

18 U.S.C. § 2250 — “Sex Offense” under SORNA

State	Offense	Short Title	Holding	Citation	‘Sex Offense’ Definition	Approach	Details
Federal	8 U.S.C. § 1328	Importing Alien for Immoral Purposes	Sex Offense	U.S. v. Byun 539 F.3d 982 (9 th Cir. 2008)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Brought a Korean National who was 17 years old to Guam to engage in prostitution.
Federal	18 U.S.C. § 113	Assault with Intent to Commit Rape	Sex Offense	U.S. v. Marrowbone 2014 WL 6694781 (D. S.D. 11/26/14)	Sexual Act or Sexual Contact with Another	Categorical	Victim was an adult.
Federal	18 U.S.C. § 242	Deprivation of Rights under Color of Law	Not a Sex Offense	U.S. v. Icker 13 F.4 th 321 (3 rd Cir. 2021)	Sexual Act or Sexual Contact with Another	Categorical	Officer used his badge to harass, grope, and force oral sex on several adult women.
Federal	18 U.S.C. § 1001(a)(2)	False Statements	Not a Sex Offense	U.S. v. Baptiste 34 F. Supp. 3d 662 (W.D. Tex. 2014)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	False statements in conjunction with an investigation of Abusive Sexual Conduct. Plea Agreement dropped ASC charges, can only look at offense of conviction.
Federal	18 U.S.C. § 1470	Attempt to Transfer Obscene Material	Sex Offense	U.S. v. Roberts 669 Fed. Appx. 746 (5 th Cir. 2016) (per curiam)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sent obscene selfies and photographs to child.
Federal	18 U.S.C. § 1470	Attempt to Transfer Obscene Material	Sex Offense	U.S. v. Schofield 802 F.3d 722 (5 th Cir. 2015)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sent obscene selfies to an agent posing as a minor victim.
Federal	18 U.S.C. § 1470	Transfer Obscene Material	Sex Offense	U.S. v. Dodge 597 F.3d 1347 (11 th Cir. 2010)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sent obscene selfies to an agent posing as a minor victim.

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Federal	18 U.S.C. § 1592	Travel Act	Sex Offense	U.S. v. Dailey 941 F.3d 1183 (9 th Cir. 2019)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Drove minor across state lines for the purposes of engaging in prostitution.
Federal	18 U.S.C. § 1592	Travel Act	Sex Offense	U.S. v. Vanderhost 688 Fed. Appx. 185 (4 th Cir. 2017)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Plain error analysis, minor victim.
Federal	18 U.S.C. § 2261	Interstate Domestic Violence	Sex Offense	U.S. v. Faulls 821 F.3d 502 (4 th Cir. 2016)	Sexual Act or Sexual Contact with Another	Modified Categorical	Coerced sex during abduction. Aggravated Sexual Abuse listed as one of the underlying ‘crimes of violence’ and an element in DV conviction; statute divisible.
Federal	18 U.S.C. § 2261A(2)(B)	Cyberstalking	Sex Offense	U.S. v. Lloyd 809 Fed. Appx. 750 (11 th Cir. 2020)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Threats to engage in revenge porn with 15-year-old.
Federal	18 U.S.C. § 2421	Interstate Transportation in Furtherance of Prostitution	Not a Sex Offense	U.S. v. Quan Tu 2012 WL 5603631 (D. Or. 11/15/12)	Listed federal offense	n/a	Transported adult women as a brothel owner. No proof of force. <i>“Consensual Sexual Conduct” exception in § 20911(5)(C) applies.</i>

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California	Cal. Penal Code § 266c	Inducing Consent to Sexual Act by Fraud or Fear	Sex Offense	United States v. Alexander 802 F.3d 1134 (10 th Cir. 2015)	Not discussed	Not discussed	Adult victim. “Consensual Sexual Conduct” exception in § 20911(5)(C) <u>does not apply.</u>
California	Cal. Penal Code § 288(a)	Lewd & Lascivious with a Child	Sex Offense	Peterson v. U.S. 2024 WL 5087916 (9 th Cir., 12/12/24)	Any conduct that by its nature is a sex offense against a minor	Both Categorical and Circumstance-Specific	Habeas case.
California	Cal. Penal Code § 288(a)	Lewd & Lascivious with a Child	Could be sex offense, jury determination	U.S. v. Pope 2019 WL 1919164 (D. Nev. 4/30/19)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sexual contact with a 12-year-old victim.
California	Cal. Penal Code § 288(a)	Lewd & Lascivious with a Child	Sex Offense	U.S. v. Mulverhill 833 F.3d 925 (8 th Cir. 2016)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Adult had sex with 14-year-old. Plain error analysis.
California	Cal. Penal Code § 314(1)	Indecent Exposure	Sex Offense	U.S. v. Jackson 2010 WL 3325611 (N.D. Cal. 8/23/10)	Sexual Act or Sexual Contact with Another	Unclear	No indication of a minor victim. 18 USC § 2246 definitions do not apply.
California	Cal. Penal Code § 647.6(a)	Annoy or Molest a Child	Not a Sex Offense	Droegemeier v. Barr 446 F. Supp. 3d 671 (D. Mont. 2019)	Any conduct that by its nature is a sex offense against a minor	Categorical	Immigration case, different analysis than usual § 2250 case.
California	Cal. Penal Code § 647.6(a)	Annoy or Molest a Child	Sex Offense	U.S. v. Brumett 2009 WL 2005308 (D. Vt. 2009)	Any conduct that by its nature is a sex offense against a minor	Unclear	California case law defines ‘annoy and molest’ as relating to offenses against children with a connotation of abnormal sexual motivation.

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Florida	§ 794.011(5)	Attempted Sexual Battery	Not a Sex Offense	Barker v. U.S. 2022 WL 1749252 (W.D. Mo. 5/31/22)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Habeas case challenging mandatory condition of supervision. Court could not determine if the victim was a minor.
Florida	§ 794.011(5)	Attempted Sexual Battery	Not a Sex Offense	U.S. v. Bemis 2020 WL 1046827 (M.D. Fla. 3/4/20)	Sexual Act or Sexual Contact with Another	Categorical	Statute ‘sweeps more broadly’ than sex offense definition. 18 USC § 2246 definitions do not apply.
Florida	§ 800.04(1)	Handling and Fondling a Child Under 16	Sex Offense	U.S. v. Salazar 2021 WL 2366086 (D. Or. 6/9/21)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Salazar grabbed and touched a 12-year-old several times in vaginal area and grabbed her breast.
Florida	§ 800.04(5)	Statutory Rape	Sex Offense	U.S. v. Brown 740 F.3d 145 (3d Cir. 2014)	Not discussed	Not discussed	17-year-old had sex with 13-year-old, but 52 months older than victim. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>

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Georgia	§ 16-6-3	Statutory Rape	Sex Offense	U.S. v. Parson 2015 WL 1208563 (W.D. La. 3/17/15)	Not discussed	Not discussed	18-year-old had sex with 12-year-old. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>
Illinois	720 I.L.C.S. § 5/12-16(c)(1)(i)	Aggravated Criminal Sexual Abuse	Sex Offense	U.S. v. Ellickson Case No. 2:20-cr-00227 (E.D. Wisc. 2/12/21) (R & R)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Penetration offense against a victim under 13.
Kansas	§ 21-5505(a)	Sexual Battery	Sex Offense	U.S. v. Westerman 705 Fed. Appx. 651 (9 th Cir. 2017)	Sexual Act or Sexual Contact with Another	Categorical	Victim 16 or older. 18 USC § 2246 definitions do not apply.
Louisiana	§ 14:81	Indecent Behavior with a Juvenile	Sex Offense	Harder v. U.S. 2021 WL 3418958 (W.D. Wisc. 8/5/21)	Any conduct that by its nature is a sex offense against a minor	Categorical	Statute includes offenses “in the presence of any child”. 35-year-old defendant and 15-year-old victim. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i> Court looked beyond §2246 definitions.

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Maryland	§ 3-304	Rape in the Second Degree	Sex Offense	U.S. v. Klinefelter 583 Fed. Appx. 355 (5 th Cir. 2014) (per curiam)	Not discussed	Not discussed	Statutory rape case. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>
Massachusetts	s. 265 § 13B	Indecent Assault on a Person aged 14 or older	Sex Offense	U.S. v. Forte 2019 WL 6137445 (D. Alaska 11/19/19)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Non-consensual penetration offense, 16-year-old victim.
Minnesota	§ 609.343.1(a)	Criminal Sexual Conduct in the Second Degree	Not a Sex Offense	U.S. v. Torchia 2021 WL 2169484 (N.D. Ga. 5/7/21)	Comparable to or more severe than aggravated sexual abuse	Categorical	Juvenile adjudication; sexual contact with a person under 13; does not meet definition in 34 U.S.C. § 20911(8). 18 USC § 2246 definitions apply.
Minnesota	§ 609.345(b)	Fourth Degree Criminal Sexual Conduct	Sex Offense	U.S. v. Thayer 40 F.4th 797 (7 th Cir. 2022)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Touching of vaginal area of 14-year-old.
Nevada	§ 201.210	Open Gross Lewdness	Sex Offense	U.S. v. Berry 2019 WL 4546919 (W.D. Va. 9/18/19)	Not discussed	Not discussed	Conflates Nevada’s “Adam Walsh Act” with SORNA.
New York	§ 130.35(1)	Rape in the First Degree	Sex Offense	U.S. v. Gilchrist 2021 WL 808753 (M.D. Pa. 3/3/21)	Sexual Act or Sexual Contact with Another	Categorical	Rape by forcible compulsion; victim age unknown.

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Oklahoma	§ 1123.B	Sexual Battery	Sex Offense	U.S. v. Sumner 2015 WL 1410495 (N.D. Okla. 3/26/15)	Sexual Act or Sexual Contact with Another	Modified Categorical	Divisible statute re: means. “Lewd and lascivious” functional equivalent of § 2246(3) definition. 18 USC § 2246 definitions apply.
Oregon	§ 163.375	Attempted First Degree Rape	Sex Offense	U.S. v. Parent 585 Fed. Appx. 668 (9 th Cir. 2014)	Not discussed	Not discussed	Case details and victim age not available.
Oregon	§ 163.405	First Degree Sodomy	Sex Offense	U.S. v. Loomis 2017 WL 987447 (D. V.I. 3/14/17)	Sexual Act or Sexual Contact with Another <i>(victim was under 12, no argument made for specified offense against a minor)</i>	Categorical	Victim under 12. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>
Oregon	§ 163.686	Encouraging Child Sexual Abuse	Sex Offense	U.S. v. Mixell 806 Fed. Appx. 180 (4 th Cir. 2020)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Possession of child pornography.
Pennsylvania	§ 3122.1(a) § 3127(a) § 6301(a)(1)(ii)	Solicitation of Sex Assault	Sex Offense	U.S. v. Morciglio 280 F. Supp.3d 412 (S.D.N.Y. 11/16/17)	Solicitation to engage in sexual conduct (34 U.S.C. § 20911(7)(C))	Unclear	Victim under 16, offender 22. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i> 18 USC § 2246 definitions apply.

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South Carolina	Common Law Offense	Assault & Battery of High & Aggravated Nature	Sex Offense	U.S. v. Price 777 F.3d 700 (4 th Cir. 2015)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sexual battery on 12-year-old victim. Common-law offense.
South Carolina	§ 16-15-130(A)(1)	Indecent Exposure	Sex Offense	U.S. v. Hill 820 F.3d 1003 (8 th Cir. 2016)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Offender masturbated in front of 11-year-old child.
South Carolina	§ 16-17-470(B)(1)	Voyeurism	Sex Offense	U.S. v. Helton 944 F.3d 198 (4 th Cir. 2019)	Sexual Act or Sexual Contact with Another	Categorical	Court looked beyond §2246 definitions.
South Dakota	§ 22-22-1(5)	Statutory Rape	Not a Sex Offense	U.S. v. Sailors 2010 WL 2574159 (D. S.D. 6/23/10)	Not Discussed	Not Discussed	<i>Shepard</i> document issue. <i>Insufficient evidence to prove offender did not fall within ‘four years older’ exception in § 20911(5)(C).</i>
South Dakota	§ 22-22-24.3	Sexual Exploitation of a Minor	Sex Offense	U.S. v. Burgee 988 F.3d 1054 (8 th Cir. 2021)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Sexual act with a 14-year-old.
Tennessee	§ 39-13-505	Sexual Battery	Sex Offense	U.S. v. Vineyard 945 F.3d 1164 (11 th Cir. 2019)	Sexual Act or Sexual Contact with Another	Categorical	Rape of adult female. Court looked beyond §2246 definitions.

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Vermont	13 VSA § 2601	Lewd or Lascivious Conduct	Not a Sex Offense	U.S. v. Piper 2013 WL 4052897 (D. Vt. 8/12/13)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Offender masturbated in front of 12-year-old girls. Statutory analysis finds it is a SORNA sex offense. However, <i>Chevron</i> deference to SORNA Guidelines requires a finding it is <i>not</i> a sex offense.
Vermont	13 VSA § 2602(b)(1)	Lewd or Lascivious Conduct with a Child	Sex Offense	U.S. v. Smith 2016 WL 1466900 (D. Or. 4/13/16)	Any conduct that by its nature is a sex offense against a minor	Circumstance-Specific	Victim under 16. Court looked beyond §2246 definitions.
Virgin Islands	14 V.I. Code § 1708(1)	First Degree Unlawful Sexual Contact	Not a Sex Offense	U.S. v. George 223 F. Supp.3d 159 (S.D.N.Y. 2016)	Sexual Act or Sexual Contact with Another	Categorical	Forcible rape against an adult woman. Statute not divisible. 18 USC § 2246 definitions apply.
Virginia	§ 18.2-67.4	Sexual Battery	Sex Offense	U.S. v. Skaggs 2019 WL 6691014 (E.D. Tenn. 11/25/19)	Not determined	Not determined	Misdemeanor sexual battery of a minor.

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Wisconsin	§ 948.02(2)	Second Degree Sexual Assault of a Child	Not a Sex Offense	Nault-Hart v. U.S. Case No. 3:22-cv-03012 (D. S.D. 6/22/22)	Not discussed	Not discussed	Habeas petition on prior § 2250 conviction. Statutory rape offense between 18-year-old and 15-year-old. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>
Wisconsin	§ 948.02(2)	Second Degree Sexual Assault of a Child	Not a Sex Offense	U.S. v. Johnson, 2012 WL 5195976 (E.D. Wisc. 10/18/12)	Comparable to or more severe than aggravated sexual abuse	Modified Categorical	Juvenile adjudication for Second Degree Assault of a Child; does not meet definition in 34 USC § 20911(8).
Wisconsin	§ 948.09	Sex with Child 16 or Older	Sex Offense	U.S. v. Gonzalez-Medina 757 F.3d 425 (5 th Cir. 2014)	Sexual Act or Sexual Contact with Another	Categorical	Victim child 16 or older; judgment listed offender as 24. <i>Looked at the facts to interpret the ‘four years older’ exception in § 20911(5)(C).</i>