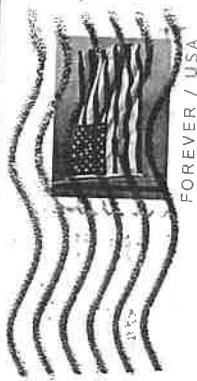


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Regulations Docket Clerk  
Office of Legal Policy

INSPECTED 28 U.S. Department of Justice

950 Pennsylvania Ave. NW, Room 4234

Washington, DC  
Docket No: 049157

9/18/20

Dear Regulations Docket Clerk: [DOCKET NO: OAG 157]

Please accept this letter as my commentary on the proposed Department of Justice changes to the SORNA laws.

I begin by paraphrasing Voltaire: "Before I argue, I will define my terms." Webster's defines 'punishment' as: "... a penalty imposed on an offender for a crime or wrongdoing." The Oxford English Dictionary defines 'punishment' as: "... loss or suffering inflicted, ... severe treatment or suffering." Webster's defines 'penalty' as: "... a punishment fixed by law, as for a crime, ... the disadvantage, suffering, or handicap imposed upon an offender... (for) any unfortunate consequence, or (as the) result of an act..."; and the OED defines 'penalty' as: "... a loss as a result of one's own actions."

Permit me to be abundantly clear - I am not proud of the fact that I know first-hand that the SORNA laws are punishment. Due to a previous charge, I was required to register from July 2007 for 10 years. I experienced hate crimes, discrimination, public shaming, and

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estrangement from my family. I was treated unfairly in terms of housing, education, and employment. While on the registry, shame was piled on, coming from almost everywhere. Having to endure the ramifications and the stigma that comes from being on the registry is traumatizing, and is punishment.

The SORNA laws are a knee-jerk reaction to the myth of the "frightening and high recidivism rate" of sex offenders. The facts speak for themselves. The recidivism rate for sex offenders is very low. And the recidivism rate after a second offense is so minuscule as to be hardly measurable.

According to a 2007 DOJ Study, sex offenders have a rearrest record of 5.3%. More recently, a 2014 DOJ Study showed a rearrest record of 5.6%, and a 2016 California Study showed a rearrest rate of 4.8%. Further, a recent Ohio Study showed an average reconviction rate of 0.8%.

Section 20913 of the U.S. Code says: "Duty to register is not a consequence ... of a District Court's special conditions of supervision;

Statutory duty to register is an obligation that exists independent of those conditions." The fact that the U.S. Code says that registration is not a consequence, but an obligation, means that it is indeed punitive.

The term "sex offender" is a Stigmatizing label that keeps one in eternal shame by defining that person by the mistakes they've made, disregarding the humanity of that person, and keeping him locked in the vicious cycle of shame and isolation with little or no chance of redemption. That is punishment!

The overwhelming majority of persons who fall under the requirements of the SORNA laws are decent, law-abiding, hard-working citizens and human beings; persons who have learned from their experiences and mistakes; persons who have made fundamental changes in their lives; and persons who have paid their debt to Society, as adjudicated by a U.S. District Court.

The fact is that the registry hurts more than it helps. It inhibits a person's successful reentry. It can make people homeless and helpless. It

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undermines the vulnerable support system tenuously in place; including participation in mandated treatment plans. These things are so very necessary for successful reentry. These things are undermined by the registry.

Thank you for considering my comments. I look forward to a positive outcome.

Sincerely,

David Richards

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