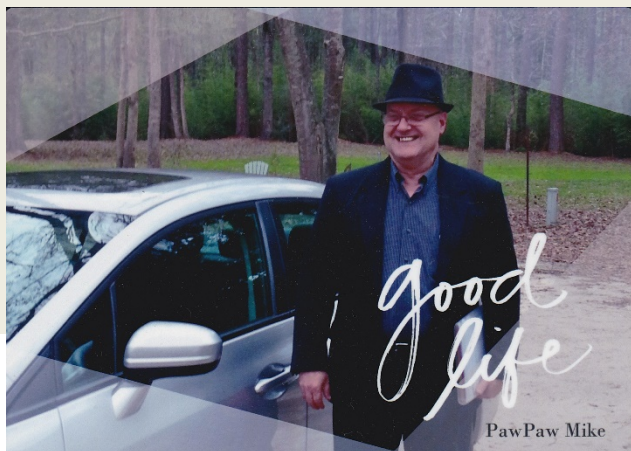


# PUBLIC COMMENT ON RIN 1105-AB52

Registration Requirements Under the Sex Offender Registration and Notification Act  
DEPARTMENT OF JUSTICE Office of the Attorney General 28 CFR Part 72



Public Comment by Larry Michael Francis

Bag of Hot Air, Advocacy Writer

**60-Day Comment Period is  
8/13/2020 to 10/13/2020**

**AGENCY: DEPARTMENT OF JUSTICE  
ACTION: PROPOSED RULE.**

Regulations Docket Clerk, Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Room 4234, Washington, DC 20530. To ensure proper handling, please reference Docket No. OAG 157 on your correspondence. You may submit comments electronically or view an electronic version of this proposed rule at <http://www.regulations.gov>.

## Cause and Cure of Sexual Offending What every adult needs to know.

### CAUSE

**C**hain of thoughts → feelings → behaviors with an underlying motivation to find an opportunity for sexual gratification.

**A**fflictive emotions arise from issues of self-interest. Reason becomes clouded, boundaries fade, hurt-for-hurt mood results.

**U**nfulfilled needs and uncontrolled thought processes and other thinking errors become the focus of attention.

**S**elfish motivations from attachments, desires, wants, issues and errors block empathy for other setting up final step:

**E**xclusion of the victim from the empathy pool.

### CURE

**C**hose a different path, knowing the outcome of habitual causal chains, by planning an alternative way to sexual gratification.

**U**nderstand your motivations, emotions and thinking errors. Deal with issues of self-interest, focus on fulfilling real needs.

**R**estore all the ethical boundaries that have eroded over time. Respect and value yourself as you respect and value others.

**E**mpathize at every opportunity. Identify your selfish motivations that formerly blocked empathy and deal with them.



Bag of Hot Air is the pen name for advocacy writer Larry Michael Francis since 2002. For comments, email [BagofHotAir@Gmail.com](mailto:BagofHotAir@Gmail.com).

Always have a better plan in mind and ready.

If you already know where your thoughts are taking you, then you have taken that path before. You are aware of what it means to take that first step and entertain the thought.

Find an appropriate way to sexual gratification that meets your need to feel loved and accepted, virile yet non-offensive and respectful of women and children.

The longer you entertain the thought the more difficult it is to stop. Always plan ahead to interrupt inappropriate thoughts, feelings and behaviors.

Having problems with borders? Find a person you trust to periodically question your motivations for behaviors and verify your activities, someone you confide in often.

**BACKGROUND OF SORNA**

**Docket No. OAG 121**

*Comment Posted on July 18, 2007*

A Report on the Adam Walsh Act (AWA)  
Actual name: Sex Offender Registration and Notification Act (SORNA Title 1 of the Adam Walsh Child Protection and Safety Act of 2006).

Adam Walsh was the son of "America's Most Wanted" John Walsh. When Adam was abducted and murdered, public hysteria about Sex Offenders was at a high point and it was assumed, incorrectly, that Adam was the victim of a sex crime. This controversial federal sex offender law, introduced as HR 4472, was

written to standardize sex offender Laws across the country by passing minimum national standards established on three Tier Levels. Individual States were given two years to become compliant with the AWA. When no States met the deadline, it was extended to July 2010, and again to 2011. As of November 13, 2013, 17 States had become substantially compliant, but two of those States are now possibly reconsidering. Some States, in a panic to keep in favor with the Washington politicians, had gone forward

**ADULT EDUCATION**

***An Alternative to "Stranger Danger" Relatively Speaking***

How did so many politicians so easily come to the false assumption that there are sexual predators waiting on every corner for innocent children to prey upon? All adults need to fully understand the real risks for children and the vulnerable, the cause of sexual offending, and the cure for sexual offending. SORNA is ineffective and perhaps harmful because it publicly and punitively labels, shames and blames those who will never offend again and provides no education for those trusted who may be unaware of their own potential for offending.

with their own interpretation of the Walsh legislation, guessing at what they believed could be the final government guidelines. Texas constructed CCF Chapter 62 while still considering compliance with AWA, but then rejected AWA citing costs and the offense-based classification as primary concerns.

The AWA has other issues too: The AWA was "passed" under an "Interim Rule" in May 2007 when disgraced US Attorney General Gonzales deemed SORNA a "pressing emergency" and bypassed ordinary procedure for public comment. He deemed SORNA retroactive to all sex offenders but declined to provide any procedures for notice and registration of sex offenders. Public comment was not opened until May 30, 2007 and then Only for challenges to guidelines, not the rule itself (there was never a Comment Period opened on the rule).

The AWA superseded 42 USC 14071, Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program upon which the [Texas] Art. 62.402 was based. Thus in rejecting AWA, States may be also rejecting 42 USC § 14071. Because of the way the AWA was "passed" there was no opportunity for recourse and remedy to redress the true nature of the Act, that of protecting our children from sexual predators. The AWA 's registration and

notification policies based solely on nature-of-crime stereotyping by Tier Levels merely provides a source of information for discrimination, stigmatization, and vigilante-based attacks against offenders, regardless of their risk factors, rehabilitation, recovery, restoration, or even the actual crime (sometimes just a failure to appear in court).

The following Public Comment "Docket No. OAG 121" was submitted to the Federal Registry during the very narrow Opportunity for Public Comment on the guidelines for the AWA. As already mentioned, no opportunity was given to redress the Act itself with its controversial myths and misinformation about the citizenry it would affect the most:

July 18, 2007  
Docket No. OAG 121  
Public Comment On Sex Offender Registration and Notification Act aka: Adam Walsh Act's Sex Offender Registration and Notification or SORNA, for short.

Specifically, these comments refer to the National Guidelines for Sex Offender Registration and Notification which were posted May 30, 2007, in the Federal Register. Comments must be received by August 1, 2007. The Adam Walsh Act was passed July 27, 2006,

## *SORNA at the International Level?*

Domestically, the sex offender registry, SORNA and the SMART Office offer little more than redundancy for law enforcement for those few states that have implemented AWA rules. Internationally, an SO jacket could bring disastrous results where US citizens are not protected by our rule of law.

which gave the states a deadline of July 27, 2007, to implement the Walsh Act in order to maintain federal law enforcement funding. Some states, in a panic to keep in favor with the Washington politicians, have gone forward with their own interpretation of the Walsh legislation, guessing at what they believe could be the final government guidelines. Any guidelines which impinge on inalienable rights must, whether federal or state, also provide recourse and remedy including due process for defense (for example when mitigating circumstances exist or when sex offenders have been restored through treatment and no longer pose a risk to society) and equal protection (to insure that a low risk or no significant risk offender is not categorized or stereotyped with high risk or violent offenders).

### The Guidelines Must Be In Keeping With The Nature of The Act

Clearly, the nature of the Act, also conveyed by the common name of the Act, is to protect our children from sexual predators. Since there seems to be a mean-spirited segment of the government that wishes to see persons with sex offenses punished, shamed and banished as long as possible, and seeks to find another way to cause further anguish to sex offenders' lives; then surely there must be substantial evidence that these guidelines will actually protect our children, and the evidence does not show that. Historically rather there is evidence that registration and notification provides a source of information for discrimination, stigmatizing, and vigilante-based attacks against offenders, regardless of their risk factors, rehabilitation, recovery, restoration, or even the actual crime. Perhaps the worst problem with the guidelines is that the dangerous sex offenders are driven underground and farther away from preventative treatment.

Sex Offenses are deviant behaviors. but just like most other crimes the deviant behavior is a learned behavior. Just like any other learned behavior, that behavior can be retrained, relearned, and modified through treatment. Some sex offenders,

such as true-incest offenders, only have a 5% recidivism risk in the first year after discovery, and for them the risk drops to 0% after the first year, even without treatment. The behavioral modification curve shows that the recovery and restoration process for a sex offender is like any other treatment process and that the offender is finally returned to a normal state. The Guidelines allow only for a continual registration, perhaps for a lifetime, that does not take restoration into account. There are even cases where a statutory offender is now married to his "victim-girlfriend" and should be able to live a normal life without interference by government. If the guidelines adhered to the nature of the Act, then there would be provisions within them to exclude certain offenders from the initial registration, and to remove offenders from the requirement once they have met treatment benchmarks of recovery.

There are tools available to forensic psychologists to assess risk to our children based on a clinical evaluation. The guidelines should consider these assessments over a strict determination made by mean-spirited governmental agencies or vigilante groups. Simply put, if a sex offender's behavior is controlled, then they are not the threat. [End of Comment]

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Bag of Hot Air, Advocacy Writer  
Commentary

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It is not possible to go back in time and correct past offenses, and yet there is great value in the future that comes from understanding the past. But dwelling on the past, as often we do in psychoanalysis with all the vicious-circle formations and feedback mechanisms, leads to self-centeredness or therapeutic dependencies.

Focus on a future that is full of the meaning of life. "The more one forgets himself – by giving himself to a cause to serve or another person to love – the more human he is and the more he actualizes himself." [Man's Search for Meaning by Victor E Frankl, Beacon Press, Unitarian Universalist Assn, 25 Beacon St, Boston MA 02108].

This writer submitted Public Comment under OAG 121 and has unique experiences with professionals in the field of cognitive therapy and psychology. However, Bag of Hot Air does not hold the credentials for credibility. The comments in this newsletter make good sense to the writer, but your feedback is most welcome. Please send your email responses to [BagofHotAir@Gmail.com](mailto:BagofHotAir@Gmail.com).

## **REMOVE THE MISNOMER, AWA.**

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# Abolish SORNA and SMART Office

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### **THINK OF THE SEX OFFENDER REGISTRY AS ANOTHER DIVISIVE**

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**Most people** feeling the effects of afflictive emotions that often lead to sexual offending may never ask for help for fear of being accused of a sexual offense, arrested, and targeted by the Sex Offender Registry;

The Sex Offender Registry endangers and fosters afflictive emotions in **targeted persons**, promotes public hysteria and unreasonable stereotypes, is no cure for sexual offending, nor is it a prevention;

**Many people** who otherwise would benefit from seeking a cure are being caught up in the Sex Offender Registry, and perhaps because of over-criminalization of sex behaviors many are arrested and prevented from carrying on with their lives.

The cure should be inexpensive and easily accessed, perhaps with a prescription or referral. Licensed Professional Counselors should be permitted to treat clients confidentially without further involvement with law enforcement.

Unless an organization owns deliberate policy to allow or encourage sexual offenses, there must be legal protection for organizations against lawsuits. It is ridiculous to assume that the Boy Scouts of America or the Catholic Church encouraged sexual assault.

Laws have been in place for a long time to fairly prosecute offenders. Fair trials of fact determine punishment for crimes and considering the mitigating circumstances determine an end of the punishment. SORNA exceeds those factual determinations by implementing additional punishment that did not exist at the time of an offense. SORNA's rules are outside the purview of our legal system, and therefore unlawful.

Our criminal justice courts have the authority within each state jurisdiction to determine fair judgments, often bargaining with defendants to accept the verdict and ruling of the court with full disclosure of the consequences. With SORNA no such transparency exists when year after year the requirements of registration can be changed on a whim.

The victims of SORNA are grouped together under a label that does not acknowledge dynamic risk levels that consider mitigating circumstances nor the facts that can change affecting the individual. Yet, the same stigma is forced upon all those who are labeled sex offenders regardless of the seriousness of the act, whether that act was ongoing, or the progress toward restoration of the individual who seeks to return to a normal existence.

Since so few states have come into compliance with SORNA and are not likely to implement consistent state regulation there can be no equity in the implementation of rules.

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**REMOVE  
THE  
MISNOMER,  
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Abolish SORNA and  
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