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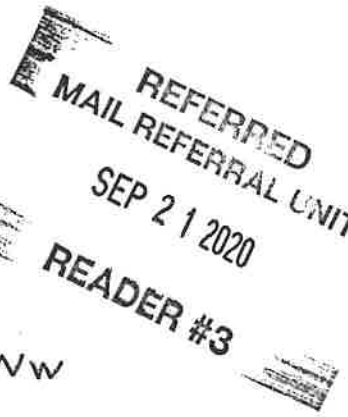

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September 11, 2020

Regulation Docket Clerk, Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue NW, Room 4234
Washington, DC 20530

RE: Docket No. OAG 157

To Whom It May Concern:

In regard to the above referenced matter, enough is enough! We, as a society, need to stop creating barriers that make it more difficult for any United Stated Citizen to establish themselves and be productive members of society, post-conviction. Admittedly, those convicted of a sexual offense have certainly committed an upsetting and horrific act, but never enough so to restrain their liberty, as guaranteed by the Constitution of the United States, once released into the public community. If society is going to revert back to the caste system of the 1600's, then it should certainly have a registry for those who have commited murder, arson, as well as animal abuse. At that point, we can't leave anyone out, so there must be a registry for those that have driven while intoxicated and drug dealers. In the midst of the ongoing opiod epidemic I surely want to know who is likely to get my children addicted to drugs, which may lead to premature death. While this may sound like satire, in all seriousness, it highlights the absurdity of the Registry scheme. Thankfully, the United States was founded upon tenets, one of which being "fresh starts" and "second chances". It is imperative, as a preservation of human and Constitutional rights that we recognize that these offenders are human beings, those that have made a mistake, who also have impregnable rights and should be afforded the same unencumbered opportunities as everyone else in society.

Sexual offenders have always been a part of society. Those convicted of committing rape, sexual assault and other lesser related offenses have always been punished and then released into the community. For the vast majority of history they were not registered. They did not have to "check in" with law enforcement once they were no longer on probation or parole. Their presence in the community as former sexual offenders was largely unknown. They lived and worked wherever they could with no restrictions on where; there were no imaginary lines drawn around parks or schools, no prohibition against trick-or-treat or other Halloween activities, no requirement to notify law enforcement if their telephone number or place of employment changed, or if they travelled to another state. According to the wisdom of today, the exact wisdom behind the current proposed amendment to SORNA, recidivism must have been rampant. As each year more individuals, as virtually all "first-time" offenders were released after serving a sentence for a sexual crime, the sheer mass of these felons unleashed on an unsuspecting public, with no one tracking or constantly monitoring them, must have resulted in ever-increasing numbers of victims. Stranger-rape victims must have been piling up in the streets. Those suffering from sexual assault must have been overwhelming the hospitals and legal system. Children must have been kidnapped from schools and parks in record number on a daily basis. But none of those things happened.

A study done in New York City, the Mayor's Commitee Report on Sex Offenses covering the years 1930 through 1939 shows the same low sexual reoffense rates for those released after serving a sentence as we see today. A Bureau of Justice report

published in 1997 gives this information: In 1976, 53 instances per 100,000 female victims (Male victims were not counted until later); in 1980, 65 per 100,000; in 1986, 65 per 100,000; in 1995, 66 per 100,000. This was all pre-Megan's Law registries. Furthermore, children were not being assaulted or kidnapped from parks or schools. Schools had no security monitors, no screening devices; parents and other members of the public were, for the most part, free to come and go as they wished. Children played in parks, in the streets, in neighbors' yards, unmonitored and unharmed. The rare, rare occassion of a child being taken by a stranger (e.g., Jaycee Durgard; Elizabeth Smart), was so remarkable that it dominated news cycles for months and even years.

Those convicted of sexual crimes did what those convicted of other crimes did. They served their sentences, struggled to gain employment upon release, and assimilated into society as best they could. The only difference between the former sexual offenders and those convicted of other offenses is that the reoffense rate for the former was and remains remarkably lower than for the latter. But a lot happened despite the need. Adam Walsh happened in 1981, although never proven to have been a sexual crime; Jocob Wetterling happened in 1987, and Megan Kanka happened in 1994. These children were all tragically murdered. Jacob and Megan were victims of sexual offenses. Their cases were rare, horrific, and catalytic. We all know what it has mushroomed into - something that puts school children on the registry for sending indecent pictures to each other as well as people caught urinating in public. Advocates overreact and newspaper articles portray the situation in the most sensational terms possible.

There will always be sexual offenders. Sadly, that will not change. Those who are convicted will serve their sentences and again become a part of society. A minuscule percentage of those will reoffend. The vast majority will not. And our modern-day attempts at monitoring and tracking and restricting and controlling every aspect of their lives will have nothing to do with whether they recidivate. The Sexual Offender Registry is out of control, overbroad and largely unnecessary and ineffectual.

The SORNA guidelines in current iteration are not only overreaching, but grossly overbroad and vague. First, the fact that the SORNA guildlines sweep everyone convicted of a "sexual crime" into the same category, under the umbrella of "sex offender" is a major flaw. This gets applied to rapists, consensual adult-minor relationships, underage pornography viewers, those found urinating in public and indecent assault, even though some of these are not "sexual" in nature. While I do not believe a criminal registry of any sort should exist or is Constitutional, I understand the need to safeguard the public. I do not condone inappropriate sexual acts of any kind and I join in the chorus that believes something must be done to protect the innocent. For lack of a better method, and need to do something, the government responded with the SORNA Act. The SORNA guidelines may have a place, but it should be strictly reserved for the worst of the worst, those convicted of REPEAT contact offenders. This stands on the fact that prior to the Registry and for decades after its inception, the recidivism rate has remained stubbornly unchanged. While politicians, media pesonalities, prosecutors and even some Judges claim some unsubstantiated astronomical rate of recidivism, this is false.

That being said, the proposed rules should not be instituted. They take this issue and society in the wrong direction. Before any added restrictions are implemented, this area of law needs to be refined and tailored to restrict only those with repeat contact offenses. At that time, it will then be appropriate to evaluate the SORNA guidelines and determine if they are effective as written, or through empirical evidence, whether further restrictions are necessary. And even

then, any form of punitive restriction of liberty should not be a broad-brushed imposition. They must be tailored to a degree for each individual crime, effectuating a measure of correction with a long-term goal of behavioral change while encouraging a means of being responsible, contributing members of society, not a patsy or burden.

Therefore, I repeat, not a single one of the proposed changes to SORNA should be enacted.

Your time and consideration in this matter is sincerely appreciated.

Respectfully Submitted,