

Sex offender registration laws are primarily intended to limit certain rights that are granted to non-offenders, and to impose obligations only on sex offenders. The purpose of limiting the rights of and imposing obligations on sex offenders is primarily to protect the safety of other persons. Unfortunately sex offender's rights and obligations have been unnecessarily impacted adversely by registration laws enacted out of emotion and fear or to help political candidates, so they think, win their elections.

Sex offender registration laws adversely impact the lives of many persons they are intended to protect, including the lives of an offender's family members. There are books filed with examples evidencing adverse consequences which the current maze of sex offender registration laws inflict on public safety officials, the use of public funds, law enforcement resources and of course the sex offenders. That information has been printed and disseminated for public review so many times by others. I will not reprint that information here. Sex offender laws are also very expensive to administer, much more so than the post incarceration administrative expense attributable to offenders of other laws. The point here is that sex offender registration laws impact the lives of all Americans, are extremely expensive and are punitive. Therefore, it is critically important for such laws to be drafted after taking into account applicable scientific data-backed recidivism rate information and inputs from law enforcement officials, registrants and their families, public safety officials, evangelicals and authorities with public budgeting concerns.

The current overlapping of federal post incarceration monitoring requirements for sex offenders and state, county and city sex offender registration laws must be eliminated. These overlapping laws have been developed out of fear that the recidivism rate of offenders is frightening and high. The registry laws have created a class of second class of citizens, the "sex offenders". Sex offender's inalienable rights to life, liberty and the pursuit of happiness are burdened beyond the offender's probability of compliance. Scientific data-backed evidence will not support a need for such fear. In fact, that data reveals that the recidivism rate of sex offenders is lower than the recidivism rate of any other type of crime, except murder.

SEX OFFENDER REGISTRATION *CORRECTIONS*

INDIVIDUAL RISK ASSESSMENT VS ONE SHOE FITS ALL FEET

First Issue

Sex-offender registration laws are not stimulated by scientific-based data. Their ever increasing encroachment into activities required to live day to day are instead being driven primarily by a mistaken belief and fear that the recidivism rate of sex offenders is frightening and high. Numerous scientific studies have generated evidence which refutes that claim. The data evidences that the recidivism rate of sex offenders is lower than all other types of offenses, except murder. In spite of that evidence, all who have been sentenced under any sex offender law and who live in the same state are subjected to identical restrictions under their state's registration laws. In other words, one shoe fits all feet. If a person caught in a traffic jam caused by a blizzard that leaves his car to run behind the nearest build and relieve himself, the same as the offender who has sodomized a five year old child. I don't think so! The length of time these two offenders are required to remain on the registry might differ but other conditions which both offenders must satisfy are the same if they live within the same state. This is not right and SORNA does nothing to correct the one shoe fits all feet concept of justice. The one shoe fits all feet concept is also present in the First Step Act. It is used to make the decision that all inmates incarcerated for violating any of the sex offenses defined in 18 U.S.C. Section 2252 are ineligible to receive time credits under that act. The offenses described in Section 2252 vary dramatically. In paragraph four a sex offender is a person who views or possesses a picture of a child involved in a sex act. Viewing or possession of such pictures requires the offender to be placed on the sex offender registry. Paragraphs 1 through 3 describe persons who produce child pornography, distribute it in interstate commerce and/or sell it for profit. The harm to society from commercial child pornography activity is very different from the harm resulting from looking at a picture on a computer. Yet the First Step Act treats offenses described in paragraphs 1 through 4 all the same.

First Correction

A sex offender's restrictive conditions while on the sex offender registry should be subject to a narrowly tailored actuarial data-based individual risk assessment developed and administered by credentialed subject matter professionals and take into account the nature of the crime. The individual risk assessment approach will reduce the waste of law enforcement resources by reducing the reporting requirements for minimum and/or low risk sex offenders, improves public safety as more law enforcement resources are released from low risk offenders and become available to deal with higher risk offenders who need more help. The concomitant effect of these efficiencies is to lower the costs of monitoring offenders on the sex offender registry while improving public safety. Otherwise, law enforcement will continue to overburden itself, consume tax dollars for which there is little or no public safety benefit and burden offenders with needless reporting requirements which may cause the offender to become unemployable. That costs taxpayers additional tax dollars. Individual risk assessment will be a win, win, win correction, only if authorities will use it.

THE LEGISLATIVE MAZE

Second Issue

For long periods of time after a sex offender sentenced in federal court has completed his term of incarceration, an offender is under supervised release administered by an assigned federal probation officer. If the offender decides to live in a state that has conformed to the Adam Walsh Act ("the Act") then that state has established a sex offender registry and the offender's name, address, date of birth, place of employment and picture is posted on the internet. As a practical matter, most states adopting the Act have adopted additional requirements with which the offender must comply. These state requirements cover almost every aspect of everyday life. The requirements include, but are not limited to, where an offender can live, can work, can be educated, whether or not they are allowed to go into a park, school or library, when and where to report for drug tests even when there has never been an incidence of substance abuse in the offender's past. The laws controlling offender's registry requirements vary greatly from state to state. Many political sub-divisions (counties, cities, townships etc.) within each state also have regulations with which offenders must

remain compliant or go back into prison. The regulations of one jurisdiction may conflict with the regulations of another putting a registrant in a situation where compliance is impossible. This maze of regulations is vague, conflicting and places the registrant in an impossible predicament. SORNA does nothing to resolve this issue.

The federal court system should rule that the maze of regulations is unconstitutional for any one of several reasons. The maze of regulations is vague. The regulations constitute cruel and unusual punishment. Constitutional questions of double jeopardy arise when an offender is sent back to prison because the offender failed to comply with the laws of the offender's state, county or city of residence.

Second Correction

Every jurisdiction with sex offender registration concerns should work with all other jurisdictions with sex offender concerns to establish a council. The objective of this council would be to establish and maintain sex offender registration requirements and monitoring procedures that are uniform in all participating jurisdictions. Along with representatives from legislative bodies of the participating jurisdictions, council members would include representatives from all of the groups listed in paragraph two of page one. Decisions of the council should be based on scientifically measured recidivism rates and very diversified compassionate humanitarian interest which will be brought into the council by the diversity of groups comprising its membership.

The current maze of confusing and increasingly harsh registration obligations required to keep registrants from returning to prison has evolved, and still is evolving, from fear, politics and the unsupported ravings of someone without research expertise who made his living selling such counseling programs to prisons by touting that untreated sex offenders recidivism was as high as 80%. This salesman's unsupported ravings provided the fodder to support Justice Kennedy's language "frightening and high".

Current sex offender laws define a person for the rest of his/her life by a single instant in their life that was filled with the worst act ever done in their life. That makes no sense! These laws need a complete overhaul, not added onto as proposed by Attorney General Bill Barr.

