

APPENDIX 4 TO ENCLOSURE 2

LISTING OF OFFENSES REQUIRING SEX OFFENDER PROCESSING

1. A Service member who is convicted in a general or special court-martial of any of the offenses listed in Table 4, must register with the appropriate authorities in the jurisdiction (State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the United States Virgin Islands, and Indian Tribes) in which he or she will reside, work, or attend school upon leaving confinement, or upon conviction if not confined. Generally, this registration must take place within 3 days of release from confinement or within 3 days of conviction if not confined.
2. Appropriate DoD officials, as designated in implementing Service regulations, must inform the person so convicted of his or her duty to register and must inform the appropriate officials in the offender's stated jurisdiction of residence as soon as possible after conviction (if not confined) and prior to the prisoner's release (if confined). Any failure of the appropriate DoD officials to notify an offender of his or her requirement to register will not serve to relieve that offender of his or her duty to so register.
3. A Service member convicted of any offenses listed in Table 4 or convicted of offenses similar to those offenses listed below, shall be advised that the individual jurisdictions in which the offender might live, work, or attend school may require registration for offenses not listed below. Each registration jurisdiction sets its own sex offender policy and laws.
4. Effective immediately, reporting (and notice to convicted persons) is required based on a qualifying conviction of any offense listed below, without regard to the date of the offense or the date of the conviction for anyone currently incarcerated or under supervision (parole or mandatory supervised release).
5. The offenses defined before October 1, 2007, are included to facilitate identification of those prisoners who were convicted of offenses occurring before October 1, 2007; however, reporting could still be required if the offense for which convicted occurred before October 1, 2007, but contained elements that would require reporting if the offense had occurred on or after October 1, 2007.
6. Notwithstanding the offenses listed in Table 4, offenses under Articles 120 or 134 of the UCMJ that constitute only public sex acts between consenting adults do not require sex offender registration (i.e., indecent exposure). An offense involving consensual sexual conduct between adults is not a reportable offense, unless the adult victim was under the custodial care of the offender at the time of the offense. Additionally, an offense involving consensual sexual conduct is not a reportable offense if the victim was at least 13 years old and the offender was not more than 4 years older than the victim (as determined by date of birth).

Table 4. Offenses Defined before October 1, 2007

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120	120A	Rape
120	120B1/2	Carnal Knowledge
125	125A	Forcible Sodomy
125	125B1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer (involving any sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
134	134-B6	Prostitution Involving a Minor
134	134-C1	Indecent Assault
134	134-C4	Assault with Intent to Commit Rape
134	134-C6	Assault with Intent to Commit Sodomy
134	134-R1	Indecent Act with a Minor
134	134-R3	Indecent Language to a Minor
134	134-S1	Kidnapping of a Minor (by a person not parent)
134	134-Z	Pornography Involving a Minor
134	134-Z	Conduct Prejudicial to Good Order and Discipline (involving any sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
134	134-Y2	Assimilative Crime Conviction (of a sexually violent offense or a criminal offense of a sexual nature against a Minor or kidnapping of a Minor)
80		Attempt (to commit any of the foregoing)
81		Conspiracy (to commit any of the foregoing)
82	082-A	Solicitation (to commit any of the foregoing)

Table 5. Offenses Defined on or After October 1, 2007 and Before June 28, 2012

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120(a)(1)	120-A1	Rape. Using Force
120(a)(2)	120-A2	Rape. Causing Grievous Bodily Harm
120(a)(3)	120-A3	Rape. Threatening Death, Grievous Bodily Harm, Kidnapping
120(a)(4)	120-A4	Rape. Rendering Unconscious
120(a)(5)	120-A5	Rape. Administering Drug, Intoxicant, Or Similar Substance
120(b)(1)	120-B3	Rape Of Child. Under 12 Years Old
120(b)(2)	120-B4	Rape Of Child. 12 - Under 16 Years Old
120(b)(2)	120-B5	Rape Of Child. 12 - Under 16 Years Old. Causing Grievous Bodily Harm
120(b)(2)	120-B6	Rape Of Child. 12 - Under 16 Years Old. Threatening Death, Grievous Bodily Harm, Kidnapping
120(b)(2)	120-B7	Rape Of Child. 12 - Under 16 Years Old. Rendering Unconscious
120(b)(2)	120-B8	Rape Of Child. 12 - Under 16 Years Old. Administering Drug, Intoxicant, Or Similar Substance.
120(c)(1)(A)	120-C1	Aggravated Sexual Assault. Threatening Or Placing in Fear (Other than Of Death, Grievous Bodily Harm, Kidnapping)
120(c)(1)(B)	120-C2	Aggravated Sexual Assault. Causing Bodily Harm
120(c)(2)	120-C3	Aggravated Sexual Assault. When Victim is Substantially Incapacitated/Unable to Appraise Act, Decline Participation, Or Communicate Unwillingness
120(d)	120-D1	Aggravated Sexual Assault of a Child. 12 - Under 16 Years Old
120(e)	120-E1	Aggravated Sexual Contact. Using Force
120(e)	120-E2	Aggravated Sexual Contact. Causing Grievous Bodily Harm
120(e)	120-E3	Aggravated Sexual Contact. Threatening Death, Grievous Bodily Harm, Kidnapping
120(e)	120-E4	Aggravated Sexual Contact. Rendering Unconscious

Table 5. Offenses Defined on or After October 1, 2007 and Before June 28, 2012, Continued

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120(e)	120-E5	Aggravated Sexual Contact. Administering Drug, Intoxicant, or Similar Substance
120(f)	120-F1	Aggravated Sexual Abuse of a Child
120(g)	120-G1	Aggravated Sexual Contact with a Child. Under 12 Years Old
120(g)	120-G2	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Using Force
120(g)	120-G3	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Causing Grievous Bodily Harm
120(g)	120-G4	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Threatening Death, Grievous Bodily Harm, Kidnapping
120(g)	120-G5	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Rendering Unconscious
120(g)	120-G6	Aggravated Sexual Contact with a Child. 12 - Under 16 Years Old. Administering Drug, Intoxicant, or Similar Substance
120(h)	120-H1	Abusive Sexual Contact
120(h)	120-H2	Abusive Sexual Conduct. Causing Bodily Harm
120(h)	120-H3	Abusive Sexual Conduct. When Victim is Substantially Incapacitated/Unable to Appraise Act, Decline Participation, or Communicate Unwillingness
120(i)	120-I1	Abusive Sexual Contact with a Child. 12 - Under 16 Years Old
120(j)	120-J1	Indecent Liberty with a Child
120(k)	120-K1	Indecent Acts
120(l)	120-L1	Forcible Pandering
120(m)	120-M1	Wrongful Sexual Contact
125	125A	Forcible Sodomy
125	125B1/2	Sodomy of a Minor
133	133D	Conduct Unbecoming an Officer that describes conduct set out in any Provision of this Appendix
134	134-B6	Prostitution Involving a Minor

Table 5. Offenses Defined on or After October 1, 2007 and Before June 28, 2012, Continued

UCMJ ARTICLE	DIBRS CODE	OFFENSE
134	134-C4	Assault with Intent to Commit Rape
134	134-C6	Assault with Intent to Commit Sodomy
134	134-S1	Kidnapping of a Minor (by a person not parent)
134	134-Z	Pornography Involving a Minor

Table 6. Offenses Defined on or After June 28, 2012

UCMJ ARTICLE	DIBRS CODE	OFFENSE
120(a)	120AA1	Rape
120(b)	120AA2	Sexual Assault
120(c)	120AA3	Aggravated Sexual Contact
120(d)	120AA4	Abusive Sexual Contact
120b(a)	120BB1	Rape of a Child (Under 12 years of age)
120b(a)	120BB2	Rape of a Child (Has attained the age of 12)
120b(b)	120BB3	Sexual Assault of a Child
120b(c)	120BB4	Sexual Abuse of a Child
120c(a)	120CC1	Indecent Viewing, Visual Recording, or Broadcasting
120c(b)	120CC2	Forcible Pandering