
- (i) The board shall terminate community supervision if the petitioner demonstrates, by clear and convincing evidence, that he or she has not committed a sex offense of child kidnapping since his or her conviction, that he or she is not likely to pose a threat to the safety of others, and that the public interest is not served by further community supervision.
- (j) If a petition for release from supervision is denied by the board, the person may not file another petition for a period of three (3) years.

## South Carolina

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## South Dakota

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Tennessee

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** Tennessee statutes include a mandatory sentence of community supervision for life for individuals convicted of certain sex offenses. The term of lifetime supervision begins following completion of any other term of incarceration and/or parole imposed as a result of the conviction. Individuals subject to lifetime supervision may petition the original sentencing court for release from supervision after fifteen years of supervision. To be eligible for release from lifetime supervision, individuals must not have committed any additional offense while under community supervision. Individuals denied a release from lifetime supervision may file a new petition for release after three years.

### Tennessee Lifetime Supervision and Pathway Off Statutes

#### T.C.A. Section 39-13-524 – Sentence of community supervision for life.

- (a) In addition to the punishment authorized by the specific statute prohibiting the conduct, a person shall receive a sentence of community supervision for life who, on or after:
- (1) July 1, 1996, commits a violation of § 39-13-502,<sup>111</sup> § 39-13-503,<sup>112</sup> § 39-13-504,<sup>113</sup> or § 39-13-522,<sup>114</sup>
  - (2) July 1, 2010, commits a violation of § 39-13-531,<sup>115</sup>
  - (3) The applicable date as provided in subdivision (a)(1) or (a)(2) attempts to commit a violation of any of the sections enumerated in subdivision (a)(1) or (a)(2);
  - (4) July 1, 2021, facilitates the commission of a violation of § 39-13-522 or § 39-13-531; or
  - (5) July 1, 2022, commits a violation of § 39-13-316(a)(3), (a)(4), or (a)(5).<sup>116</sup>
  - (6) July 1, 2024, commits a violation of § 39-13-518.<sup>117</sup>
- (b) The judgment of conviction for all persons to whom subsection (a) applies shall include that the person is sentenced to community supervision for life.
- (c) The sentence of community supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon the person by the court or upon the person's release from regular parole supervision, whichever first occurs.
- (d)
- (1) A person on community supervision shall be under the jurisdiction, supervision and control of the department of correction in the same manner as a person under parole

<sup>111</sup> T.C.A. Section 39-13-502 – “Aggravated rape”

<sup>112</sup> T.C.A. Section 39-13-503 – “Rape”

<sup>113</sup> T.C.A. Section 39-13-504 – “Aggravated sexual battery”

<sup>114</sup> T.C.A. Section 39-13-522 – “Rape of a child”

<sup>115</sup> T.C.A. Section 39-13-531 – “Aggravated rape of a child”

<sup>116</sup> T.C.A. Section 39-13-316 – “Aggravated human trafficking”

<sup>117</sup> T.C.A. Section 39-13-518 – “Continuous sexual abuse of a child”

supervision. The department is authorized on an individual basis to establish such conditions of community supervision as are necessary to protect the public from the person's committing a new sex offense, as well as promoting the rehabilitation of the person.

- (2) The department is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community supervision similar to the fee imposed by § 40-28-201. To the extent possible, the department shall set the fee in an amount that will substantially defray the cost of the community supervision program. The department shall also establish a fee waiver procedure for hardship cases and indigency.

## Tennessee Pathway Off Lifetime Supervision Statutes

### T.C.A. Section 39-13-525 – Release from Community Supervision

- (a) After a person sentenced to community supervision pursuant to § 39-13-524 has been on supervision for a period of fifteen (15) years, the person may petition the sentencing court for release from community supervision.
- (b) Upon receiving a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney general responsible for prosecuting the person to be notified of the person's petition for release from supervision. Upon being notified, the district attorney general shall conduct a criminal history check on the person to determine if the person has been convicted of a criminal offense during the period of community supervision. The district attorney general shall report the results of the criminal history check to the court, together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing, in lieu of, or in addition to, submitting written comments.
- (c) Between the date the petition is filed with the court and the date established by the court for a hearing on the petition, if the person is entitled to a hearing, the person shall be examined and evaluated by a psychiatrist or licensed psychologist with health service designation approved by the board. The cost of the examination and evaluation shall be the sole responsibility of the person petitioning for release from supervision. No hearing on the petition may be conducted until the person has been examined and evaluated in accordance with this subsection (c).
- (d)
  - (1) If the report of the district attorney general indicates that the petitioner has been convicted of a criminal offense while under community supervision, the court shall deny the petition without conducting a hearing.
  - (2) If the report of the district attorney general indicates that the petitioner has not been convicted of a criminal offense while under community supervision, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including the examining psychiatrist or licensed psychologist with health service designation or the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from community supervision. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.
  - (3) If a petition for release from supervision is denied by the court, the person may not file another such petition for a period of three (3) years.

## Texas

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

## Utah

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

After 2019, Utah statutes no longer prescribe mandatory lifetime parole for sex offenses.

## Vermont

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

Our review did not identify any unique lifetime supervision policies for persons convicted as a sex offense. However, some sex offenses are subject to a maximum sentence of imprisonment for life which may be eligible for parole.<sup>118</sup>

## Virginia

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.

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<sup>118</sup> [13 V.S.A. Chapter 72](#) – “Sexual Assault”

## Washington

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** Washington State statutes include lifetime supervision for individuals convicted of a class A sex offense. Current statutes do not prescribe a pathway for relief from lifetime supervision.

### Washington Lifetime Supervision Statutes

RCW 9.94A.507: Sentencing of sex offenders

- (1) An offender who is not a persistent offender shall be sentenced under this section if the offender:
- (a) Is convicted of:
    - (i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;
    - (ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or
    - (iii) An attempt to commit any crime listed in this subsection (1)(a); or
  - (b) Has a prior conviction for an offense listed in \*RCW 9.94A.030(31)(b), and is convicted of any sex offense other than failure to register.
- (2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.
- (3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term and a minimum term.
- (b) The maximum term shall consist of the statutory maximum sentence for the offense.
  - (c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.
  - (ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under RCW 9.94A.836, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape



in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under RCW 9.94A.837, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under RCW 9.94A.838 that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e) (i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

- (4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.
- (5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.
- (6)(a) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.95.420 through 9.95.435.
- (b) An offender released by the board under RCW 9.95.420 is subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board are subject to the provisions of RCW 9.95.425 through 9.95.440.

## West Virginia

**Lifetime Supervision**



**Pathway off Lifetime Supervision**



**Summary:** West Virginia statutes require the imposition of an extended period of supervision for individuals convicted of a sex offense. For some offenses, the extended supervision may be imposed for up to 50 years. For other sex offenses, the extended period of supervision applies for the remainder of the individual's life. The period of extended supervision begins after completion of all other terms of the sentence including incarceration, parole, or probation.

After two years of extended supervision, individuals may petition the court to terminate supervision. Extended supervision may be terminated if it is in the interests of justice and justified given the individual's conduct.

## West Virginia Lifetime Supervision and Pathway Off Statutes

### W. VA. Code Section 62-12-26 – Extended supervision for certain sex offenders; sentencing; conditions; supervision provisions; supervision fee.

- (a) Notwithstanding any other provision of this code to the contrary, any defendant convicted after the effective date of this section of a violation of §61-8-12 of this code or a felony violation of the provisions of §61-8B-1 et seq., §61-8C-1 et seq., and §61-8D-1 et seq., of this code shall, as part of the sentence imposed at final disposition, be required to serve, in addition to any other penalty or condition imposed by the court, a period of supervised release of up to 50 years: Provided, That the period of supervised release imposed by the court pursuant to this section for a defendant convicted after the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, of a violation of §61-8B-3 or §61-8B-7 of this code and sentenced pursuant to §62-12-9(a) of this code, shall be no less than 10 years: Provided, however, That a defendant designated after the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, as a sexually violent predator pursuant to the provisions of §15-12-2a of this code shall be subject, in addition to any other penalty or condition imposed by the court, to supervised release for life: Provided further, That a defendant convicted of a violation of §61-8A-2, §61-8A-4, or §61-3C-14b of this code on and after the effective date of the amendment to this section enacted during the 2021 regular session of the Legislature is subject to the provisions of this section: And Provided further, That pursuant to the provisions of subsections (a) and (h) of this section, a court may modify, terminate, or revoke any term of supervised release imposed pursuant to this subsection.
- (b) Any person required to be on supervised release between the minimum term of 10 years and life pursuant to the provisos of §62-12-26(a) of this code also shall be further prohibited from:
- (1) Establishing a residence or accepting employment within 1,000 feet of a school or child care facility or within 1,000 feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted;
  - (2) Loitering within 1,000 feet of a school or child care facility or within 1,000 feet of the residence of a victim or victims of any sexually violent offenses for which the person was convicted: Provided, That the imposition of this prohibition applies to a defendant convicted after the effective date of this section as amended and reenacted during the regular session of the Legislature, 2015: Provided, however, That as used in this subdivision "loitering" means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose: Provided further, That nothing in this subdivision shall be construed to prohibit or limit a person's presence within 1,000 feet of a location or facility referenced in this subdivision if the person is present for the purposes of supervision, counseling, or other activity in which the person is directed to participate as a condition of supervision or where the person has the express permission of his or her supervising officer to be present;

- (3) Establishing a residence or any other living accommodation in a household in which a child under 16 resides if the person has been convicted of a sexually violent offense against a child, unless the person is one of the following:
- (i) The child's parent;
  - (ii) The child's grandparent; or
  - (iii) The child's stepparent and the person was the stepparent of the child prior to being convicted of a sexually violent offense, the person's parental rights to any children in the home have not been terminated, the child is not a victim of a sexually violent offense perpetrated by the person, and the court determines that the person is not likely to cause harm to the child or children with whom such person will reside: Provided, That nothing in this subsection shall preclude a court from imposing residency or employment restrictions as a condition of supervised release on defendants other than those subject to the provision of this subsection.
- (c) In addition to any other prohibitions, any person found guilty of violating the provisions of §61-8B-3 or §61-8B-7 of this code is also prohibited from being in a supervisory position, playing a supervisory role, or being responsible for groups of children, including, but not limited to, religious organizations, Boy Scouts, Girl Scouts, 4H organizations, sporting and scholastic teams, music, sporting, and theatre groups and camps, and summer day camps.
- (d) The period of supervised release imposed by the provisions of this section shall begin upon the expiration of any period of probation, the expiration of any sentence of incarceration or the expiration of any period of parole supervision imposed or required of the person so convicted, whichever expires later.
- (e) Any person sentenced to a period of supervised release pursuant to the provisions of this section shall be supervised by a multi-judicial circuit probation officer, if available. Until a multi-judicial circuit probation officer is available, the offender shall be supervised by the probation office of the sentencing court or of the circuit in which he or she resides.
- (f) A defendant sentenced to a period of supervised release is subject to any or all of the conditions applicable to a person placed upon probation pursuant to the provisions of §62-12-9 of this code: Provided, That any defendant sentenced to a period of supervised release pursuant to this section shall participate in appropriate offender treatment programs or counseling during the period of supervised release unless the court determines the offender treatment programs or counseling to no longer be appropriate or necessary and makes express findings in support thereof.
- (g) The sentencing court may, based upon defendant's ability to pay, impose a supervision fee to offset the cost of supervision. The fee shall not exceed \$50 per month. The fee may be modified periodically based upon the defendant's ability to pay.
- (h) Modification of conditions or revocation. — The court may:
- (1) Terminate a term of supervised release and discharge the defendant released at any time after the expiration of two years of supervised release, pursuant to the provisions of the West Virginia Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice;
  - (2) Extend a period of supervised release if less than the maximum authorized period was previously imposed or modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, consistent with the provisions of the West Virginia Rules of Criminal Procedure relating

- to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;
- (3) Revoke a term of supervised release and require the defendant to serve in prison all or part of the term of supervised release without credit for time previously served on supervised release if the court, pursuant to the West Virginia Rules of Criminal Procedure applicable to revocation of probation, finds by clear and convincing evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this subdivision may not be required to serve more than the period of supervised release; or
  - (4) Order the defendant to remain at his or her place of residence during nonworking hours and, if the court directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this subdivision may be imposed only as an alternative to incarceration.
- (i) Written statement of conditions. — The court shall direct that the probation officer provide the defendant with a written statement at the defendant’s sentencing hearing that sets forth all the conditions to which the term of supervised release is subject and that it is sufficiently clear and specific to serve as a guide for the defendant’s conduct and for such supervision as is required.
  - (j) Supervised release following revocation. — When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of supervised release authorized under §62-12-26(a) of this code, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of the term of supervised release shall not exceed the term of supervised release authorized by this section less any term of imprisonment that was imposed upon revocation of supervised release.
  - (k) Delayed revocation. — The power of the court to revoke a term of supervised release for violation of a condition of supervised release and to order the defendant to serve a term of imprisonment and, subject to the limitations in §62-12-26(j) of this code, a further term of supervised release extends beyond the expiration of the term of supervised release for any period necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of a violation.

## Wisconsin

<b>Lifetime Supervision</b>	<input checked="" type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input checked="" type="checkbox"/>

**Summary:** Wisconsin statutes allow judges to sentence individuals convicted of a serious sex offense to lifetime community supervision by the Department of Corrections if it is determined that lifetime supervision is necessary to protect the public. Lifetime supervision sanctions also apply for solicitation, conspiracy, or attempt to commit a serious sex offense. Lifetime supervision begins after completion of all other terms of the sentence including incarceration time, parole, and/or probation.

Individuals subject to lifetime supervision may petition the original sentencing court for termination of lifetime supervision after 15 years of lifetime supervision (does not include time spent on parole or

probation) and only if they have not committed any new crimes during their period of lifetime supervision.

## Wisconsin Lifetime Supervision and Pathway Off Statutes

### Wis. Stat. Section 939.615 – Lifetime supervision of serious sex offenders

(1) Definitions. In this section:

(a) “Department” means the department of corrections.

(b) “Serious sex offense” means any of the following:

1. A violation, or the solicitation, conspiracy, or attempt to commit a violation, of s. 940.22 (2),<sup>119</sup> 940.225 (1),<sup>120</sup> (2), or (3), 948.02<sup>121</sup> (1) or (2), 948.025<sup>122</sup> (1), 948.05<sup>123</sup> (1) or (1m), 948.051,<sup>124</sup> 948.055 (1),<sup>125</sup> 948.06,<sup>126</sup> 948.07,<sup>127</sup> 948.075,<sup>128</sup> 948.08,<sup>129</sup> 948.085,<sup>130</sup> 948.11<sup>131</sup> (2) (a), 948.12,<sup>132</sup> 948.125,<sup>133</sup> or 948.13<sup>134</sup> or of s. 940.302<sup>135</sup> (2) if s. 940.302 (2) (a) 1. b. applies.
2. A violation, or the solicitation, conspiracy or attempt to commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation specified in subd. 1., if the court determines that one of the purposes for the conduct constituting the violation was for the actor's sexual arousal or gratification.

(2) When lifetime supervision may be ordered.

(a) Except as provided in par. (b), if a person is convicted of a serious sex offense or found not guilty of a serious sex offense by reason of mental disease or defect, the court may, in addition to sentencing the person, placing the person on probation or, if applicable, committing the person under s. 971.17, place the person on lifetime supervision by the department if notice concerning lifetime supervision was given to the person under s. 973.125 and if the court determines that lifetime supervision of the person is necessary to protect the public.

(b) A court may not place a person on lifetime supervision under this section if the person was previously placed on lifetime supervision under this section for a prior conviction for a serious sex offense or a prior finding of not guilty of a serious sex offense by reason of

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<sup>119</sup> [Wis. Stat. Section 940.22](#) – “Sexual exploitation by therapist; duty to report”

<sup>120</sup> [Wis. Stat. Section 940.225](#) – “Sexual assault”

<sup>121</sup> [Wis. Stat. Section 948.02](#) – “Sexual assault of a child”

<sup>122</sup> [Wis. Stat. Section 948.025](#) – “Engaging in repeated acts of sexual assault of the same child”

<sup>123</sup> [Wis. Stat. Section 948.05](#) – “Sexual exploitation of a child”

<sup>124</sup> [Wis. Stat. Section 948.051](#) – “Trafficking of a child”

<sup>125</sup> [Wis. Stat. Section 948.055](#) – “Causing a child to view or listen to sexual activity”

<sup>126</sup> [Wis. Stat. Section 948.06](#) – “Incest with a child”

<sup>127</sup> [Wis. Stat. Section 948.07](#) – “Child enticement”

<sup>128</sup> [Wis. Stat. Section 948.075](#) – “Use of a computer to facilitate a child sex crime”

<sup>129</sup> [Wis. Stat. Section 948.08](#) – “Soliciting a child for prostitution”

<sup>130</sup> [Wis. Stat. Section 948.085](#) – “Sexual assault of a child placed in substitute care”

<sup>131</sup> [Wis. Stat. Section 948.11](#) – “Exposing a child to harmful material or harmful descriptions or narrations”

<sup>132</sup> [Wis. Stat. Section 948.12](#) – “Possession of child pornography”

<sup>133</sup> [Wis. Stat. Section 948.125](#) – “Possession of virtual child pornography”

<sup>134</sup> [Wis. Stat. Section 948.13](#) – “Child sex offender working with children”

<sup>135</sup> [Wis. Stat. Section 940.302](#) – “Human trafficking”

mental disease or defect and that previous placement on lifetime supervision has not been terminated under sub. (6).

- (c) If the prosecutor is seeking lifetime supervision for a person who is charged with committing a serious sex offense specified in sub. (1) (b) 2., the court shall direct that the trier of fact find a special verdict as to whether the conduct constituting the offense was for the actor's sexual arousal or gratification.
- (3) When lifetime supervision begins. Subject to sub. (4), the period of lifetime supervision on which a person is placed under this section shall begin at whichever of the following times is applicable:
  - (a) If the person is placed on probation for the serious sex offense, upon his or her discharge from probation.
  - (b) If the person is sentenced to prison for the serious sex offense, upon his or her discharge from parole or extended supervision.
  - (c) If the person is sentenced to prison for the serious sex offense and is being released from prison because he or she has reached the expiration date of his or her sentence, upon his or her release from prison.
  - (d) If the person has been committed to the department of health services under s. 971.17 for the serious sex offense, upon the termination of his or her commitment under s. 971.17 (5) or his or her discharge from the commitment under s. 971.17 (6), whichever is applicable.
  - (e) If par. (a), (b), (c) or (d) does not apply, upon the person being sentenced for the serious sex offense.
- (4) Only one period of lifetime supervision may be imposed. If a person is being sentenced for more than one conviction for a serious sex offense, the court may place the person on one period of lifetime supervision only. A period of lifetime supervision ordered for a person sentenced for more than one conviction begins at whichever of the times specified in sub. (3) is the latest.
- (5) Status of person placed on lifetime supervision; powers and duties of department.
  - (a) A person placed on lifetime supervision under this section is subject to the control of the department under conditions set by the court and regulations established by the department that are necessary to protect the public and promote the rehabilitation of the person placed on lifetime supervision.
  - (am) The department may temporarily take a person on lifetime supervision into custody if the department has reasonable grounds to believe that the person has violated a condition or regulation of lifetime supervision. Custody under this paragraph may last only as long as is reasonably necessary to investigate whether the person violated a condition or regulation of lifetime supervision and, if warranted, to refer the person to the appropriate prosecuting agency for commencement of prosecution under sub. (7).
  - (b) The department shall charge a fee to a person placed on lifetime supervision to partially reimburse the department for the costs of providing supervision and services. The department shall set varying rates for persons placed on lifetime supervision based on ability to pay and with the goal of receiving at least \$1 per day, if appropriate, from each person placed on lifetime supervision. The department may decide not to charge a fee while a person placed on lifetime supervision is exempt as provided under par. (c). The department shall collect moneys for the fees charged under this paragraph and credit those moneys to the appropriation account under s. 20.410 (1) (gh).
  - (c) The department may decide not to charge a fee under par. (b) to any person placed on lifetime supervision while he or she meets any of the following conditions:
    1. Is unemployed.
    2. Is pursuing a full-time course of instruction approved by the department.



3. Is undergoing treatment approved by the department and is unable to work.
4. Has a statement from a physician certifying to the department that the person should be excused from working for medical reasons.

(6) Petition for termination of lifetime supervision.

(a) Subject to par. (b), a person placed on lifetime supervision under this section may file a petition requesting that lifetime supervision be terminated. A person shall file a petition requesting termination of lifetime supervision with the court that ordered the lifetime supervision.

(b)

1. A person may not file a petition requesting termination of lifetime supervision if he or she has been convicted of a crime that was committed during the period of lifetime supervision.
2. A person may not file a petition requesting termination of lifetime supervision earlier than 15 years after the date on which the period of lifetime supervision began. If a person files a petition requesting termination of lifetime supervision at any time earlier than 15 years after the date on which the period of lifetime supervision began, the court shall deny the petition without a hearing.

(c) Upon receiving a petition requesting termination of lifetime supervision, the court shall send a copy of the petition to the district attorney responsible for prosecuting the serious sex offense that was the basis for the order of lifetime supervision. Upon receiving a copy of a petition sent to him or her under this paragraph, a district attorney shall conduct a criminal history record search to determine whether the person has been convicted of a criminal offense that was committed during the period of lifetime supervision. No later than 30 days after the date on which he or she receives the copy of the petition, the district attorney shall report the results of the criminal history record search to the court and may provide a written response to the petition.

(d) After reviewing the report of the district attorney submitted under par. (c) concerning the results of a criminal history record search, the court shall do whichever of the following is applicable:

1. If the report of the district attorney indicates that the person filing the petition has been convicted of a criminal offense that was committed during the period of lifetime supervision, the court shall deny the person's petition without a hearing.
2. If the report of the district attorney indicates that the person filing the petition has not been convicted of a criminal offense that was committed during the period of lifetime supervision, the court shall order the person to be examined under par. (e), shall notify the department that it may submit a report under par. (em) and shall schedule a hearing on the petition to be conducted as provided under par. (f).

(e) A person filing a petition requesting termination of lifetime supervision who is entitled to a hearing under par. (d) 2. shall be examined by a person who is either a physician or a psychologist and who is approved by the court. The physician or psychologist who conducts an examination under this paragraph shall prepare a report of his or her examination that includes his or her opinion of whether the person petitioning for termination of lifetime supervision is a danger to public. The physician or psychologist shall file the report of his or her examination with the court within 60 days after completing the examination, and the court shall provide copies of the report to the person filing the petition and the district attorney who received a copy of the person's



petition under par. (c). The contents of the report shall be confidential until the physician or psychologist testifies at a hearing under par. (f). The person petitioning for termination of lifetime supervision shall pay the cost of an examination required under this paragraph.

- (em) After it receives notification from the court under par. (d) 2., the department may prepare and submit to the court a report concerning a person who has filed a petition requesting termination of lifetime supervision. If the department prepares and submits a report under this paragraph, the report shall include information concerning the person's conduct while on lifetime supervision and an opinion as to whether lifetime supervision of the person is still necessary to protect the public. When a report prepared under this paragraph has been received by the court, the court shall, before the hearing under par. (f), disclose the contents of the report to the attorney for the person who filed the petition and to the district attorney. When the person who filed the petition is not represented by an attorney, the contents shall be disclosed to the person.
  - (f) A hearing on a petition requesting termination of lifetime supervision may not be conducted until the person filing the petition has been examined and a report of the examination has been filed as provided under par. (e). At the hearing, the court shall take evidence it considers relevant to determining whether lifetime supervision should be continued because the person who filed the petition is a danger to the public. The person who filed the petition and the district attorney who received the petition under par. (c) may offer evidence relevant to the issue of the person's dangerousness and the continued need for lifetime supervision.
  - (g) The court may grant a petition requesting termination of lifetime supervision if it determines after a hearing under par. (f) that lifetime supervision is no longer necessary to protect the public.
  - (h) If a petition requesting termination of lifetime supervision is denied after a hearing under par. (f), the person may not file a subsequent petition requesting termination of lifetime supervision until at least 3 years have elapsed since the most recent petition was denied.
  - (i) If the court grants a petition requesting termination of lifetime supervision and the person is registered with the department under s. 301.45, the court may also order that the person is no longer required to comply with the reporting requirements under s. 301.45. This paragraph does not apply to a person who must continue to comply with the reporting requirements for life under s. 301.45 (5) (b) or for as long as he or she is in this state under s. 301.45 (5m) (b).
- (7) Penalty for violation of a condition of lifetime supervision.
- (a) No person placed on lifetime supervision under this section may knowingly violate a condition or regulation of lifetime supervision established by the court or by the department.
  - (b)
    1. Except as provided in subd. 2., whoever violates par. (a) is guilty of a Class A misdemeanor.
    2. Whoever violates par. (a) is guilty of a Class I felony if the same conduct that violates par. (a) also constitutes a crime that is a felony.

## Wyoming

<b>Lifetime Supervision</b>	<input type="checkbox"/>
<b>Pathway off Lifetime Supervision</b>	<input type="checkbox"/>

No applicable policies identified.