

**YOUR LIFE ON "THE LIST" 2020 Edition**



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**Derek W. Logue**

**YOUR LIFE ON “THE LIST”:**

A Survival Guide for those Forced to Register Upon Release

Derek W. Logue of OnceFallen.com

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## INTRODUCTION AND DISCLAIMERS

This guide is a collection of Frequently Asked Questions (FAQ) about a variety of issues you will face during your time on the public sex offense registry. This guide will be a “just the facts” guide with little commentary on the constitutionality or ethical issues on these laws. OnceFallen.com is an informational and activist website for the abolishment of public sex offense registries so I feel my stance on abolishing the registry should be obvious.

OnceFallen.com is run by Derek W. Logue, who has been listed on the registry since 2003 and is currently a lifetime Registrant. I believe that the myriad of registry-related laws are confusing, unethical, unnecessary, and unconstitutional, but until these laws are repealed, you have to abide (however grudgingly) by the laws under threat of being locked up for Failure To Register (FTR), a charge that could leave you incarcerated longer than whatever offense landed you on the registry.

Longtime readers of either OnceFallen.com and/ or the Informational Corrlinks Newsletter (ICoN) may recognize some of the information, since both the website and newsletters share much of this information and have been copied verbatim from articles from both resources. This guide was created in response to increased demand for such resources and because of recent changes to prison policies that otherwise limit the amount of printed material in the mail, a policy not generally applicable to softcover books.

This guide covers a wide range of relevant topics, including finding housing, jobs, and both social support (like advocacy groups) and financial support (such as welfare). I will cover some common laws for all 50 states using the info from various resources covering the basics of each state’s sex offense laws. While I am going to give as much information as possible, please note that some statutes within this guide could change dramatically. For example, Michigan’s sex offense registry scheme was deemed to be punitive (*Does v Snyder*, 6th Cir 2016) and cannot be applied retroactively as currently written, causing the state to go into panic mode to salvage what they can to prevent thousands of Registered Persons from being removed from the registry. In a few states, the restrictions you may face as a Registrant depends on your date of conviction or offense. I will cover current laws and any major proposals that are sure to come but please note some legal info can become obsolete by the time the next legislative sessions for your state of interest draw to a close.

Many of the tips listed here are general tips, not specific to any one state. Please note that some counties and municipalities may have certain ordinances exceeding state laws. Florida, for example, has statewide 1000 foot restrictions, but many cities and counties, especially the southern half of the state, have ordinances as much as 2500 feet from prohibited areas. Once you are free, you can read the articles on a variety of topics in more detail at [www.oncefallen.com](http://www.oncefallen.com) ; many of the topics in this guide are from current pages at my website. Some of the information I may include here could even be outdated by the time this guide is published.

This is NOT a legal guide. This guide offers general advice for the most common concerns you may face as a Registered Person. There are some legal citations here to verify the many claims here, but no advice here should be construed as legal advice. If your needs involve the courts, you should consult an attorney.

Finally, it is important enough that I stress this final point because the burden of proof will always fall upon you no matter how you feel about these laws.

## **OBEY ALL LAWS!**

Your freedom depends on obeying these laws even though you won't like having to register.

Despite how you feel about the laws, you are expected to know and obey these laws, no matter how complex and unfair these rules may be.

This guide is not an argument for or against any of the laws. This guide is for helping you navigate the complex and confusing laws you may face while living on the registry.

If you are unclear about the rules, talk to your registration office.

## ABBREVIATIONS AND TERMS USED IN THIS GUIDE

The terms and acronyms in this segment are utilized in this guide and in many resources you may read elsewhere. Refer to this list of terms and abbreviations as necessary while reading this guide. Proper terminology is important; I will rarely, if ever, use the term “sex offender”; instead, the current commonly used term by anti-registry activists are “Registered Person (RP),” “Registered Person (RC),” or simply “Registrant.”

ACSOL: Alliance for Constitutional Sex Offense Laws, a California-based group fighting the registry. While primarily a California-focused group, they monitor info from other states and maintain a 50 state guide on registration and residency laws.

Adam Walsh Act: The current federal registry laws imposed upon the states (passed in 2006, replacing Megan’s Law and the Jacob Wetterling Act). The AWA covers registry, community notification, compliance checks, and civil commitment, as well as various grants to promote the AWA. As of 2020, only 18 states and 3 US territories have been deemed “substantially compliant” with AWA regulations despite a 10% federal law enforcement grant cut to states unwilling to adopt the AWA. It should be noted that the AWA is a “minimum standard” and states can choose to add penalties beyond what is recommended by the AWA and still be considered an AWA state.

Anti-Clustering Law: A law that bans Registered Persons from living a certain distance from another Registered Person.

Anti-Registry Movement (ARM): A term used at times for the effort to reform/ repeal the registry. Like “Black Lives Matter” or “#MeToo”, ARM is intended to be used as the name of a movement rather than the name of any specific group.

AWA: Shorthand for the Adam Walsh Child Protection and Safety Act of 2006. See “Adam Walsh Act.”

Civil Commitment: The act of submitting certain Registrants to indefinite detention under the guise of protecting the public from those deemed likely to reoffend. This controversial program is utilized in 20 states and allowed on the federal level by the AWA.

Community Notification: The act of law enforcement agents publicly notifying members of the community and/or certain businesses like schools that a Registered Person is moving into the neighborhood. Not every Registrant is subject to notification, and the laws and the method of notification can vary by state, including public meetings, announcements in the paper, going door-to-door, or sending notices by mail.

“Dru Sjodin National Sex Offender Public Website”: See NSOPW

EM: Electronic monitoring, aka “ankle monitors” or “GPS monitors,” the devices a Registrant On Paper may be forced to wear to keep track of location. EM may be required as part of post-release supervision, probation, or parole, and if so, you’ll likely be required to pay the costs.

**FTR** (“Failure To Register”): A formal criminal arrest for failing to comply with sex offense registration laws; failing to pay registration fees, failing to update information, or failing to give proper notice of travel or moving plans can all qualify as an FTR.

**IML**: “International Megan’s Law”, a law signed in 2016 that requires Registered Persons to notify the government when they intend to travel, and requires Registrants convicted of crimes against anyone under age 18 to receive a mark on their passports identifying them as an SO.

**Interstate Compact**: An agreement between two states allowing a transfer of a supervised released, probation, or parole to a new state. While living in a new state, the supervised Registrant may still be subject to the laws of the transferring state; if revoked, the Registrant may be sent back to the transferred state to finish his or her sentence.

**LEA**: Law Enforcement Agent.

**LEO**: Law Enforcement Officer, a catch-all phrase for any law enforcement agent, whether local, state, or federal authority. Sometimes referred to (derisively) as “Uncle Leo.”

**“Megan’s Law”**: Another name for the registry. Technically, the actual 1996 federal Megan’s Law, preceded by the Jacob Wetterling Act in 1994 and replaced by the Adam Walsh Act in 2006, no longer exists. People use the term “Megan’s Law” to describe the act of registration and community notification (see also SORNA).

**NARSOL**: National Association for Rational Sex Offense Laws, arguably the largest of the groups fighting to reform registry laws, currently headquartered in North Carolina.

**NSOPW**: The “Dru Sjodin National Sex Offender Public Website”. Technically, the feds don’t run their own registries; this site merely bands together data from the registries of every US state and territory to allow registry searches for all states and territories. Registrants not listed publicly on a state website will not be listed on NSOPW’s database as this database only extrapolates public listings from states/territories.

**“On Paper”**: The most commonly used term to describe being on probation, parole, or supervised/conditional release. I will be using this term throughout this guide. It is important to understand that being “On Paper” IS NOT the same as being on the registry. You can be On Paper, on the registry, both, or neither. Registration officers are NOT Probation/ Parole Officers and they only enforce registration-related laws.

**Polygraphs (or “polys”)**: While known as “lie detector tests, polygraphs do not “detect lies”; polys merely detect changes in heart rate, breathing, blood pressure and perspiration, and the results are interpreted by someone likely to be biased against the person taking the test. Polygraphs fail scientific scrutiny tests and are generally not admissible in court. However, polygraphs are being repackaged as tools to aid in SO treatment programs. The tools are utilized as an intimidation tool to extract confessions from people in the program suspected of dishonesty. The effects of these intimidation tactics carry over into the studies performed by polygraph proponents.

PPG: The Penile Plethysmograph (derisively called the “Peter Meter” or “Peter Reader”), a device that purportedly measures arousal by monitoring blood flow to the penis; used in conjunction with polygraphs in some state treatment programs.

Presence Restriction/ “Proximity Laws”: Laws that prohibit Registrants from either “loitering” (being somewhere without a legitimate purpose) or “being present” (being in prohibited area for ANY reason) within a prescribed distance from a restricted area (sometimes called a “child safety zone”). It is important to understand “loitering” and “being present” have different meanings when used in this context. If a state statute uses “loitering,” then the state recognizes there are valid reasons why someone would be in a safety zone, such as work, conducting business, or simply enjoying your freedom. If they use the term “being present” without the term loiter, they may consider all reasons for being within a safety zone invalid and arrest you; this would also impact residency or employment.

Registered Person (RC)/ Registered Person (RP)/ Registrant: A term used to describe people forced to give information to the government in order to place their names on the public sex offense registry. This is preferred by activists over the term “sex offender,” which is used primarily as a title of derision and condemnation.

RSO: “Registered Sex Offender.” I prefer Registered Person and will use that term throughout this guide.

SCOTUS: The Supreme Court Of The United States, a recent acronym for the US Supreme Court created by internet culture since SCOTUS is just quicker to type than US Supreme Court and the US Sentencing Commission already uses the acronym USSC.

SMART Office: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the federal bureaucracy established to promote the adoption of the AWA (through a dubious information campaign) and issue grant money to assist in AWA implementation

SO: “Sex Offender,” mostly used in prisons, media, or the general public. The movement to reform registry laws generally considers this term to be offensive. The term is seen as an adjective used to describe a noun, or put a different way, defining a person by an action. This guide will use the term sparingly except when quoting a resource verbatim.

SOR: – Sex Offense Registry. Many states have these three letters in their own state laws related to the registry (for example, NY’s laws are referred to as SORA). Here, use “sex offense” rather than “sex offender” as the latter is considered offensive.

SORA: Sex Offense Registry Act, another term commonly used by a number of states to denote their state registry laws.

SORNA: This acronym is specifically used in this guide to refer to Section 1 of the Adam Walsh Act (AWA), called the “Sex Offender Registration and Notification Act,” which applies to the public registry. Since the registry and community notification are generally applied together, this may be commonly used throughout this guide and elsewhere, though this is specific to the federal law. This replaced the 1996

federal Megan's Law. Registrants are classified under SORNA according to the official charges ("offense-based" classification).

SOSEN: Sex Offender Solutions and Education Network, an online support forum and information repository for Registered Persons. Headquartered in Nebraska.

"Substantially AWA Compliant": When discussing "Substantial AWA compliance" as a measurement for implementing the AWA in a state/territory, this refers specifically to the SORNA section of the AWA. (Note that some states may use similar acronyms, but in this guide, SORNA will be used only to discuss the federal AWA law.) The SMART Office created a 14-point checklist to compare with state laws, and if the laws of that state meet all the minimum criteria contained in that checklist, the state is considered "substantially compliant." (Important note on AWA compliance: The AWA requires retroactive application of registration if you are reconvicted of any crime, including non-sex offenses, if you have a sex offense in your history. So, if you do not have to register because your offense predated the registry in your state, or received a pardon or other registry relief, and you were later convicted for any offense, the AWA demands you register. In non-AWA states, you may not have to register under this scenario.)

"Tiers": Many states have a "Tier" or "Level" system that will determine the frequency and/or length of registration and/or the amount of notification given to members of the community.

WAR: Women Against Registry, one of the national anti-registry groups; despite the name, men are also welcome to join the ranks. Headquartered in Missouri.

## CHAPTER 1: UNDERSTANDING SEX OFFENSE LAWS

This chapter gives a brief overview of the various sex offense laws you may encounter. Again, this is not an argument on legality of the laws, but merely an overview of the most common laws you may encounter as a Registrant. This is not comprehensive; this is merely to give a basic overview. Each state's laws are explained in greater detail at the end of this guide.

Adam Walsh Child Protection and Safety Act of 2006 (AWA): The AWA is the current federal law governing the sex offense registry, grants for registry implementation, civil commitment, and other related laws. The registry statutes, known as SORNA, were intended to make a more uniform registry but that has been a farce. Florida and Alabama, for example, require lifetime registration yet are still considered “substantially compliant” with the AWA. AWA has proven hard to implement, as only 18 states have adopted the law 14 years after it passed into law, despite penalizing states for not adopting it. Since AWA uses offense-based classification (i.e., classified based on charges) instead of risk-assessment tests (such as the STATIC-99), Registrants in AWA states are far more likely to be classified as Tier 3 (“high risk”); in Ohio, for example, the number of people listed as Tier 3 went from a mere 18% to a whopping 54% on January 1, 2008, the day the AWA was implemented in that state.

Civil Commitment: About 20 states allow for some people to be convicted of sex offenses to be detained in a civil commitment (inpatient mental health treatment) center under the guise of treating people deemed likely to commit future offenses and protecting the public. While it is commonly believed these programs are being used to circumvent constitutional safeguards, this practice has been repeatedly upheld by SCOTUS and other major court rulings. This guide does not cover civil commitment defense; if you are in a jurisdiction with civil commitment and you fear you may be subjected to a civil commitment hearing, I strongly suggest consulting an attorney.

Community Notification: The practice of sending out notices to people within a certain area and/or to specific businesses when a Registered Person moves onto the community. The methods of notification are different in each jurisdiction, such as door-to-door or by mail. Not every state requires notification of all Registrants; in some states, only those classified on higher risk Tiers will be subject to notification.

Compliance Checks/ Address Verification Checks: These are in-person visits from law enforcement agents to verify you are giving accurate information. This could be performed by local, state, or even federal agents, and could be done at work, school, or home. It is important to know your rights when faced with a compliance check, so this will be covered in detail in a separate chapter.

Electronic/ GPS Monitoring: The practice of forcing Registrants to wear Electronic Monitoring (EM) devices usually placed on the ankles (“ankle bracelets”). This is most commonly used for those “On Paper,” which is a problem in states where lifetime supervision is an option. EM programs can cost hundreds monthly.

Holiday Restrictions: Only five states currently have statutes that place restrictions on certain holidays, most notably Halloween, but there may be local ordinances in place that limit your ability to celebrate certain holidays. Halloween restrictions are most common; these may include shutting off outdoor lights, not handing out candy, not wearing masks/ costumes, a curfew, and even a sign in the yard stating “No

Candy At This Residence.” Some laws extend to wearing costumes for other holidays, such as a ban on dressing as Santa Claus or the Easter Bunny.

“On Paper”- Probation/ Parole/ Supervised or Conditional Release: Being “On Paper” means you will likely face even more challenges than a Registrant who is not “On Paper.” You may have added stipulations such as being banned from specific activities like online dating or even going to church! Some states may prohibit you from living in certain areas even if there are no state or local residency restrictions in your state of residence. You may also have to pay extra fees or for certain aspects of being under supervision, such as fees for ankle monitors, polygraphs/ PPGs, or mandatory therapy in addition to supervision fees.

Proximity Laws: In addition to residency restrictions, your area may have anti-clustering laws (laws restricting the number of Registrants living in a housing complex), anti-loitering laws (cannot be physically present within a certain distance to a prohibited area without a legitimate reason) or laws restricting being in certain locations for any reason, and/or work proximity restrictions (cannot perform labor within a certain distance to a prohibited area). You may also be banned from being on school grounds or even churches even if your child attends these places. In some states, you may be banned from emergency weather shelters.

Residency Restriction Laws: About 30 states have some law restricting where at least some Registrants may reside. The most common restriction will prevent Registered Persons from living in a residence located a set distance (commonly 1000 feet) from a school, daycare, or other places where “children congregate.” This is often measured property line to property line ‘as the crow flies” (i.e., in a straight line even if you are separated by a river or a ravine).

“Risk Assessments”: Many states may require you to take a risk assessment evaluation that may involve an interview with a psychologist, psychological questionnaires, “actuarial tests” (tests that may assign risk by certain characteristics including age, alcohol/ drug use, and criminal history, such as the STATIC-99), the “Abel Assessment” (a test that measures sexual interest based on how long someone looks at pictures), polygraphs, and/ or penile plethysmographs. Some tests, like the actuarial tests, may not require your participation. Risk assessments may determine your Tier placement, frequency and length of registration, and eligibility for civil commitment.

Scarlet letter laws: A few local ordinances have placed signs in the yards of Registered Persons. Proposals have been made to place green license plates on the vehicles of Registrants (thankfully, the car tag proposals have all failed.) Some jurisdictions even shift the burden of community notification to the Registrant.

Sex Offense Classification: As of 2020, over a dozen states have Mandatory Lifetime Registration Requirements for ALL Registrants. (As noted in Appendix 2, some of these states utilize a Tier system but do not have automatic expiration dates from the registry; Registrants will still have to petition the courts for removal.) This means by 2021, 43 US states will have some kind of leveling scheme for classifying Registrants. Many states have adopted a Tier system of risk, and the higher the number, the longer and more frequent you will register. The most commonly used Tier system (including the AWA) will require those placed on Tier 1 to register once per year for 15 years, Tier 2 may register every 6

months for 25 years, and Tier 3 register every 3 months for life. Of those states that use Tiers, you'll either be classified on a "risk-based" scheme (i.e., taking a battery of psychological tests and/or some actuarial checklist like the STATIC-99) or an "offense-based" classification scheme (i.e., based on the criminal charges you were given). The AWA uses offense-based classification.

Sex Offense Registry: The SOR (the list, the registry, the government blacklist, the public pillory, etc.) has been a federal law since 1994 so most everyone convicted of a sex offense is aware the registry exists in every state and territory within the US. If you were convicted of a registerable offense, there is no place in America you can move to and not have to register. Depending on your offense and the state in which you reside upon release, your registration period and frequency can vary. At the least, you will provide your name, photo, fingerprint, DNA sample, address, phone number, vehicle info, employer or school you attend, and other info the state requires. Some states require registration fees (some locations charge hundreds of dollars). There may also be a follow-up visit to your residence to verify you gave the correct info.

Special Identification rules: Some states require special state identification card rules for Registered Persons. Some states require annual renewal of State ID/ DL cards and/or carry a special card to present when approached by an officer; a few states (some already requiring annual renewals) also add marks or statements on State ID/ DLs of Registered Persons. In addition, Registrants whose cases involve minors are subject to a passport mark identifying them as an offender against a minor, and bars those Registrants from obtaining a Passport card.

Treatment: Some treatments are positive and some are negative. Some may be offered in prison, and some may be required after release. You may be required to take more treatment upon release as a supervision condition.

There are many other restrictions that cannot be covered even by this guide. Of course, this does not cover the ostracism, discrimination, and even harassment you might suffer during your time on this government blacklist.

### "STATE SHOPPING"

I am frequently asked which state is the "best" state for Registered Persons to reside. This question makes me cringe, because it gives the general public the impression that Registered Persons frequently "state shop," which is a misleading and fear-mongering notion. Worse, prison scuttlebutt and some online resources discuss ways to avoid registration duties. The bad news is there is NO US state, territory, or Native American reservation where you can move and NOT have to register upon release. There honestly isn't a "best state" because laws vary in each state and even by municipality, and some people thrive in one state while others do not. It is far easier to name the worst states—Alabama, Oklahoma, Florida, Louisiana, and Illinois, in my opinion — because these states frequently make headlines for worst (most restrictive) laws.

States that lack residency restrictions are more desirable than those that have restrictions, but that relief may be offset by registry fees or other kinds of restrictions. Some states may mark driver's licenses while others do not. Below are some of the most common restrictions faced by Registrants that may influence

your decision to move to another state (Please note that not every restriction applies evenly across states and some of the restrictions below may apply only to parolees or to those classified on higher Tier levels in certain states). More details about each state's laws will be posted at the end of this guide.

As of June 2020:

- Mandatory Lifetime Registration Requirements for ALL Registrants: AL, CA, CO, FL, GA, HI, NJ, OR, SC, and WY (Note: Some of these states listed allow at least some Registrants to petition for removal from the registry after a set number of years but removal is not guaranteed.)
- Registry Fees: AL, CO, GA, ID, IL, IA, KS, LA, ME, MA, MI, MS, MO, OH, OR, TN, WI, UT
- Residence Restrictions (Living Restrictions): AL, AZ, AR, CA, FL, GA, ID, IL, IN, IA, KY, LA, ME, MI, MS, MO, NE\*, NY, NC, OH, OK, OR, RI, SC, SD, TN, TX\*, UT, VA, WA, WI\*, WV, WY (Those marked with an asterisk denotes no statewide law but have allowed local ordinances to restrict where a Registrant can live)
- Presence Restrictions (Also called anti-loitering or proximity laws; Defined as various restrictions on where Registrants can go, such as schools, parks, libraries, malls, recreation areas, or other places one might expect to find children; the laws are too varied to discuss here, but each state listed has some kind of restriction;): AL, AR, CA, DE, FL, GA, ID, IL, IA, KY, LA, MD, MI, MS, MO, MT, NC, ND, OK, OR, SD, TN, UT, VA, WI, WY
- States that place humiliating marks on your state ID Cards: AL, AZ, DE, FL, KS, LA, MS, OK, TN, UT, VA \*(only if you hold a CDL for passenger transport), WV; In addition, passports of those with offenses against minors have marks placed on their federally-issued passports. (Note: A Federal court in AL ruled in February 2019 the state ID/DL cards that read "Criminal Sex Offender" in scarlet letters were unconstitutional as currently applied; it was replaced with less conspicuous mark.)
- States requiring annual State ID/ DL card renewals (thus causing financial burden to Registrants): AZ, IL, KS, MS (quarterly), NV, OK, TX
- Work Restriction Laws (Laws that prevent Registrants from living within a set distance from prohibited areas): AL, DE (if LII/LIII), GA, MI, MT (If considered high risk), SC (only if On Paper), TN
- States considered "substantially compliant" with the Federal Adam Walsh Act (AWA): AL, CO, DE, FL, KS, LA, MD, MI, MS, MO, NV, OH, OK, SC, SD, TN, VA, WY
- States with Halloween restrictions listed in their state statutes: AR, FL, IL, LA, MO (Applies to all SOs in LA and MO, applies to Tiers 3/4 in AR, applies to all on parole/ probation or SOs w/ offenses against anyone under 18 in IL, applies only to those on probation/ parole in FL.) In addition, CA, CO, GA, ID, IN, MD, NV, NY, OH, SC, TN, TX, VA, WI conduct named compliance check operations or allow the option for POs or local authorities to pass restrictions against those on probation/ parole.

These restrictions can expand or be altered at any time. Changes could be applied retroactively, so even if you move into a community before a law passes, a new law could negatively impact your residence. In addition, there are too many prohibitions across the USA to be listed here, like restrictions on holiday celebrations, emergency shelter access, or even on the wearing of costumes. We must remain vigilant for any newly proposed or expanding restrictions at the state and federal level.

## REGISTRATION PROCESS

I field many questions about registration. There is no way around registration. Worse, “Failure To Register” (FTR) is a felony in most places, and the feds (US Marshals in particular) are involved if you FTR and they have been known to pick up FTR cases even when the Registrant fled overseas. It is important to register regardless of your personal feelings about the registry. If you are moving, you must register at both the place you are moving from AND the place you are moving to; if you change appearance, name, address even if you are moving from Apartment A to Apt. B, starting/ quitting a job or school, or buying a vehicle, you’ll likely have to register each change. Some states even charge fees for registering!

To help you understand the registration process, the following was copied from the 2017 Handbook “Registering With Dignity” from the Sex Law and Policy Center, a site which went defunct in 2020 and the handbook is no longer online:

*One of the first things you must do after release from incarceration is to register in-person at your local registration office. Be prepared for the entire registration process to take anywhere from a few minutes to a few hours. Depending on where you live, the registration office may be housed in a police department, a courthouse, or another government agency, and may only take appointments for registration, be on a first-come first-serve basis, be handled before a certain time, or only on certain days.*

*Be sure to check your release papers. It should have information on where and how to register for the first time. If you are not given the information, then ask your probation or parole officer. Do not delay registration, because you must register within a specific time frame or face severe consequences.*

*You will be asked to provide current proof of residency, such as a driver’s license, a rent or utility bill, or an official document with your address. It is usually a good idea to bring state-issued identification with your photo on it. The registration officer will ask you questions, such as your home address, whether you are on community supervision, and other such things as required by your state’s law. Be honest with the officer as it will make the process go smoothly.*

*Next, the officer will take your photograph, your fingerprints, and possibly a DNA swab and palmprints. The officer will review the forms with you, and ask if you understand the rules. Do not be afraid to ask questions about registration if you are unsure of what you are being told.*

*The final step is your signature, which indicates you understand the registration process. The police will send off the registration documents to the State Police office and you will always receive a copy. If they fail to provide you one, ask them for a copy so you have proof of your registration.*

*Keep your copy! File it away in a folder for safekeeping on the off chance a law enforcement agent loses your documents. The police may verify your residency and employment information either by contacting your probation or parole officer or by showing up at your home or place of employment.*

*You will have to periodically re-register, which can be as frequently as every 30 days. This may require updating your photo or getting your fingerprints retaken. Registration differs by state so be sure you*

*understand your registration requirements. If you are unsure, ask the officer while you are registering how often you need to re-register and when you need to submit a new photo or fingerprints. Your probation or parole officer can provide you with more information, if you are on community supervision.*

*We cannot stress this enough. Do not be afraid to ask questions. Failing to register can have serious consequences including more incarceration. While the registration process can be humiliating and the officers intimidating, it is necessary.*

The report also made a few recommendations for keeping up with your registration:

- ❖ Maintain a calendar specifically for registration: States differ greatly on the window for registration so it is important to know when that window is and plan to register at the first opportunity. I've seen people arrested for FTR for being just one day late.
- ❖ Call ahead: It is always a good idea to call the registration office beforehand in case they are closed or hours are compromised.
- ❖ Send registration papers by Certified Mail: If you register by mail, spend that extra money for USPS Certified Mail. The Post Office could use the money, plus you will have proof you sent it.
- ❖ Keep documentation safe and readily available: In the disaster relief chapter, I discuss fireproof lockboxes for important papers. Consider keeping at least the most recent registration papers in that lockbox. Also, if you are familiar with computers, I suggest scanning documents to be saved on your computer just in case.
- ❖ Ask questions: If you have questions about the registry, ask the registry office. These laws are sometimes interpreted differently by agency so you have more procedures at one registry office than at a different office.

Speaking only from personal experience, most LEOs understand the registry is a waste of time and many will treat you nicely so long as you aren't rude to them. Also, after they've seen you a few times, they're more likely to accelerate the process and get you out of the office as quickly as possible. But, just remember they're still cops and be careful what you say to them.

### KEEPING AN ACTIVITY LOG

If you are concerned about false accusations, you may wish to keep an "activity log." Here are some suggestions for determining where you were on a specific date and time:

- ❖ Buy a yearly planner: Just a cheap dollar store pocket planner will suffice. You could also create one yourself with a computer.
- ❖ Computer: Your computer can also be used to determine where you were at; online activities and files downloaded to the computer can be timestamped. Social media posts and comments posted on the internet can show you were online at a certain time and how you accessed the computer.
- ❖ Smartphone GPS: Most smartphones have GPS, and some software can help keep up with your movements. For example, if you buy a Smartphone with "Android", then you can give Google Maps permission to keep your travel info through their "Timeline." Even without setting up GPS, phone records may show your location at the time of a phone call.

- ❖ Never pay with cash: If you can get a credit card, do so. If you lose cash, you will never recover it but with a credit card, you can quickly freeze the account. And credit cards have the added bonus of keeping transaction data including time and location. Store credit cards, EBT Cards (“food stamp cards”), debit cards, and even store loyalty cards (such as the Kroger Plus Card) keep detailed records of usage.
- ❖ Paper receipts: You can opt for printed receipts and keep them in a small storage bin, Many business give the option for email receipts, which can be more convenient since you don’t need a piece of paper.

### DIFFERENCES BETWEEN A P.O. AND A REGISTRATION OFFICER

It is extremely important to understand the difference between probation/ parole/ supervised release and being a Registered Person. Being forced to register is NOT the same as being “On Paper.” Registry officers are NOT parole officers. A PO may be able to make certain rules like curfews or require you to go to counseling. A Registration officer’s only duty is enforcing SO laws, particularly the act of entering registration info and verifying your address, as well as community notification. Registration Officers do not make rules; they merely enforce existing laws. Though registry officers may conduct compliance checks, they cannot enter your home without permission or a warrant unless you are “On Paper.”

Registration officers will take complaints by citizens who assume registration officers and POs are the same. Some LEOs hope you don’t understand the difference; for example, some local agencies promoting Halloween curfews that apply only to those on probation or parole may omit to the media or in press releases it cannot legally be applied to those not “On Paper.” It is your responsibility to know your rights and know the terms described in this guide. The next couple of sections will cover some issues related to being “On Paper.”

### RIGHTS DURING SO TREATMENT

Some courts may require order you to take treatment. You may be required to pay for expensive therapy or endure controversial testing practices like polygraphs or penile plethysmographs. Unfortunately, problems with a treatment provider can only be addressed either with the PO, the probation/ parole board supervisor, or by petitioning the court for a change in treatment.

Polygraphs: A consensus of legal decisions regarding polygraph usage come agree that despite the majority of studies on polygraph use suggesting the polygraphs are not effective tools in sex offender treatment, courts still allowed states to use the polygraph as a “treatment” tool. While you generally lack the ability to refuse to take the entire polygraph test, you SHOULD have the right to plead the 5th Amendment ONLY WHEN that particular question that may lead to future criminal charges. There should be agreements written out in treatment programs and/or polygraphs that specifically state whether or not the results can be used against you in a court of law.

For more on the polygraph controversy and legal history, see <http://www.oncefallen.com/polygraph.html>

PPGs: In U.S. v. Weber, 451 F.3d 552 (9th Cir. 2006), the Court ruled the PPG is an intrusive procedure, both physically and psychologically, likening the procedure to a device from a George Orwell novel. The

court utilized a standard of review involving tests that are “non-routine manipulative intrusions on bodily integrity” and that such tests “will be scrutinized” to determine whether there are less intrusive options. While the court concluded that the level of accuracy of penile plethysmography reported in the scientific literature is low and that the test's true validity is academically controversial, this test could be a required condition for supervised release if there was evidence supporting the efficacy of this test over less intrusive procedures, such as the Abel and polygraph tests.

Abel Assessments: In *United States v. Birdsbill*, No. 03-30204 (9th Cir. May 4, 2004, unpublished), the Court also ruled the Abel test can be used for treatment, but is unreliable to be used as evidence to determine sexual deviancy for five reasons:

(1) the AASI test is a psychological instrument to be used for treatment, not for diagnostic purposes, and it is not designed to assess the tendency of a person to abuse children sexually; (2) Dr. Abel did not use a control group and it is unclear how or whether the test ferrets out "fakers"; (3) the test has not been subject to adequate peer review because Dr. Abel has proprietary rights over the test and has not shared his formula with other scientists (and those who have tried to assess the test's validity have come up with dubious and inconsistent results); (4) the potential error rate "varies from poor ... to appalling," which makes it an unreliable instrument; and (5) the relevant scientific community does not generally accept the AASI test as a diagnostic test for pedophilia.

However, *U.S. v. Stoterau*, 524 F.3d 988 (9th Cir. 2008), the same Court rejected an argument the Abel test is intrusive, noting the test was far less intrusive than a PPG, does not implicate a particularly significant liberty interest, and while inadmissible in court, the test could be used as part of a treatment plan. The court concluded even unreliable tests like the Abel test has “value” in “rehabilitation” and “treatment” in determining attraction to children.

In short, arguments against the use of tests otherwise inadmissible as evidence in courts are usually allowed in treatment settings unless the condition is overly intrusive when less intrusive alternatives exist (as the polygraph and PPG are strapped to the human body), or if the questions involve would trigger a violation of a 5th Amendment right against self-incrimination (i.e., a question about your sexual history leading to a new criminal case levied against you.) Only under these circumstances would you find relief through the courts.

### CHALLENGING SUPERVISION CONDITIONS

If you feel your PO is violating the law or harassing you or you feel a certain rule is going too far, you could choose to file a complaint with the supervisor at the probation/ parole office, with the State Police (on the state level) or the FBI (on the federal level). In all honesty, that likely won't go far. Thus, you may have to go to court to get relief from a bad PO.

In challenging conditions of supervision, the short answer is that there IS a chance a bad rule can be challenged successfully, and it is even possible to get terminated from lifetime supervision. The report below is NOT detailed but is merely a brief discussion about federal supervision appeals and termination. The information listed below covers challenging federal supervision conditions but the same arguments could be applied to the state courts.

The link to the full article is:

[https://www.ussc.gov/sites/default/files/pdf/training/primers/2015\\_Primer\\_Supervised\\_Release.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2015_Primer_Supervised_Release.pdf)

### *Early Termination of Supervised Release*

A court may terminate supervised release “at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice.” (18 USC §3583(e)(1))

The guidelines “encourage . . . [courts] to exercise this authority in appropriate cases,” particularly noting that a court may impose a longer term of supervised release on a defendant with a drug, alcohol or other addiction, but may then terminate the supervised release term early when a defendant “successfully completes a treatment program, thereby reducing the risk to the public from further crimes of the defendant.” (USSG 5D1.2, cmt. n. 5)

A court may terminate supervised release early even if the statute of conviction originally required a particular term of supervised release. See, e.g., *US v. Spinelle*, 41 F.3d 1056, 1069 (6th Cir. 1994); *US v. Gainer*, 936 F.Supp.785, 786 (D. Kan. 1996); *US v. Scott*, 362 F. Supp. 2d 982, 984 (N.D. Ill. 2005); *US v. McClister*, 2008 WL 153771, \*2 (D. Utah 2008); but see *US v. Hernandez-Flores*, 2012 WL 119609,\*4 (D. NM 2012) (expressing reservations, but declining to reach the issue because the defendant’s conduct did not merit early termination even if the court had the authority to grant it).

### *Appellate Issues*

A term of supervised release will be reviewed for reasonableness in light of the court’s stated reasons, as with a sentence of imprisonment. See, e.g., *US v. Presto*, 498 F.3d 415, 418 (6th Cir. 2007) (discussing procedural and substantive reasonableness of lifetime term of supervised release); *US v. Hayes*, 445 F.3d 536, 527(2nd Cir. 2006). But see *US v. O’Georgia*, 569 F.3d. 281, 289 (6th Cir. 2009) (where a district court has articulated § 3553(a) factors in imposing its sentence, a repetition of those factors in support of a term of supervised release would serve no useful purpose in the ordinary case).

### *Appeal of Challenged Conditions*

Challenges to conditions of supervised release are ordinarily reviewed on appeal for abuse of discretion, (See, e.g., *US v. Watson*, 582 F.3d 974, 981 (9th Cir. 2009); *US v. Stults*, 575 F.3d 834 (8th Cir. 2009); *US v. Theilemann*, 575 F.3d 265 (3d Cir. 2009)) although the issue of “whether a supervised release condition illegally exceeds the [district court’s statutory authority] or violates the Constitution is reviewed de novo.” (See, e.g., *Watson*, 582 F.3d at 981)

Unpreserved claims that a district court imposed an invalid condition raised for the first time on appeal are reviewed only for “plain error” under Federal Rule of Criminal Procedure 52(b). (See, e.g., *US v. Weatherton*, 567 F.3d 149, 152 (5th Cir. 2009).)

### *Appeal of Revocation Conditions*

The issue of whether a district court had jurisdiction to revoke supervised release is reviewed de novo. See, e.g., *US v. Johnson*, 581 F.3d 1310 (11th Cir. 2009).

The district court's factual findings that a defendant violated the conditions of release are reviewed for clear error; legal conclusions are reviewed de novo. See, e.g., *US v. Farmer*, 567 F.3d 343 (8th Cir. 2009); *US v. Kontrol*, 554 F.3d 1089 (6th Cir. 2009).

If the government proved by a preponderance of the evidence that the defendant violated a valid condition of supervised release, the district court's decision to revoke supervised release is reviewed for abuse of discretion. See, e.g., *US v Black Bear*, 542 F.3d 249 (8th Cir. 2008). See also *US v Disney*, 253 F.3d 1211 (10th Cir. 2001) (district court abused its discretion when it revoked defendant's supervised release for inquiring into address of DEA case agents because inquiry did not violate statute proscribing threats or intimidation of law enforcement officers); *US v. Turner*, 312 F.3d 1137 (9th Cir. 2002) (district court abused its discretion in revoking defendant's supervised release where record did not support court's finding that defendant had incurred new debt).

With respect to appellate review of the type and length of the sentence imposed upon revocation, the federal courts of appeals are divided over whether sentences are reviewed under a Booker-type "reasonableness" standard or, instead, under the "plainly unreasonable" standard that uniformly was followed in supervised release appeals before Booker. Compare, e.g., *US v Bungar*, 478 F.3d 540 (3d Cir. 2007) ("reasonableness" standard), with *US v Crudup*, 461 F.3d 433 (4th Cir. 2006) ("plainly unreasonable" standard). See also *US v Sweeting*, 437 F.3d 1105 (11th Cir. 2006) (holding that "unreasonable" and "plainly unreasonable" have essentially the same meaning).

### *Ripeness and Mootness Issues on Appeal*

On a regular basis, appellate courts must decide whether a defendant's challenge to a condition of supervised release is ripe when raised on direct appeal of the original sentence (as opposed to being raised on appeal of a judgment revoking supervised release for a violation of the challenged condition). The courts of appeals have issued inconsistent decisions regarding ripeness of challenges to conditions raised on direct appeal. Compare, e.g., *US v. Lee*, 502 F.3d 447 (6th Cir. 2007) (on direct appeal of his original sentence, defendant's challenge to a condition requiring penile plethysmograph testing was deemed not ripe for review; court held that his challenge could not be brought until after he was released from prison because there was no guarantee he would ever be subject to the test; if a probation officer sought to implement that condition, the defendant could move to modify the condition under 18 USC 3583(e)(2) and appeal if he were to lose), with *US v Weber*, 451 F.3d 552 (9th Cir. 2006) (defendant's challenge to plethysmograph testing as supervised release condition was ripe for review on direct appeal and prior to the defendant's release from prison). See also *US v. Myers*, 426 F.3d 117 (2d Cir. 2005) (challenge to constitutionality of condition that defendant convicted of possessing CP could not visit with his son unless supervised was ripe prior to release from imprisonment because a motion to modify the condition after release under 18 USC §3583(e)(2) cannot challenge the lawfulness of the condition).

Similarly, the courts are divided as to whether an appeal from a judgment of revocation is the appropriate point at which to challenge a condition when the challenge was not originally made on direct appeal. See, e.g., *US v. Brimm*, 302 F. App'x 588, 589 (9th Cir. 2008) (“We also reject the government’s contention that Brimm waived the right to appeal the conditions of his supervised release because he waited until after he violated the conditions before he challenged them. Compare *US v. Jeremiah*, 493 F.3d 1042, 1044, 1046 (9th Cir. 2007) (finding jurisdiction to hear the appellant’s challenges to the conditions of his supervised release during an appeal of the revocation of supervised release”), with *US v. Ofchinick*, 937 F.2d 892, 897 (3d Cir. 1991) (“We deem an order to be ripe for appeal in the present context when a . . . condition of probation . . . is imposed, and failure to timely appeal will result in a waiver. The imposition of such a condition or sanction, if opposed, creates a controversy worthy of adjudication and is of sufficient immediacy to establish ripeness.”).

Finally, courts have held that a defendant’s challenge to the district court’s revocation of supervised release on appeal is moot if the defendant has been unconditionally released from all types of custody (including any recommenced term of supervised release) at the time that the appellate court hears the appeal. See, e.g., *US v. Hardy*, 545 F.3d 280, 284 (4th Cir. 2008) (“courts considering challenges to revocations of supervised release have universally concluded that such challenges also become moot when the term of imprisonment for that revocation ends”).

## CHAPTER 2: FINDING HOUSING

Housing and employment are the two most common questions I receive. I won't lie to you – housing is difficult to find even under the best of circumstances. It may be helpful to share my personal experiences with finding housing to give you an understanding of the difficulties you may face while seeking housing.

At the time I was incarcerated, Alabama's law stipulated that anyone failing to obtain a legal residence upon their release date were to be charged for FTR. Over the course of a year, I had written about 70 transitional housing programs, mostly to no avail. I found a program in SW Ohio five days before my 2003 release date and went from Alabama to Ohio with help from the Catholic Church. I stayed in a heavily-religious program for almost a full year, but ended up staying in homeless shelters or slept on the street for about 5 months. I had obtained a job and found a sleeping room for \$150/ mo. in 2004 (amazingly the first place I called). Two years later, the state determined the apartment was too close to a GED school (Ohio has a 1000 foot residency restriction law), and I called 131 apartments over a period of seven months before I stumbled upon an apartment complex during an afternoon walk. Fortunately, the landlord had a son on the registry. I lived in that apartment and took in a non-Registrant roommate.

I moved back to Alabama in 2009 to live with my girlfriend. Because my girlfriend had a child from her second marriage, I could not legally live with her, but we found a nearby apartment complex that had a reputation as an "S.O. House." But when my mother passed away and I split with my girlfriend, I returned to Ohio as my roommate never replaced me so my old room was available. In 2014, the apartment building was sold and the entire block was gentrified; I had to find a new apartment. Thankfully, in 2011, the Ohio Supreme Court determined that residency restrictions were punitive and cannot be applied to anyone convicted before July 31, 2003. I no longer had to abide by the 1000 foot rule. It only took 4 weeks and 34 calls to find three apartments. In 2019, that apartment burned; as of 2020, I'm staying in the home of a fellow activist.

In short, I've experienced plenty of housing struggles. Housing has gotten more expensive since the housing bubble burst in 2008, leading to the "great recession" and causing more people seeking to rent rather than own; with an increase of demand for rental properties came an increase in rent prices. Most of you reading this looking to get out of prison will most likely need a transitional program; specific housing leads will be listed by state at the end of this guide. The housing list can also be found at <http://www.oncefallen.com/findinghousing.html>

Unfortunately, housing options are very limited especially in areas with strict residency restriction laws. Even in areas not enforcing residency restrictions, few people are willing to rent to those on the registries, as noted in my own study on obtaining housing in 2006. The majority of states have residency, proximity, and/or work restriction law in place, and these laws are seeing a resurgence after years without new restrictions. Also note that those required to register for life are barred from obtaining Section 8 Housing (in addition to state laws that may exclude non-lifetime Registrants from public housing; I will cover Section 8 Housing in the Welfare chapter).

The good news is that there are ways to find housing. I just won't lie to you and pretend it is a cakewalk. I maintain a housing list, and the list maintained on my website will be posted at the end of this guide; the list can also be found at: <http://www.oncefallen.com/findinghousing.html>

## HOMELESSNESS

According to my 2016 Job and Welfare Survey, Registered Persons are almost twice as likely as the general population to have experienced homelessness (25.93% RC vs 14% GP); Registered Persons are also far more likely than the general population to be currently homeless (3.38% RC vs 0.18% GP). Residency restriction laws are a primary cause of homelessness. A secondary reason for homelessness involves a lack of landlords willing to rent to a Registrant, due to liability concerns (fear of being sued if a Registrant commits a sex offense), overt discrimination against Registered Persons, or loss of property value (studies have suggested that having a Registered Person living in a neighborhood can decrease property values by up to 10% or \$5000 of a home's property). This makes the possibility of being homeless for a time a possibility, so consider a plan of action for yourself should you become homeless.

Should you experience homelessness, there are a few things you should know:

1. Thanks to 9/11, you may have trouble opening a bank account because you cannot use a PO Box to open a bank account. This may also impact getting a state ID card/ Driver's License. You may be able to get help in that regard from a local charity like a Homeless Coalition.
2. If you are on parole, you may be limited where you travel even while homeless, and if you wear an ankle monitor, you must find a location where you can reliably recharge the device.
3. Where will you sleep? Unfortunately, many local homeless shelters cannot (or will not) accept you. If you live in an area with residency restriction laws, finding housing or even an overpass that meets the requirements may be difficult. Thankfully, a small tent (should it come to this) are relatively cheap at Walmart.

## HOUSE HUNTING TIPS

### *TIP #1: TALK TO THE REGISTRY OFFICE - BETTER SAFE THAN SORRY*

Check with the local registration office before you even start looking for a home especially if you are moving to a new community, because sometimes cities, townships, or counties have residency laws that differ from the laws imposed by the state. A five minute call may save you a lot more headache during your house hunt later.

### *TIP #2: FINDING HOUSING LEADS*

In the years since I began seeking housing lists, agencies that interact with Registered Persons have increased awareness of the special challenges of finding housing for Registered Persons and are starting to make note of programs for Registrants. Here are a few places you might be able to find local housing leads:

- Local charities: Churches, community action agencies, homeless shelters or coalitions, and even food banks often have housing lists for low-income agencies, and some may list housing specific to Registrants.

- Law Enforcement/ Registry offices: Sometimes, local registry offices may have a lead or two. Your state's Dept. of Corrections website may have a list of programs. Many of the lists on the DoC sites are online. Georgia's list is "THOR", for example.)
- The Internet: If you do a search "sex offender housing [your city]," you might find some lists. Many renters post on Craigslist.org because it is free and Craigslist can show rentals on a map. Since no one is going to advertise that they rent to Registered Persons (though some will definitely state "No SOs), I suggest maintaining a list of phone numbers of everyone you called. Some renters own numerous properties so a list will keep you from wasting your time with repeat rejections from the same renter.

*TIP #3: USING THE REGISTRY TO YOUR ADVANTAGE*

It seems ironic to suggest visiting a public registry website, but websites that have mapping software like Family Watchdog may assist you by showing where Registered Persons live in a community. These silly maps with the red dots may help give you an idea where to focus your search, especially in an urban environment. You could then use the Craigslist.org housing listings map to find housing.

*TIP #4: DON'T GET DISCOURAGED*

Finding a place to live is like finding a needle in a haystack, so expect a lot of rejection, especially in places with residence restrictions. There are people willing to rent to you out there, but finding them is a tedious process. If you can't handle the rejection yourself, pay someone you know a few bucks to call them. You have to grow thick skin because some folks won't be cordial while rejecting you.

*TIP #4: HONESTY IS THE BEST POLICY*

It is better to be up-front about asking if prospective landlords rent to Registered Persons than to lie to get in only to be evicted later. Many places have eviction lists that will add to difficulties in finding housing in the future. Even if you're one of the lucky ones that aren't listed publicly, background checks and private registry lists are out there so your registry status will come out eventually.

If you do contact someone and you have the opportunity to "sell yourself" in the way you would while job hunting, be prepared to do so. As a whole, Registered Persons are more likely to keep to themselves, pay rent on time, and complain less than other tenants. Landlords these days may also do credit checks and eviction checks. You may be expected to pay an application fee. Be prepared to deal with that and if there is a fee involved, get confirmation that you would be given serious consideration before fronting the money.

*TIP #5: C-Y-A*

If you find a place, consider yourself lucky or blessed, but remember there can be complications even after you've settled in. Be sure to register with the Sheriff's office ASAP; don't delay, as many areas have short registration periods. If you're moving to a new county or a new state, you'll have to register both with the area you are leaving AND the area you are moving to. Many FTRs came about because someone assumed that he only had to register in location B, forgetting location A, and just figured Registry Office

B would notify Registry Office A. Registry office A eventually notices you didn't check in on time, goes to your old house, you aren't there, a warrant is put out for your arrest for FTR, and your life is ruined.

*TIP #6: INSURANCE/ PREPARING FOR THE FUTURE*

In my personal experience, renters willing to rent to you are likely not highly concerned about his property or the quality of his tenants. If your search is in an urban area, you are more likely to find residence with higher crime and lower standard of living. (In 17 years since my release, I've experienced multiple break-ins and one house fire). Thus, I suggest getting Renter's Insurance; most Insurance companies offer Renter's Insurance for around \$15 a month, and it will cover you in case of theft, fire, or other problems. However, even if you are staying in the Bates Motel, be sure to take good care of your property. Building a good rapport with the landlord will help you as you often need good references for a new lease.

Because of the constantly changing nature of residence restriction laws, I suggest keeping about three month's rent in a savings account. Even if you are on disability, keep about \$1200 to \$1500 in your savings account at all times (Rules of Social Security Disability/ SSI allows you to keep up to \$2000 in savings without penalty. This applies to those on SSI, the rules to those drawing from the lifetime earnings fall under different rules. You can contact Social Security for specific rules on property and savings issues). I'd also strongly suggest you improve your credit rating. There are many ways to do that (there are other books on that), but having a good credit score helps should you need to move in the future.

*TIP #7: KNOW YOUR RIGHTS*

Unfortunately, equal opportunity laws do not apply to discrimination based on criminal accusations/ convictions. You have no relief if denied housing based on your record.

You do have protections against unlawful entry by law enforcement. Your inclusion on the registry does not give law enforcement a reason enter and search your residence during "compliance/ address verification checks" without a warrant, unless you are on supervised release/ probation/ parole. No police agency or even the US Marshals can come into any residence without a warrant if a person is not "On Paper." The only time a warrantless entry can be conducted is during an emergency (such as a fire) or they hear someone being hurt. Additional info on your rights during a police check can be found at: <http://www.oncefallen.com/policechecks.html>

*TIP #8: MOVING AS A REGISTRANT*

The next section is very extensive, so for those who want just the basics about moving:

- ❖ You do NOT need permission to move if not On Paper, but be sure you register at BOTH the location you are moving from AND the location you moving to. This is the same if moving across the hall or across the country. This is the most common reason people are charged with an FTR.
- ❖ If you are on STATE supervision/ probation/ parole, you MUST apply for an Interstate Compact in order to move.

- ❖ If you are under FEDERAL supervision you can apply to transfer at your Federal supervision office.
- ❖ Research the laws of the state you are moving to; you do not want to end up moving to a location that increases your registration period.

Moving to another state is a greater hassle than moving across town. Because cities, counties, and states have differing laws, the best way to find out what laws are applicable in your area is to contact the Sheriff's office in the county you want to move to. You may have to fill out a "notice of intent to move/reside" form. Another major problem is states register offenders differently. You may live in a state that gives you a "Tier 1/ Low Risk" designation with 10 year registration in one state, while another state gives lifetime registration or may reclassify you a Tier 3/ High Risk" because of the circumstances of your crime. Once you are raised in Tier levels, it is nearly impossible to lower your Tier level. Also, some states do not simply restrict where you live, but restrict who you live with, which is especially important if you are planning on moving to a residence where a minor resides. This applies to any Registrant, not always ones with child victims.

If you move from one state to another and you are set to be removed from the registry in state A, state B may not honor the end of your home state's registration period. I received a call, for example, from a man whose registration period expired in Ohio but moved to Florida and was forced to register in Florida.

If the Registrant is going to be on probation/ parole/ supervised release, an Interstate Compact will be necessary. An Interstate Compact is an agreement between two states to transfer supervision. If you were moving from Florida to California, for example, both states would have to agree to allow a transfer of supervision, but even while living in California, you would be subject to Florida supervision rules. Either state can cancel the agreement; if that happens, you'd be sent back to Florida. The government provides a website specific to Interstate Compacts at <http://www.interstatecompact.org/>

Please note that Interstate Compacts only apply to those on state probation/ parole/ supervised release; federal inmates can simply request a transfer with Federal supervision office. Below is from a website discussing federal transfers (Source: "Road to Reentry: How can I move if I am on federal supervision (like federal probation, federal supervised release, or federal parole)?" Root and Rebound. 2018. Accessed 13 May 2020 at <https://roadmap.rootandrebound.org/parole-probation/federal-community-supervision-federal-probation/transfer-locations-on-federal-probation-federal-su/how-can-i-move-if-i-am-on-federal-supervision-like/>):

*“QUESTION - How can I move if I am on federal supervision (like federal probation, federal supervised release, or federal parole)?*

If you are currently incarcerated and preparing for your release: You may be able to request a transfer to another district. The request must be submitted to your Case Manager with the Bureau of Prisons since you will not yet have a Probation Officer.

If you were formerly incarcerated and already released and living in the community: The process depends on whether you are asking to move to a new residence within the same district OR to a new residence in a different district. Because federal supervision is based on districts, it is not a question of whether you are asking to move across state lines but, instead, whether you are asking to move into a different district. The

Interstate Compact on Adult Offender Supervision (ICAOS) does not apply to federal supervision. In a nutshell, it's easier to move within the same district than to move to a new one. The steps below outline both possibilities:

Possibility #1: If you are moving to a new residence within your current district, it's suggested that you follow these steps:

Improving your chances of having a transfer request approved: Your request is much more likely to be approved if you have a good track record – clean drug tests, always going to your meetings with your Probation Officer, staying out of trouble with law enforcement.

Notify your Probation Officer that you want to change your address, and submit that address and the contact information for anyone else living at that address. You must get permission from your Probation Officer to move within your current U.S. Probation District—even if it is across the street. Your Probation Officer will investigate the new address—so long as it is located in the same U.S. Probation District. As part of that investigation, your Probation Officer will:

- Make sure the new address actually exists;
- Make sure that other people living at the new address are willing and able to have you in their home;
- Run a background check on everyone living at the new address (PLEASE NOTE: Since it is a standard condition for all people on federal supervision to avoid associating with anyone else who has a felony conviction, your request to move/transfer to live with someone who has been convicted of a felony will likely be denied);
- Make sure that everyone at the new address knows about and agrees to the “Search Condition” of your supervision.(1)
- Make sure there are no weapons at the new address.

Possibility #2: If you are moving to a new residence outside of your current U.S. Probation District, it's suggested that you follow these steps:

Before you ask for a formal transfer to a new district—which can be a longer, more challenging process—ask your probation officer for what is called “courtesy supervision” by another district.

This technically keeps your case in the original district, but allows you to live in and travel to the district of your choice. Your probation officer AND the probation officer of the other district have to agree. After doing this, it is much easier to transfer to the courtesy district than to just transfer from one district to another without “courtesy supervision” being set up first.

If ‘courtesy supervision’ is denied or doesn't work out, you can still request a formal transfer. Tell your Probation Officer that you want to change your address, and submit that address and the contact information for anyone else living at that address. You must get permission from your Probation Officer to move to a new address in a different U.S. Probation District.

Your Probation Officer must submit a ‘Transfer Investigation’ to the new district.

The Transfer Investigation generally takes 30 days or longer, since both your current district and the new district must investigate your new proposed address and approve the transfer. As part of the “Transfer Investigation,” a Probation Officer in the receiving District will:

- Make sure the new address actually exists;
- Make sure that other people living at the new address are willing and able to have you in their home;
- Run a background check on everyone living at the new address (PLEASE NOTE: Since it is a standard condition for all people on federal supervision to avoid associating with anyone else who has a felony conviction, your request to move/transfer to live with someone who has been convicted of a felony will likely be denied);
- Make sure that everyone at the new address knows about and agrees to the ‘Search Condition’ of your supervision.
- Make sure there are no weapons at the new address.

The receiving District must approve or deny the transfer after conducting the ‘Transfer Investigation.’ The receiving district can deny your request to transfer/move for any reason. The sending district where you are currently supervised must wait for a response before it can act to transfer your supervision.”

### MOVING: LEGAL ISSUES

Moving to a new state comes with a different set of conditions and burdens for RCs. Federal prisoners are subject to the offense-based classification scheme adopted by the federal Adam Walsh Act (AWA), passed in 2006. This means you are given a Tier or Level that corresponds to the number of years you will have to register; Tier 1 SOs register for 15 years, Tier 2 SOs register for 25 years, and Tier 3s register for life. However, how you will be classified by the state of your residence may vary, EVEN IN AN AWA STATE! About a dozen states have lifetime reporting requirements (some of those states still have a “Tier system”, but the Tiers may only affect frequency of reporting and community notification instead of duration of registration). Arkansas has a Four-Tier system in place, while many states have a Three-Tiered system. Some states only have two levels, those classified as high risk (SVPs/ Recidivists) and regular offenders.

The main difference between an AWA compliant state and one that is not compliant is how SOs are classified assuming a Tier system even exists. Many non-AWA states utilize a risk-based classification scheme. This means you would undergo a barrage of psychological tests and actuarial tests like the Static-99 to determine under which Tier you’ll be forced to register. Under the AWA, Tier systems are based upon your official charges; any Registrant with a hands-on offense. Below is the suggested Tier system breakdown adopted by the AWA:

Tier I Offenses — Convictions that have an element involving a sexual act or sexual contact with another, that are not included in either Tier II or Tier III, including: False Imprisonment of a Minor; Video Voyeurism of a Minor; Possession or Receipt of CP; The following Federal Offenses: Video Voyeurism of a Minor, 18 USC Receipt or Possession of CP, Receipt or Possession of CP, Misleading Domain Name, Misleading Words or Digital Images, Coercion to Engage in Prostitution, Travel with the Intent to

Engage in Illicit Conduct Engaging in Illicit Conduct in Foreign Places; Arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain); Filing Factual Statement about Alien Individual, Transmitting Information about a Minor to further Criminal Sexual Conduct; Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 USC §951 note)

Tier II Offenses — Convictions that involve: A person previously convicted of a Tier I offense whose current sex offense conviction is punishable by more than one year imprisonment: The use of minors in prostitution (to include solicitations); Enticing a minor to engage in criminal sexual activity; A non-forcible Sexual Act with a minor 16 or 17 years old; Sexual contact with a minor 13 or older; The use of a minor in a sexual performance; The production or distribution of child pornography; The following Federal Offenses: Sex Trafficking by Force, Fraud, or Coercion; arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain; Abusive Sexual Contact, Victim 13 or Older; Sexual Exploitation of Children; Selling or Buying of Children; Sale or Distribution of CP; Sale or Distribution of Child Pornography; Producing CP for Import; Transportation for Prostitution; Coercing a Minor to Engage in Prostitution, Transporting a Minor to Engage in Illicit Conduct; Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 USC §951 note)

Tier III Offenses — Convictions that involve: A person previously convicted of a Tier II offense whose current sex offense conviction is punishable by more than one year imprisonment; Non-parental kidnapping of a minor; Sexual contact with a minor under 13; The following Federal Offenses: Aggravated Sexual Abuse; Sexual Abuse; Sexual Abuse of a Minor or Ward; Abusive Sexual Contact, victim under 13; Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 USC §951 note)

Currently, 18 states, 4 US Territories, and 133 Indian tribes have “substantially implemented SORNA”, the registry section of the AWA. Because the AWA is not a universal standard, AWA states can have requirements more stringent than those suggested by the AWA. (For example, Alabama and Florida require lifetime registration for all registrants yet are still substantially AWA compliant.)

This system is very complicated and can cause major problems when moving from state to state. One common problem with moving state-to-state is that registry status often defies the law of gravity, meaning your status can go up but rarely comes down. For example, a Tier 1 Registrant no longer required to register in OH because he timed out moved to FL, where everyone registers for life, and now the OH Registrant is a lifetime FL Registrant and will be on the FL list even after he dies. A second caller moved from WI, who labeled him a Tier 1, moved to a state that classified him a Tier 3, and when returning to WI, was classified a Tier 3. Some states keep you on their registries even if you don't live in that state. Many, but not all, states try to pigeonhole out-of-state RCs into a corresponding Tier, but it may cause a person to be improperly labeled as a “predator.”

The most common misperception that has led to numerous criminal charges for FTR is the assumption that an RC moving from one state to another only has to notify one state of the move. An RC moving from OH to FL has to notify BOTH states within the timeframe the state gives; for OH that's within 72

hours of a move, and for FL, within 48 hours of the move. Another problem moving to a new state is that states that may not have statewide residency or presence restrictions may allow counties and municipalities to adopt such laws. In states with residency laws, not all states contain provisions within the law that allows Registrants to keep their homes/ apartments if they resided in the property before a prohibited place moves close to them. (This is often called a “grandfather clause”.-) Even if you no are longer required to register in one state due to timing out or obtaining relief from registration requirements (via pardon or relief by court order), some states may still force you to register.

If you have been removed from the registry in one state but are forced to register in another state, it is possible to be removed from the registry via court order if you are willing to fight registration. A couple of recent cases, one in North Carolina, the other in Florida, give hope for removal from the registry upon moving to a new state under specific circumstances:

- Meredith v Stein, No. 5:17-CV-528-BO (E.D. NC, 7 Nov 2018): Ruled the state’s process for adding people to the NC registry who had been convicted out of state deprived Plaintiff of a cognizable liberty interest and the procedures protecting that interest were constitutionally inadequate. The Plaintiff moved from Washington State; NC officials initially told him he would not have to register, but forced him to register anyways upon arrival.
- In the May 10, 2017 edition of The Islander (A weekly newspaper in Holmes Beach FL), it was reported that the 12th Circuit State Attorney Office had dropped a case against a man accused of FTR because his crime predated the registry in Indiana, where the man had been convicted. The defense provided the state with a 2011 court order from Indiana, which “specifically states that the defendant is not required to register because his conviction predated the registry.”

### MOVING TO A NATIVE AMERICAN TRIBE

Moving to Native American Nations or “Indian Tribes” can pose unique problems. A provision in the AWA requires Indigenous Tribes to adopt SORNA regulations under penalty of losing their tribal sovereignty in criminal justice matters. By 2006, of the 566 federally recognized tribes, only 212 were considered eligible to decide to adopt the Adam Walsh Act by the SMART Office on their own (i.e., tribes whose criminal justice agencies are not being delegated to the state per 18 USC §1162). Of the 212 tribes, 198 chose to retain registry functions, 5 chose to delegate registration power to the state, and 9 did not file a resolution. In addition, as being quasi-sovereign nations within US borders, Tribes retain the right to exclude Registered Persons from their lands altogether. (See United States v. Nichols, 2014 U.S. Dist. LEXIS 118129 (D. S.D. Aug. 20, 2014) (tribes have the inherent power to exclude outsiders from their territory).

As noted by the SMART Office (Sex Offender Registration and Notification In the United States Current Case Law and Issues — March 2019: Sex Offender Registration and Notification in Indian Country), registration in Tribes can be confusing:

“Further complications may develop when an offender lives on tribal land but was convicted of a state or federal offense. One question that arises is whether an offender who exclusively lives, works and attends school on tribal land can be compelled to register with the state within which that tribal land is located. If

the offender cannot be compelled to register with the state, it falls to the tribe to register the offender, if the tribe has opted-in to SORNA's provisions and is operating as a registration and notification jurisdiction under its terms. For example, in Washington State, an offender could not be convicted of failure to register in state court when the trial court excluded evidence that he had registered with the Chehalis Tribe. In New Mexico, the state cannot impose a duty to register on enrolled tribal members living on tribal lands who have been convicted of federal sex offenses. In neighboring Arizona, persons living in Indian Country are required to keep their registration current with both the state and the tribe. In Arizona, however, a tribal member residing on tribal land could not be prosecuted under state law for failure to register unless that tribe's registration responsibilities had been delegated to the state via SORNA's delegation procedure."

### MOVING OUT OF THE USA

SCOTUS determined in *Nichols v US*, 136 S. Ct. 1113 (2016) that International Megan's Law requires Registrants to notify the state in which they're residing when planning to move overseas, covering what the government perceived as a language "loophole" in the AWA. This means that you must register before moving out of the USA. Once outside America, there is no evidence that verifies some claims that a Registered Person would have to register at the US Embassy if living abroad.

### CHAPTER 3: FINDING A JOB

The second most common reason someone may contact OnceFallen concerns job prospects. What kind of jobs can a Registered Person obtain? As a Registered Person, you will struggle with more restrictions than people convicted of other crimes. You'll face many of the same barriers to employment as anyone with a criminal record, such as not getting certain business licenses required for trades and you'll face more scrutiny as Registrants are viewed as risky hires and likely banned from more jobs than other crime types.

Paradoxically, Registered Persons are often relegated to dead end jobs or welfare despite being less likely to repeat their offenses and more likely to have a higher education level than other people convicted of non-sexual offenses.

In my opinion, many employment agencies are poorly educated on the topic of hiring Registered Persons and have liability concerns. Walmart used to hire Registered Persons but after they were sued following an indecent exposure incident from a employee on the list, they no longer hire Registered Persons.

There were not a lot of statistics on Registered Person employment, although I have found a few localized examples from various media outlets that stated unemployment rates for Registrants between 20% and 80%. In 2016, OnceFallen released the results of a survey it conducted of 307 Registrants. The results were compared to similar labor stats compiled by various government agencies. Below are the main results (here, GP stands for General Population of Americans while RP stands for Registered Citizens):

These are the top 10 job types for Registered Persons, according to the survey (Including number of respondents and percentage):

1. Unskilled Manual Labor (Day labor, janitorial, basic labor), 88 (18.03%)
2. Skilled Labor/ Trades (plumbing, home repairs, mechanics, maintenance), 70 (14.34%)
3. Retail/ Sales jobs (realtors, cashiers, grocery clerks, telemarketing), 50 (10.25%)
4. Manufacturing (assembly line/ factory work, warehousing), 50 (10.25%)
5. Restaurant Jobs (cook, server), 40 (8.2%)
6. Internet and Tech jobs (IT, computer repairs, web design), 32 (6.56%)
7. Construction, 30 (6.15%)
8. Customer Service (call/ help centers, store agents), 24 (4.92%)
9. Administration/ Clerical/ Office Jobs, 21 (4.3%)
10. Transportation jobs (bus driver, deliveries, truck drivers), 19 (3.89%)

The categories in this survey least represented by Registered Persons are as follows:

1. Communication jobs (cable, TV, phone techs), 3 (0.61%)
2. Scientific field (biotech, botany, zoology, etc.), 2 (0.41%)
3. Security/ Loss Prevention (home/ business private security, quality control), 2 (0.41%)
4. Education/ Teaching jobs, 1 (0.2%)
5. Insurance, 0 (0%)

*Unemployment:* Registrants were far more likely to report unemployment than the general population (21.31% RCs vs 5.9% GP); Registrants were far less likely to report being employed full-time than the general population (30.82% RCs vs 45.3% GP).

*Poverty:* Registrants were far more likely to live in poverty compared to the general population (31.44% RCs vs 14.8% GP). Over half of Registrants with jobs (52.42%) reported making less than \$30,000 last year. By comparison, only 11% of respondents with jobs were earning more than \$50k/yr., a rate close to the average American wage earner in 2015. Thus, Registered Persons are only about one-fourth as likely to make the wages of the average American worker.

*Workplace:* Registrants are more likely to be “contingent” workers (i.e., self-employed or contract laborers) than the general population (42% RCs vs 30% GP).

*Job Discrimination:* Registrants are more likely to lose their jobs than the general population (56.04% RCs vs 32% GP after 1 year; 83.52% RCs vs. 69% GP after 5 years); 82.51% of Registrant job seekers report being denied work due to registry status; 57.94% of Registrants have lost a job directly as a result of registry status; and Registrants are nearly twice as likely as the average American to experience workplace harassment (50.49% RCs vs 27% GP).

*Job Search:* Registrants were roughly twice as likely to be long-term unemployed (unemployed for more than 6 months) than the general population (51.14% RCs vs 26.9% GP); while the average American finds employment in 2.5 months, only about a fourth of Registrants (26.03%) found employment within three months.

In short, this means most Registered Persons that are employed are either self-employed, working for friends and family, or working in jobs that are often associated with low wages and high stress—manual labor/ unskilled labor, skilled labor/ trades, sales, manufacturing, and restaurant jobs being most common. This makes for a bleak job picture for Registrants.

In my own personal journey, it took seven months just to get hired at a grocery chain earning \$6/hour, despite graduating cum laude with a Bachelor’s in Justice Studies. I worked this job for 18 months before being fired after my former boss transferred and the new boss did not like Registered Persons. I found new employment two months later at a rival grocery chain for \$8/ hr, but was fired after the regional manager found out my immediate boss withheld my registry status from the company without my knowledge. I have not been employed since 2006, but have volunteered on occasion and performed the occasional odd job to earn money to supplement the meager earnings provided by disability.

Perhaps the most disheartening part of my job search was getting an interview from a very nice manager at a Target store who really wanted to hire me (she said it’s a long shot but she will try anyways), even sending me to a facility I had to walk 3 miles to get to in order to conduct the pre-employment screening, only for Target’s corporate headquarters to send me a letter stating bluntly the corporation has a policy against hiring Registered Persons.

My full 2016 Jobs and Welfare Survey results and link to my published report can be found online at:

<http://www.oncefallen.com/jobsurvey2016.html>

### HOW THE LAW IMPACTS THE JOB SEARCH

While you will likely have to register where you work, as of February 2016, 29 states do not list employer information publicly; Pennsylvania and West Virginia lists employer city, county and zip code; Alabama lists employer city and occupation; Hawaii and Nevada lists employer street name and zip code; Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New York, Ohio, South Carolina, and Tennessee publicly disclose the employer's address; finally, Alaska, Delaware, Indiana, Maine, New Mexico, and Virginia list employer name and address.

Those living in states listing employer information publicly are far more likely to live in a rural area or small town (39.02% of those living in states listing employer versus 20.9% in states that do not list employer info publicly) and far more likely to be unemployed/ disabled/ retired or otherwise not in the labor force (52.85% of those living in states listing employer versus 34.64% in states that do not list employer info publicly)

Those living in states NOT listing employer information publicly are more likely to have full-time employment (35.75% of those living in states not listing employer versus 26.83% in states listing employer info publicly) and more likely to have experienced homelessness (27.68% of those living in states not listing employer versus 22.31% in states listing employer info publicly).

Further exacerbating the problem are states that place employment restriction laws, specifically laws that state Registered Persons may not work within a certain distance to a prohibited area. Alabama and Georgia have such statutes in place, and the prohibition is broadly applied. In 2016, an Athens, AL volunteer fireman was arrested for accepting service calls within 2000 feet of a school. It is no surprise that a count of Alabama's public registry found that of the 6101 publicly listed Registrants not currently incarcerated, only 2620 (42.9% have jobs, while the remaining 3453 (57.1%) were unemployed. Of those, quite a few were listed as "handyman" or some other general labor terms, meaning a person not regularly employed.

Numerous laws have passed in recent years banning Registrants from working certain jobs such as carnival operator, delivery driver, or in-home service worker. However, due to the stigma of the registry, many employers are reluctant to hire Registrants even if their work does not involve women and/or children if for no other reason than liability insurance or the possibility of being listed on the public registry.

### "BAN THE BOX" AND JOB INTERVIEWS

According to the National Employment Law Project (nelp.org), as of 2019, "a total of 35 states have adopted statewide (ban the box) laws or policies—Arizona (2017), California (2017, 2013, 2010), Colorado (2012), Connecticut (2016, 2010), Delaware (2014), Georgia (2015), Hawaii (1998), Illinois (2014, 2013), Indiana (2017), Kansas (2018), Kentucky (2017), Louisiana (2016), Maine (2019),

Maryland (2013), Massachusetts (2010), Michigan (2018), Minnesota (2013, 2009), Missouri (2016), Nebraska (2014), Nevada (2017), New Jersey (2014), New Mexico (2010, 2019), New York (2015), North Dakota (2019), Ohio (2015), Oklahoma (2016), Oregon (2015), Pennsylvania (2017), Rhode Island (2013), Tennessee (2016), Utah (2017), Vermont (2016, 2015), Virginia (2015), Washington (2018), and Wisconsin (2016).

Thirteen states—California, Colorado, Connecticut, Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington—have also mandated the removal of conviction history questions from job applications for private employers, a crucial step toward ensuring that people with records have a fair chance at employment in the majority of jobs.

In addition to these thirteen states with private-sector laws, the District of Columbia and 31 cities and counties now extend their fair-chance hiring policies to government contractors. Eighteen of those localities—Austin, Baltimore, Buffalo, Chicago, Columbia (MO), the District of Columbia, Kansas City (MO), Los Angeles, Montgomery County (MD), New York City, Philadelphia, Portland (OR), Prince George’s County (MD), Rochester, San Francisco, Seattle, and Spokane (WA), and Westchester County (NY)—extend their local fair-chance hiring laws to private employers within their jurisdictions.”

You can obtain more detailed info about the Ban the Box laws at NELP at <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>

Of course, potential employers can still conduct background checks and ask about criminal status during job interviews. The advice I was taught long ago is still relevant advice for today. First, honesty is always the best policy. If there is a box, I check it and state I’ll explain during the interview. At least then I’d get my foot in the door. During the interview, you can explain why you were arrested but emphasize that you are out now and are working hard to become a productive member of society. If you show you are a human who has a strong desire to work hard, then you’ll be seen as such. This is when semantics plays a role. Don’t call yourself a “sex offender,” and don’t make excuses about your arrest, as that will only anger the interviewer. You should be focused on the present, not the past.

### GENERAL EMPLOYMENT RESOURCES FOR EXFELONS

Many larger cities and some states may have programs that help find jobs for former offenders, but not every program will work with all (or any) Registrants. Check with local charities that provide assistance to the poor and homeless including local food banks and some churches. The local employment office may have leads or know any local charities that may assist you. Even registration offices may know of a couple of employers who are hiring. Below are some other useful programs for you:

- ❖ Federal Bonding Program: covers employee dishonesty, like theft of property or money, for the first six months of hiring with a federal bond starting at \$5,000
  - [bonds4jobs.com/assets/brochure.pdf](https://bonds4jobs.com/assets/brochure.pdf)
  - [bonds4jobs.com/our-services/get-yourbond-today](https://bonds4jobs.com/our-services/get-yourbond-today)
- ❖ 70 Million Jobs criminal background friendly job listing Site -- [70millionjobs.com](https://70millionjobs.com)

- ❖ National Hire Network provides job-related and legal information and resources for formerly incarcerated people -- [hirenetwork.org](http://hirenetwork.org)
- ❖ Volunteers of America: provides Registrant friendly reentry services -- [voa.org](http://voa.org)

## CHAPTER 4: WELFARE ASSISTANCE

According to my 2016 Jobs and Welfare Survey, only 13.13% of Registrants have remained fully self-sufficient or not accepting any form of assistance since being forced to register. Registered Persons are more likely than the general population to rely on food stamps (26.27% RCs vs 18% gen), SSI/ Disability (8.07% RCs vs 4.8% GP), and financial assistance from family and friends (28.89% RCs vs 12% GP). Tier 3s were most likely to report being unemployed/ not in the labor force, being denied a job, and being on welfare at some point, but least likely to report being homeless, having a full time job, living in poverty, and being harassed on the job. Ultimately, this means you have roughly a 7 out of 8 chance of being reliant on some form of welfare assistance during your time on the registry.

At this time, Registered Persons still qualify for SNAP (food stamps), Medicaid/ Medicare, TANF, the Heating and Energy Assistance Program (HEAP), and local-level assistance offered by various community agencies. I've discussed programs below that have faced some attempts to limit government assistance given to Registered Persons.

*FOOD STAMPS:* In recent years, there has been confusion over whether or not people convicted of sex crimes can receive SNAP Benefits (food stamps). There have been two attempts (in 2014 and 2018) to ban Registered Persons from the SNAP Program, but both efforts failed. Under 7 USC 2015(r), "Disqualification for Certain Convicted Felons", some sex offenses are disqualifying offenses only if "the individual is not in compliance with the terms of the sentence of the individual or the restrictions under subsection (k)". In other words, you qualify for SNAP unless you are a "fleeing felon" or are violating probation/ parole. (If you fail to register, you are considered a "fleeing felon" since FTR is a felony in most states; if you cross state lines, FTR becomes a federal offense.)

*MEDICAID:* Only Arkansas bans Registrants from the state Medicaid program. (See AR Code 167; 12-12-927 (2018))

*SECTION 8 HOUSING:* HUD regulations at 24 CFR 5.856, 960.204(a)(4), and 982.553(a)(2) prohibit admission after June 25, 2001, if any member of a household is subject to a State lifetime sex offense registration requirement. This regulation reflects a statutory prohibition. In addition, states are given the option to banish even non-lifetime Registrants from public housing, and oftentimes, they do. If an O/A or PHA erroneously admitted a lifetime Registrant, the O/A or PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA or O/A must terminate assistance for the household.

A lengthy discussion of HUD regulations can be found at:

<https://www.hud.gov/sites/documents/12-28PIHN12-11HSGN.PDF>

*FEDERAL HOUSING LOAN PROGRAMS (FHA, USDA, and VA Home Loans):* There are currently NO RESTRICTIONS based on any criminal background checks, even for sex crimes. There was a failed attempt in 2010 to remove Registered Persons from FHA Loans (H.R.5072 - FHA Reform Act of 2010, 111<sup>th</sup> Congress, 2009-2010, sponsored by Rep. Maxine Waters, D-CA-35). While this bill ultimately

failed to be enrolled, it had passed the House of Representatives by a vote of 406-4. We must be vigilant to watch future bills in case this provision is added to future bills.

*UNEMPLOYMENT COMPENSATION:* There are currently NO RESTRICTIONS based upon a sex offense record. There was a failed attempt in 2010 to restrict Registered Persons from Unemployment Compensation (HR5618 - Restoration of Emergency Unemployment Compensation Act of 2010, 111th Congress, 2009-2010, sponsored by Jim McDermott, D-MA-7); it passed the House of Representatives by a vote of 270-152, mostly across party lines (Democrats largely voted “Yes” while Republicans largely voted “No”). This means that Unemployment Compensation could be targeted in the future, so we must remain vigilant.

*SMALL BUSINESS LOANS:* Registered Persons with crimes against minors and certain pornography offenses are banned from receiving Federal Small Business Loans thanks to the passage of H.R.5297, the Small Business Jobs Act of 2010, 111th Congress (2009-2010), sponsored Rep. Barney Frank [D-MA-4]. It amended 12 U.S. Code, Sec. 5710, Oversight and audits, to add subsection (b)(2) which reads, “With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after September 27, 2010, shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 20911 of title 34).” Under subsection (c), “None of the funds made available under this chapter may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.”

*SOCIAL SECURITY:* Currently NO RESTRICTIONS have passed on receiving any Social Security funds based upon registry status, nor have there been any serious legislative assaults on receiving benefits. So long as you are not currently incarcerated, you should qualify for benefits.

I must note, however, that there have been some misleading claims about registration status being a qualifying disability. The SSA defines a disability as, “You are entitled to receive Social Security disability (SSDI) or Supplemental Security Income (SSI) benefits when you are no longer able to perform a ‘substantial’ amount of work as the result of a physical or mental impairment that is expected to last at least 12 months, or possibly result in death.” “Substantial gainful activity” is usually defined as work that brings in over a certain dollar amount per month; In 2019, that amount is \$1,220 for non-blind disabled SSDI or SSI applicants, and \$2,040 for blind SSDI applicants (the SGA limit doesn’t apply to blind SSI applicants). You can find a more detailed discussion about disability requirements at <https://www.disabilitysecrets.com/sga.html>

Obviously, sex offense laws present substantial barriers to employment. This does not mean, however, that you can just walk in the door, claim your registry status alone prevents you from working, and expect a check. However, it can be a mitigating circumstance if you lack a medical history. You might need to consult (and hire) one of the various attorneys that specialize in disability claims. Disability lawyers are extremely easy to find.

My personal story is anecdotal here, but I am on SSDI and SSI, and my registry status did play into the discussion about my disability. However, I also had a mental health history going back to my childhood. The disability case manager, however, did note that in his opinion, status as a Registered Person does meet the legal definition of a disability due to the restrictions we face, so registry status could be argued (in theory) as a disability when told to the right person.

In addition, many local charities do not discriminate when offering food, clothing, or other common assistance programs not related to shelter. However, emergency shelters run by non-government programs may be barred from accepting Registrants due to residency restriction laws. The largest and most common charities where you can start looking for any welfare assistance are the United Way, Catholic Charities, and St. Vincent DePaul. Some Registered Persons have reported problems with Salvation Army, the Red Cross, and Goodwill, but may find assistance from smaller programs. Many large cities may also have food banks, homeless coalitions, faith-based initiatives, or even ex-felon job programs, so they may have some useful information.

## CHAPTER 5: DEALING WITH ADDRESS VERIFICATION/ COMPLIANCE CHECKS

I have experienced a few address checks by local law enforcement officers. Sometimes, a process server (the guy who also gives out jury duty and court summons notices) would stop by my apartment and require me to sign a copy of my registry flier as proof I was at my residence. I did not like this humiliating act but the local agent tried to be as inconspicuous as possible.

In 2013, at 7pm in the evening, as I'm settling into eat dinner, a US Marshal pounded on my door demanding to see my bedroom to verify my address. I refused, and he could only leave in disgust. I tried to sue on the argument the US Marshals do not actually have the authority to conduct compliance checks, but the court determined since I upheld my right to refuse entry, they would not scrutinize the practice any further.

### DEALING WITH "UNCLE LEO"

Nearly every Registrant will endure a compliance check at some point in their lives, even if you aren't on supervision. Based on a 2016 survey of 195 Registered Persons conducted by OnceFallen.com, over half of respondents had experienced a compliance check within three months prior to taking the survey, with just over a fourth were subject to a compliance check within a month prior to taking the survey. Nearly three out of five respondents have endured multiple compliance checks within the past year, and three out of five respondents have endured at least 10 compliance checks during their registration period. Only a fourth was on supervision/ parole/ probation. If the agent at your door is a federal agent (like a US Marshal), you are more likely to encounter rude and threatening behavior.

If you are curious to read the full report, it can be found at:

<http://www.oncefallen.com/policechecksurvey2016.html>

If you are "On Paper," you cannot refuse searches. If you are NOT on probation/ parole, you have the same rights as any other citizen and thus maintain your right to refuse them entry. (Telling them "come back with a warrant is satisfying; of course, it also meant a trip to the registry office to show a postmarked letter as verification.) Below are a few tips posted on a forum that you should keep in mind if the Police comes to YOUR door:

- *Don't answer the door:* Some have suggested not even answering the door in the first place if you are not "On Paper." This may be the best way of avoiding potential problems with LEOs.
- *DO NOT sign anything, ever, at your door!* No matter how "innocent" it seems. Politely refuse, unless you can speak to your lawyer first. (NOTE: If you do not have an attorney, be sure to read anything you sign if you feel compelled to do so. Standing up to a cop is scary, indeed, but they know you have to give up your rights willingly in order for them to proceed)
- *DO NOT answer any questions beyond confirming your identity, and required registration info.* Anything else could be used (or twisted) to incriminate you.
- *DO invoke the 5th amendment if necessary.* But be prepared to be peppered with more questions (What are you hiding? Eh?), and reply only that you want your lawyer present first.

- *DO NOT let anyone into your home without a warrant, unless you are still "On Paper" (i.e., probation/ parole) and it is required.* "Uncle LEO" has no right whatsoever to enter a person's home without a warrant, UNLESS you give them permission to enter. Don't fall for the old "can we come inside to confirm you live there" trick. Once inside they are looking for any reason to lock you up. Depending on the state, having toys or other items they consider "paraphernalia" may subject you to arrest or investigation.
- *DO NOT leave your home while LE is still at your door.* You have strong protections in your home, but practically none once you are out on the street.
- *Get a recording device:* If you have easy access to a camera (cell phone in pocket), take a picture of the group on your porch, or better yet record the whole thing. Many cell phones have a "record" feature for you to talk into. Turn it on and keep it aimed at everyone speaking. The last one is highly important, in my opinion. HOWEVER, it may be illegal depending on the circumstances and where you live. According to a 2012 guide by The Reporters Committee for Freedom of the Press (found at <https://www.rcfp.org/wp-content/uploads/imported/RECORDING.pdf>), the following states require BOTH parties to consent to the recording of conversations: CA, CT, FL, IL, MA, MD, MI, MT, NH, NV, PA, and WA

Something to keep in mind: The US Marshals were granted jurisdiction in "investigating and apprehending" Failure to Register violators who cross state lines. The US Marshals technically DO NOT have the authority to handle compliance checks. They simply tag along. The local authorities are the main individuals in charge. That's who they're able to get involved by exploiting a legal loophole in the law.

### DEALING WITH CHILD PROTECTIVE SERVICES (CPS)

If you are dating someone with children, you have kids of your own and have a vindictive neighbor, or someone from your past who has a kid finds out you are on the registry and wants you investigated, a CPS agent may show up unannounced at your doorstep someday.

A CPS agent is a government agent (i.e, an "officer of the court"), which means they have investigation and decision-making powers but are limited by the Constitution just like a cop. CPS does have the obligation to investigate all complaints of child abuse and neglect no matter how frivolous, and they can make your life miserable. However, they don't have full police capabilities. CPS agents aren't cops, and have no direct power of arrest; they must call a cop to have you arrested or a court order to have your children removed. Still, being investigated is stressful and they can have your children removed from your house or even get you arrested under the right circumstances. Worse, since they aren't traditional LEOs, they have less investigative training and more prone to mistakes or personal biases.

Dealing with a CPS agent is similar to dealing with a police officer at your door, so remember these important tips:

- *DO NOT LET THEM IN THE HOUSE WITHOUT A WARRANT:* Even if a police officer is present, they can only enter your home if you consent, if they have a warrant OR if they hear an emergency situation going on ("exigent circumstances"). Do NOT consent to let them into your home even if you feel you have nothing to hide. And even if you do consent, you can force them to leave at any time. No Court Order, no entry, simple as that.

- *ASK QUESTIONS (AND RECORD THE ANSWERS)*: It is suggested you buy a recording device and let them know they are being recorded if your state allows recording of government agents. (As noted above, some states require the consent of both parties involved in the conversation.) Under federal law, CPS agents are obligated to tell you the exact nature of the allegations against you. Ask questions like – “Can I see your ID? What is the name and phone number of your supervisor? What are the exact allegations that have been made against me? Do you have a warrant to search my home or speak to my children?” Document everything about your interactions with these agents.
- *BE POLITE BUT DON'T ANSWER QUESTIONS WITHOUT REPRESENTATION*: Your words can easily be twisted around. Don't speak to them without a lawyer or representative. Say nothing to them. The word NO is a complete answer. The more you speak, the more evidence you give them. But be polite in rejecting them, as anger can be used against you. Even if you are poor, you can get help from legal aid.

### YOUR PRIVACY RIGHTS WHEN LIVING WITH OTHERS

If you live with family or a roommate, your privacy rights are different and you must be aware of it. Others living in the same residence can give police the authority to search the house if you are not at home to refuse. In these cases, the police should only be allowed to search areas that can be accessed by the person granting permission (i.e., common areas like a living room or bathroom). If this live-in person is sharing your bedroom, the bedroom can be searched with permission. Thus, there are a couple of extra steps you should take to uphold your privacy rights while living with others:

1. *Make an agreement with others*: Sit down with those living with you to deny all police entry without a warrant. You can buy a sign, doormat, or print a poster to place beside the door that says “Come Back With a Warrant” and the roommate can just point to that if they're afraid of saying the wrong thing.
2. *Keep private areas locked*: If you are not sharing a bedroom with the person living with you, lock that door when not in use. If you are sharing a bedroom, then store items you do not want searched in a storage unit (like a lock box) that cannot be opened by anyone but you.

## CHAPTER 6: TRAVELING AS A REGISTRANT

If you plan on traveling after your release, it is imperative you understand the complexities of traveling as a Registered Person. Obviously, those “On Paper” have to get prior authorization from their POs before engaging in travel. If you’re not “On Paper,” then you are free to travel but you may have to give your registration office an itinerary. Depending on the length of travel, you may have to register at your destination. International travel generally requires a 21-day advance notice.

### INTERSTATE TRAVEL

One question I get a lot is what happens when a Registered Person merely travels to another state to visit family or to just take a vacation. There honestly is not an easy answer. Part of the problem is many states do not have specific laws that address rules for travel. Thankfully, one researcher published a study that helps answer this question.

(Reference: Rolfe, Shawn. “When a Sex Offender Comes to Visit: A National Assessment of Travel Restrictions.” *Criminal Justice Policy Review*. Nov. 2017.

[https://www.researchgate.net/publication/321062728\\_When\\_a\\_Sex\\_Offender\\_Comes\\_to\\_Visit\\_A\\_National\\_Assessment\\_of\\_Travel\\_Restrictions](https://www.researchgate.net/publication/321062728_When_a_Sex_Offender_Comes_to_Visit_A_National_Assessment_of_Travel_Restrictions))

Here are the key findings of this report:

30 states place “visiting” Registrants’ information on their state’s SOR website. Of those 30 states, 22 states (AR, CA, CT, FL, GA, ID, IN, KY, MD, MA, MS, MO, MT, NC, SC, SD, TX, UT, VT, VA, WI, WY) never remove the Registrant’s information once they have left the state and returned to their permanent place of residence. For these states that do remove non-resident Registrants from their public sex offense registry, the process for removing a non-resident Registrant from their registry appeared to be complex and further time-consuming. For instance, the Registrant had to either complete a checking-out process with the registration office in which they originally registered at when they arrived in the state, or the Registrant must have their resident state send confirmation to the state in which the Registrant visited that they have returned to their place of permanent residence. Currently, 22 states never remove non-resident Registrants from their public registry; MO did state that Registrants were removed from the registry, but removal occurs 1 year after the Registrant had left their state.

46 states do require nonresident Registered Persons to register with their state. RI suggested that Registrants who want to visit their state should first contact the state’s SORN office to determine whether or not they had to register. Three states (NY, OR, PA) did not require Registrants who were visiting their state to register. Despite there not being a requirement, each state’s SORN office highly recommended that nonresident Registrants contact the registration office closest to where the Registrant will be staying. AL requires their resident Registrants to submit a travel permission form (requiring approval) at least 3 business days prior to wanting to travel outside of the state.

29 states (AL, AR, CA, CO\*, FL, HI, IL, IA, KY, ME\*, MI, MS, MO, MT, NE, NJ\*, NM, NC, ND, OH, OK, SC, TN, TX\* UT, VA, WA, WI\*, WY) indicated that residence restriction laws, where applicable, would need to be followed, too. (States marked with an asterisk did not have a statewide mandate, but nonresident Registrants are still required to follow any local residence restriction ordinances, when applicable.) Six states (HI, NM, ND, TX, UT, WA) have residence restriction laws only for Registrants currently on probation or parole that also applied to non-resident Registrants. There was one state (SC), however, that mandates that any Registrant who is required to abide by a residence restriction law in their resident state must adhere to those same guidelines when visiting SC. For example, if a Registrant who lives in OH cannot reside within 1,000 feet from schools and daycare centers, then they cannot stay in a location that would violate this policy.

While all but three states (NY, OR, PA) require nonresident Registrants to register with the state they are visiting, the maximum number of days allotted in which nonresident Registrants can be in the state before having to register varies by state. Depending on the state, such allotments can range from 2 days (NV) to 30 days (AK). Alaska's SORN Office did, however, state that nonresident Registrants were still required to submit a "visitor's form" to them prior to entering the state. If the Registrant is going to be in Alaska longer than 30 days, then they are required to register in-person at one of the state's designated SOR offices.

The number of days allotted for nonresident Registrants to register in another state is not universal; states also have varying definitions on what constitutes as "days." Some states define "days" as consecutive, which means the Registrants' allotted number of days starts once they have entered the state, regardless of whether it is a business day or not. Some states such as AK, CT, DE, IA, NE, and WY require Registrants to register within so many business days after arriving in their state. If the Registrant arrives in the state during the weekend or on a holiday, the number of days allotted for the Registrant does not start until the first available business day, and is also consecutive.

15 states also include stipulations for a specified number of aggregate days in a calendar year; when a Registrant travels in and out of one of these states, they are required to register with that state once the total number of days permitted in a calendar year has been exhausted. The number of aggregate days allotted can range from one state to the next.

The location of where nonresidents are required to register when visiting a state also varies. For the states that require nonresidents to register, one of four law enforcement agencies were used for the purpose of registration: State Police, Sheriff Departments, Department of Corrections, and Local Police Departments. Most states rely on their Sheriff Departments to carry out this task, and in these states that require a visit to the Sheriff's Department to register, there are usually numerous registration facilities at which nonresident Registrants can register. For other states with different registration locations, however, location options are more limited. In Connecticut, nonresident RSOs are required to register at CT's State Police Headquarters, located in Hartford. Regardless of where a Registrant plans to stay in CT, the nonresident SO must travel to Hartford within 5 business days of entering the state to register.

Every state had a minimum set of guidelines and requirements for registering nonresident RCs: valid identification, criminal background check, SOR forms, picture taken, fingerprinting, and the physical address of where the Registrant will be staying. Some states required nonresident Registrants to submit their DNA. And depending on the state, the cost associated with collecting the Registrant's DNA was at the Registrant's own expense. Additionally, some states (n = 12) required Registrants to pay a registration fee. These fees ranged from as low as \$10 (Alabama) to as high as \$100 (Illinois). Anecdotally, the author also learned that the registration process for nonresident Registrants could take, on average, an hour or two longer.

Most states relied on the same language or law used to register SOs who moved into their state and became a permanent resident for registering nonresidents. For example, Delaware explicitly states that all Registrants are to be designated as a "move-in" offender, regardless of the RC's purpose or how long they intend to be in the state. While most states followed a similar course, a few states did in fact have a statute specifically addressing Registrants visiting their state. It should be noted that many of them were not easily interpretable, especially for the layperson.

### INTERNATIONAL TRAVEL

International travel has been made complicated by "International Megan's Law" (IML). Despite the name, IML is strictly an American law. IML requires Registrants to give registry offices 21 days advance notice before engaging in International Travel. The local registration office (in theory) forwards this information to the feds, the feds forward it to Interpol; Interpol forwards this info to the country where you plan on traveling. Furthermore, IML requires any Registrant with any case involving a minor (anyone under age 18) to have the following stamped on their passport: "The bearer was convicted of a sex offense against a minor, and is a covered sex offender pursuant to 22 United States Code Section 212b(c)(1)." (Applicants who have questions for AWC regarding their status or believe they have been wrongly identified as a "covered sex offender" as defined in Title 22 United States Code 212b(c)(1) should contact AWC at [DHSintermeganslaw@ice.dhs.gov](mailto:DHSintermeganslaw@ice.dhs.gov).) In addition, these Registrants are banned from obtaining the "Passport Card" that can be used at ports of entry.

In recent years, a growing number of nations have turned away Registrants because of the IML notices. This seems to be particularly problematic in English-speaking nations (UK, Australia, Canada), countries with strong ties to the US (such as Japan, France), or countries considered hotspots for human trafficking (such as Cambodia, Thailand, or the Philippines).

The most up-to-date list on nations turning back Registrants at the border can be found at the Registrant Travel Action Group (RTAG), a group that covers International Travel issues for Registered Persons. RTAG collects self-reports from Registrants traveling internationally and places notice in a "Travel Matrix." This RTAG "Travel Matrix" Link is found at <http://registranttag.org/resources/travel-matrix/>

Below is the list of nations reported by the RTAG Travel Matrix that has impeded visitation by Registered Persons in recent years, current as of 20 May 2020:

- RCs turned away at border (does not imply all RCs will be turned away, but notes that some have been turned away) – Argentina, Australia, Belize, Brazil, Cambodia, Canada, Cayman Islands, Chile, China, Colombia, Costa Rica, Dominican Republic, Dubai, Ecuador, Guatemala, Haiti, Honduras, Jamaica, India, Indonesia, Ireland, Kenya, Mexico, New Zealand, Nicaragua, Panama, Peru, South Korea, St. Lucia, Japan, Laos, Malaysia, Philippines, Singapore, Taiwan, Thailand, United Kingdom (Great Britain), Vietnam
- Laws barring RCs from entry – Argentina, Australia, Brazil, Canada, Ireland, Mexico, New Zealand, Panama, United Kingdom
- Laws barring felons from entry – Canada, Ireland, Mexico, United Kingdom
- Has a Sex Offense Registry – Canada, France, India, Ireland, Jamaica, Portugal, South Korea, Taiwan, Trinidad and Tobago, United Kingdom

### OTHER TRAVEL ISSUES

The law is only part of the challenge of travel. Even if travel is allowed, businesses are allowed to discriminate against Registered Persons. Registrants are considered a suspect class, not a protected class. While this has not been consistent, some theme parks like Six Flags and Disney World have banned Registered Persons from their parks. (Interestingly Disneyland, in California, has not been connected to such policies.) Some states have park bans or certain activities like county fairs, although it may be limited to those “On Paper.” Some cruise lines, particularly Carnival and Royal Caribbean, will ban Registrants, but even if you are allowed on the cruise, you may not be allowed to disembark if the country bans Registrants from entering their country. You may also experience increased scrutiny upon return to the USA.

If you plan a vacation, it is wise to research potential problems beforehand. If you’re planning on leaving the USA, contact the consulate of the nation you’re traveling to and ask them about their rules. This will save you money and a lot of headache down the road.

## **CHAPTER 7: REINTEGRATION – TREATMENT, SUPPORT, RESEARCH, AND ACTIVISM**

In March 2003, roughly a week before my release from prison, I sat in my final SOA (SOs Anonymous) meeting. Since everyone knew I was leaving in a few days, I was asked to stand in front of the group and talk about what I learned from my experiences behind bars and what I was going to do on my release. While it was largely a positive experience, there was one negative comment that was made that stuck in my mind long after it walked out the gate. One of the individuals in the group said my chances of lasting three years on the streets are extremely slim. At first, I thought it was a personal attack on me, but after 17 years of beating the odds, I believe now I fully understand what that man was trying to say.

Based upon mountains of research on recidivism (i.e., rate in which a previously convicted offender commits a future offense or otherwise returns to jail or prison), few convicted of sex crimes will commit a subsequent sex offense, but many will return to jail for various reasons including probation violations or failure to register charges. This is what I like to call “Free At Long Last” syndrome (the FALL), a condition in which being free from a lengthy incarceration sometimes leads to poor decision-making or failure to understand the gravity of registration laws. Other times, a person returns to prison simply because SO laws are complex, confusing, and at times, virtually impossible to follow to a T.

This survival guide was written with the FALL in mind. This chapter covers briefly the various ways you can arm yourself to prevent a return to incarceration and find the resources you need to become a productive member of society up on your release.

Release can be a somewhat intimidating experience, especially if you have been incarcerated for an extremely long period of time. I witnessed this firsthand when I helped an elderly man reintegrate into society after 20 years of incarceration. When this man was arrested, Windows 95 was the newest and biggest thing in technology, only about 3% of Americans had ever used the “World Wide Web,” and cell phones existed but were extremely uncommon (and as large as bricks). Today, much business is conducted online, particularly through the use of “smartphones” (phones with internet accessibility). Modern technology is required now to fill out a job application, find useful information (like my website, OnceFallen.com), or to find online support. If you lack any computer experience or if your last computer ran on Windows 95, you would benefit from classes in computer basics. Many organizations and even the local library may be able to assist you if you are not computer savvy.

Virtually all the resources listed in this chapter (with few exceptions) can be found exclusively online. NOTE: If you reading this while currently incarcerated, some persons have censored correspondence from the resources listed in this chapter.

### TREATMENT RESOURCES

People convicted of sexual offenses are not a homogeneous group. But those of you who recognize you are struggling with issues of sexual deviancy and are seeking to continue your treatment after release may find helpful information from the following resources. Nothing listed here can take the place of any state-mandated treatment but some of the resources here may be a more positive supplement to the treatment

required by the court. Some of these resources deal specifically with pedophilia, while others are for more general sexual struggles; others may be religious in nature:

Safer Society Foundation  
P.O. Box 340  
Brandon, VT 05733-0340  
Tel: 802-247-3132  
Fax: 802-247-4233  
<https://safersocietypress.org/>

B4U-ACT, Inc.  
P.O. Box 1754  
Westminster, MD 21158  
Phone: 410-871-8156  
General Inquiries: [b4uact@b4uact.org](mailto:b4uact@b4uact.org)  
Research Inquiries: [science@b4uact.org](mailto:science@b4uact.org)  
MAP Inquiries: [outreach@b4uact.org](mailto:outreach@b4uact.org) [Note: Outlook.com might be suspending accounts which send email to [outreach@b4uact.org](mailto:outreach@b4uact.org). We will look into this. In the meantime, please use a different email provider.]  
<https://www.b4uact.org/>

Virtuous Pedophiles (A site for those diagnosed with pedophilia but recognize sexual abuse is wrong)  
<https://www.virped.org/>  
[virpeds@gmail.com](mailto:virpeds@gmail.com)

Stop It Now  
<https://www.stopitnow.org/>  
Mailing address: 351 Pleasant Street, Suite B-319, Northampton, MA 01060, USA  
Helpline: 1-888-PREVENT (888-773-8368)  
Tel: 413-587-3500

CURE-SORT  
Wayne Bowers, Executive Director  
P.O. Box 1022  
Norman, OK 73070-1022  
405-639-7262  
<https://www.cure-sort.org/>

CURE-SORT works to provide information, resources, contacts, and support to individuals, families, defense attorneys, treatment providers, public media, legislators, law enforcement personnel, and other professionals who work with or are interested in issues of sexual abuse and its prevention.

Pure Life Ministries  
14 School St.  
Dry Ridge, KY 41035

859-824-4444

<https://www.purelifeministries.org/>

You may also look into Circles of Support and Accountability (CoSA), i.e., groups of volunteers with professional supervision to support SOs as they reintegrate into society after their release from incarceration. Not all states have a CoSA group, but if you understand how the group operates then you may be able to create your own CoSA network to assist in your successful reintegration.

About CoSA: The Core Member and three to five trained and screened community volunteers comprise a Circle. They meet as a group and individually on a regular basis to:

- Support the Core Member's community integration by facilitating his practical needs (i.e. access to medical services, social assistance, seeking employment, affordable housing, etc.) and by providing a consistent network of emotional support;
- Develop constructive and pro-social strategies and solutions to everyday problems and concerns;
- Challenge the Core Member's behaviors and attitudes that may be associated with his offending cycle;
- Celebrate successes.

Thus, you could find supportive people, such as family members, friends, church members, a counselor or perhaps even a member of one of the registry reform groups willing to play a role in your support network.

### ONLINE SUPPORT GROUPS

As of June 2020, there are two online support groups. Both groups offer a forum that is closed to public viewing so that Registrants and their loved ones may speak freely about sensitive topics:

- Sex Offender Solutions and Education Network -- <http://sosen.org/>
- Families of Sex Offenders -- <https://support-for-families.boards.net/>

### RESEARCH, ADVOCACY, AND ACTIVISM

If you have given thought to fighting the registry laws, the first thing I advise anyone to do is to educate yourself. This guide is one way to arm yourself for the upcoming struggles you will face upon release. My website (<http://www.oncefallen.com/>) is a great place to get educated, since I cover a variety of topics on the law and on various myths that are used to justify the laws

Below are the three largest, nationwide advocacy organizations that are fighting to reform the public registry:

Women Against Registry

P.O. Box 463

Arnold, MO 63010

800-311-3764  
contact@womenagainstregistry.com  
<https://ww1.womenagainstregistry.org/>

Alliance for Constitutional Sex Offense Laws  
1215 K Street, 17th Floor  
Sacramento, CA 95814  
818-305-5984  
<https://all4consolaws.org/>

National Association for Rational Sex Offense Laws  
Post Office Box 36123  
Albuquerque, NM 87176  
<https://narsol.org/>

In addition to these three groups, there are many state-specific groups. Many of the groups listed below are affiliated with NARSOL but some are independent:

Arizona - Arizonans for Rational Sex Offenses Laws  
Website: <http://azrsol.org>  
Address: P.O. Box 10551, Phoenix, AZ 85064  
Phone: 623-296-2904  
Email: [az.rsol.contact@gmail.com](mailto:az.rsol.contact@gmail.com)

Arkansas – Arkansas Time After Time  
Website: <http://arkansastimeaftertime.org>  
Address: P.O. Box 11491, Conway, AR 72034  
Phone: (501) 444-2828  
Email: [rsol@arkansastimeaftertime.org](mailto:rsol@arkansastimeaftertime.org)

Colorado – Colorado Advocates for Change  
Website: <http://advocates4change.org>  
Address: P. O. Box 103392 Denver, CO 80250  
Phone: 720-329-9096  
Email: [advocates4changeafc@gmail.com](mailto:advocates4changeafc@gmail.com)

Colorado – Coalition for Sexual Offense Restoration (CSOR)  
Website: <http://csor-home.org>  
Address: PO Box 20751, Denver, CO 80227  
Phone: 720-690-7125  
Email: [susancwalker1@gmail.com](mailto:susancwalker1@gmail.com)

Connecticut – One Standard of Justice  
Website: <http://onestandardofjustice.org>

Address: PO Box 461, New Canaan CT. 06840  
Phone: 203-680-0567  
Email: cindytpri@icloud.com

Florida – Florida Action Committee  
Website: <http://floridaactioncommittee.org>  
Address: 6615 W. Boynton Beach Blvd, #414, Boynton Beach FL 33437  
Phone: 833-273-7325  
Email: [info@floridaactioncommittee.org](mailto:info@floridaactioncommittee.org)

Illinois – Illinois Voices  
Website: <http://ilvoices.com>  
Address: P.O. Box 523, Dekalb, IL 60115  
Phone: 888-686-4237  
Email: [info@ilvoices.com](mailto:info@ilvoices.com)

Maryland – Families Advocating Intelligent Registries  
Website: <http://fairregistry.org>  
Address: PO Box 8402, Elkridge, MD 21075  
Phone: 301-779-1965  
Email: [info@fairregistry.org](mailto:info@fairregistry.org)

Michigan – Coalition for a Useful Registry  
Website: <http://coalitionur.org>  
Address: 115 W. Allegan, Ste 330, Lansing, MI 48933  
Phone: 517-372-8503  
Email: [intern@aclumich.org](mailto:intern@aclumich.org)

Nebraska – Nebraskans Unafraid  
<https://nebraskansunafraid.org/>  
P.O. Box 6705, Omaha, NE 68106  
402-403-9250, M-F 8 a.m. - 5 p.m. Central Time

New Hampshire - Citizens for Criminal Justice Reform-NH  
Website: <http://ccjrn.org>  
Address: PO Box 39212, Concord, NH 03302  
Phone: 603-882-1555  
Email: [info@ccjrn.org](mailto:info@ccjrn.org)

New Mexico – Liberty and Justice Coalition  
Website: <http://libjusco.net>  
Address: P.O. Box 36123, Albuquerque, NM 87176  
Phone: 505-832-4291  
Email: [libjusco.com@gmail.com](mailto:libjusco.com@gmail.com)

North Carolina – NCRSOL

Website: <http://ncrsol.org>  
Address: P.O. Box 25423, Raleigh, NC 27611  
Phone: 919-780-4510  
Email: [contact@ncrsol.org](mailto:contact@ncrsol.org)

Oklahoma -- OKRSOL

Website: <http://ok-rsol.org>  
Address: PO Box 1527, Noble, OK 73068  
Phone: 405-294-4299  
Email: [okrsol.info@gmail.com](mailto:okrsol.info@gmail.com)

Oregon - Oregon Voices

Website: <http://oregonvolces.org>  
Address: P.O. Box 13175, Salem, OR 97309  
Phone: 971-317-6868  
Email: [jgn990@gmail.com](mailto:jgn990@gmail.com)

Pennsylvania -- PARSOL

Website: <http://parsol.org>  
Address: P.O. Box 399, New Freedom, PA 17349  
Phone: 717-820-2237  
Email: [robertsont@parsol.org](mailto:robertsont@parsol.org)

Tennessee – Tennessee 4 Change

Website: <https://www.tn4change.org>  
Address: 5255 Scottsville Road, Lafayette, TN 37083  
Phone: 423-521-0177  
Email: [info@tn4change.org](mailto:info@tn4change.org)

Texas – Texas Voices for Reason and Justice

Website: <http://texasvoices.org>  
Address: PO Box 23539, San Antonio, TX 78223  
Phone: 877-215-6688  
Email: [marysueintx@yahoo.com](mailto:marysueintx@yahoo.com)

Vermont – Vermonters for Criminal Justice

Website: <http://vcjr.org>  
Address: PO Box 8753, Burlington, VT 05402  
Phone: 802-503-0601  
Email: [dalton@vcjr.org](mailto:dalton@vcjr.org)

Virginia -- Safer Virginia

Website: <https://safervirginia.org/>

Address: PO Box 4289, Richmond, VA 23220

Phone: 276-744-5664

Email: [info@safervirginia.org](mailto:info@safervirginia.org)

FOR MORE RESOURCES, I list more resources at the following weblink:

<http://www.oncefallen.com/LinksPage.html>

### RECOMMENDED READING

If you are not allowed to access the Internet because of restrictions or because you are still incarcerated but you wish to educate yourself on SO Laws, then here are a few books I recommend:

#### *Books about SO Laws:*

- ❖ FAILURE TO PROTECT: AMERICA'S SEXUAL PREDATOR LAWS AND THE RISE OF THE PREVENTIVE STATE (2006) BY: Eric S. Janus
- ❖ SEX OFFENDER LAWS: FAILED POLICIES, NEW DIRECTIONS, 2nd. Edition (2014) BY: Richard G. Wright
- ❖ Sex Fiends, Perverts, and Pedophiles: Understanding Sex Crime Policy in America (2011) by Chrysanthi Leon
- ❖ JUSTICE PERVERTED: SEX OFFENSE LAW, PSYCHOLOGY, AND PUBLIC POLICY (2011) by Charles Patrick Ewing
- ❖ PROTECTING OUR KIDS?: HOW SEX OFFENDER LAWS ARE FAILING US (2015) By: Emily Horowitz
- ❖ CAUGHT IN THE WEB OF THE CRIMINAL JUSTICE SYSTEM: AUTISM, DEVELOPMENTAL DISABILITIES, AND SEX OFFENSES (2017) BY: Lawrence Dubin and Emily Horowitz

#### *Treatment Books:*

- ❖ OUT OF THE SHADOWS: UNDERSTANDING SEXUAL ADDICTION, THIRD EDITION (2001) BY: Patrick Carnes, Ph. D
- ❖ SO: THE NEW SCARLET LETTERS (2018) by Marilyn Callahan and Tim Buckley

#### *Social Commentaries:*

- ❖ AMERICA'S WAR ON SEX (2006) BY: Marty Klein
- ❖ HARMFUL TO MINORS: THE PERILS OF PROTECTING CHILDREN FROM SEX (2002) BY: Judith S. Levine
- ❖ THE TRAUMA MYTH (2010) BY: Susan A. Clancy
- ❖ A PARALLEL UNIVERSE (2012) by Alex Landon and Elaine Halleck

- ❖ SEX PANIC AND THE PUNITIVE STATE (2011) by Eric Lancaster
- ❖ EVIL ON MY PEW: THE HYSTERIA AROUND SEX OFFENDERS IN THE CHURCH (2018) by Larry Anderson
- ❖ STRANGER DANGER: FAMILY VALUES, CHILDHOOD, AND THE AMERICAN CARCERAL STATE (2020) By: Paul M. Renfro

*Books written by Registrants or their loved ones:*

- ❖ CONSENSUAL CONSEQUENCES (2011) BY: Lynn Gilmore
- ❖ WE'RE ALL IN THIS TOGETHER (2010) By: Kirsten Brydum and Frank Lindsay
- ❖ TRAUMA, SHAME, AND THE POWER OF LOVE: THE FALL AND RISE OF A PHYSICIAN WHO HEALS HIMSELF (2015) by Christopher Pelloski, MD

*Other Useful Resources:*

- ❖ <https://ccresourcecenter.org/> -- The Collateral Consequences Resource Center is a non-profit organization established in 2014 to promote public engagement on the myriad issues raised by the collateral consequences of arrest or conviction. Their website contains useful legal resources including the 50-state relief from the SOR guide, a 50 state spreadsheet on restoring certain rights (firearm, voting, public office, and jury duty rights), and a book, "The Many Roads to Reintegration: A 50-State Guide to Restoration of Rights and Opportunities after Arrest or Conviction," to be published in August 2020.
- ❖ Fair Shake, PO Box 63, Westby, WI 54667, Phone:608-634-6363, <http://fairshake.net/> -- While not specific to SOs, there is a lot of useful info for reentry

## CHAPTER 8: DEALING WITH SCAMS AND VIGILANTES

Unfortunately, dealing with a variety of scams or vigilantes targeting specifically Registered Person is a primary concern for those living as a Registered Person. By 2012, eAdvocate had documented 432 known murders of Registrants or people accused of committing sex crimes. Furthermore, a study by Jill Levenson and Richard Tewksbury entitled "Collateral Damage: Family Members of Sex Offenders" found that 44% of family members experience threats and harassment, 27% experienced property damage, and 7% were physically assaulted. My own crimes against Registrants database has found nearly 500 documented cases of vigilante crimes, from harassment, vandalism, assaults, and nearly 200 murders, and these were merely reports found largely through media websites. There have also been reports of nationwide scams attempting to extort money from Registered Persons. It is important to recognize how to identify these potential threats to your safety and your money.

### SCAMMERS

There are plenty of scams that target every citizen, but there are some unique to Registered Persons.

*The Fake Registration Call:* The most widely used scam is a variation of the scam where a caller poses as a government agent (like an IRS agent) and claims the receiver owes a lot of money and must pay up or face incarceration. In this scam, the scammer calls you pretending to be an LEO at your local registration office or a clerk of the local court while claiming there is a warrant out on you for FTR or failure to pay your registration fees. The scammer will direct you to wire money to him immediately or buy a pre-paid credit card and turn over the credit card number) or you will be arrested. Unfortunately, some Registrants were scammed out of hundreds or thousands of dollars. If there is a warrant out for your arrest, the police will not call to let you know that. Also, if you live in a state where you must pay registry fees, you'll be reminded to pay at the registration office, not by phone.

*Private Registry Scams:* Unfortunately, a number of private registry websites exist, including Homefacts.com and Family Watchdog. However, some private registry sites, like Offendex/SORArchives, are scams that steal public registry information. For as much as \$699, these extortion sites offer Registrants the opportunity to pay to remove the information from their websites. Of course, they simply create new websites and the scam continues some more.

*FBI Alert Virus:* The way this scam works is a notice pops up claiming you are locked out of your computer by the "FBI" and accuses you of engaging in some form of online activity. It prompts you to pay to unlock your computer. This, of course, is a scam. The FBI didn't lock your computer; instead your computer has received a type of virus called "ransomware." As the name suggests, the scheme involves locking you out of certain computer functions (holding it as a virtual hostage) until you pay a fee. There are a few incarnations of this virus, and there are a number of sites offering tips on repairing computers infected with this virus online.

*The Classic Scams:* Registrants are desperate to be removed from the registry, so some scammers are offering dubious services, including guides for "legally avoiding the registry", services for getting off the registry, or offering similar information for a price. However, some people are offering false information

that could lead to arrest if you follow the bad advice. Check out the website and its owners and consider the content. Anything that sounds too good to be true is probably untrue. There is not an easy pathway or “life hack” to avoiding registration duties.

### ONLINE VIGILANTES

Many Registered Persons and their loved ones have experienced various forms of harassment, particularly online. Online harassment can be quite common but rarely leads to real life vigilante violence. Over the years, social media has allowed group dedicated to harassing Registrants in their community to proliferate. Even law enforcement agencies have used social media to name and shame Registered Persons.

Sadly, there is little recourse for online harassment. Police will claim an online threat is out of their jurisdiction or nothing can be done without a specific threat made. (This is untrue as many states have laws specifically declaring harassing communications of any kind. Last year, a news report from the Washington Examiner found Facebook made death threats against people accused or convicted of sex offenses were excluded from protections against cyberbullying and death threats on their platform. In addition, social media outlets Facebook, Instagram, and Nextdoor officially exclude Registered Persons from using their platform. Due to federal laws, websites largely have immunity from attacks begun through their online services.

Below are a few tips you can use when dealing with a cyber-stalker:

1. *Remove personal info from all public profiles such as Facebook:* It amazes me how easy I've been able to discover the identities of online vigilantes targeting me because the stalker connected their online vigilante profile to some real-world interest. It only takes one mistake to make a connection between a fake profile and a real profile. If I can do this rather easily, you can be assured vigilantes can find information about you just as easily. Honestly, social media brings out the worst in people, so not having a social media account may be better for your mental health. But if you feel you absolutely MUST have a social media profile, consider an alias without real-life info.
2. *Maintain a separate activist account:* If you are an activist, then create an activist profile separate from your personal or business accounts. You may also want to consider using an anonymous web browser like Tor, which masks your IP address. Some sophisticated individuals can trace you by IP addresses.
3. *Watch Your Mouth:* Be sure not to give out too much info. Be mindful that people can "out" you by such relatively mundane posts as a general interest (Example: If you like Skyline Chili then you probably live in or close to Cincinnati). Giving out TMI like specific birthdays, pictures of yourself or family on Facebook, or specifics when telling your story can reveal your identity. Instead of saying "On January 4th I was arrested in Dayton, Ohio," you can say, "Last winter I was arrested in Ohio." Watch out for catchphrases as well. If you say "that's so radical" a lot, for example (a rarely used term these days unless you still watch TMNT), then a cyber-stalker may be able to figure out who you are by your speech.
4. *Save all forms of communication, including chatlogs:* There are many ways to save information. These days, most web browsers offer some sort of "screenshot" technology; for Firefox I used

"Fireshot" and for Google Chrome I use "Webpage Screenshot." You can also cut-and-paste info to a Word Document or even save the entire webpage to your computer.

5. *DO NOT believe anyone in these groups is trying to help you.* In fact, they are trying to obtain as much information as possible to use against you later or con you out of money. If a group offers you the opportunity to remove the info from their websites for a price or offers you the chance to plead your case to them, do not accept it.
6. *Phone harassment:* If this leads to phone harassment, trace every threatening call, even if you have to pay for it. You could block calls from unlisted numbers, and pressing \*59 will keep a log in the phone company computers in case you need to call the police later. Also, in most cases you can record phone conversations; recording laws require only the consent of one party to record a conversation. Thus, you are one of the two parties in a phone conversation. I actually used my camcorder to tape a conversation in a civil case, which helped me win one case. If you own a smartphone, you can also find phone applications ("Apps") to record phone conversations for free (with ads) or for a small fee to remove ads.
7. *Take legal action (both civil and/or criminal):* Civil litigation can be expensive but in many cases, civil litigation may be the only deterrent if the person has any assets.

### REAL-WORLD HARASSMENT

Online harassment can be easy to ignore, but harassment from people in your community is a serious issue. There are times a neighbor can engage in a certain activity that is intended as harassment but is allowed by law, such as protesting in front of your house or posting a sign in his/her yard alerting them a Registered Person lives next door. Many states even allow neighborhood groups to pass out fliers. In Suffolk Co., NY, the victim advocate group "Parents For Megan's Law" had been paid by the county to conduct compliance checks, a function typically allowed only by the police.

Many states place bold disclaimers stating it is illegal to use information from the registry to engage in harassment or other crimes against Registered Persons, but rare is the prosecution of the vigilante.

Still, there are ways we can protect ourselves legally since many of us cannot possess firearms. Here are a few suggestions:

1. *Install cameras/ home security system:* Camera equipment has gotten smaller, cheaper, and easier to install. (Even a high-end security system can be found for under \$300.) Modern technology has advanced to the point where high definition (HD) cameras are small, inexpensive, and most of all, wireless. Many security cameras can connect to a smart phone even away from home. If you have a harassing neighbor, it would be perfect to catch them in the act.
2. *Get a dog:* If you have the space, invest in a large dog. Many people fear guard dogs. At the least, a barking dog will alert you to possible intruders.
3. *Learn Self-defense:* Take up MMA, boxing, or other martial arts courses
4. *Know the weapons laws in your state:* While it is illegal to possess a firearm as a felon, other weapons are allowed or prohibited depending on the state. For example, in Nebraska, a felon cannot possess a firearm, a knife (with a blade 4 inches or longer) or brass knuckles. However, crossbows are legal, as are many kinds of medieval weaponry. A full discussion of this is outside the scope of this

guide. However, it should be noted that it is possible to use a firearm in self-defense under specific circumstances. To establish a necessity defense, a defendant must prove that:

- a. There was a specific threat of significant, imminent danger;
  - b. There was an immediate necessity to act;
  - c. There was no practical alternative to the act;
  - d. The defendant didn't cause or contribute to the threat;
  - e. He or she acted out of necessity at all times; and
  - f. The harm caused wasn't greater than the harm prevented.
5. *Learn the laws regarding self-defense for your state:* Each state varies differently on the amount of force you are allowed to use and under which circumstances force can be used. Although some states use a blend of doctrines, self-defense laws generally fall into the following three categories:
- a. Stand Your Ground: No duty to retreat from the situation before resorting to deadly force; not limited to your home, place of work, etc. These laws are utilized in over half of US States.
  - b. Castle Doctrine: No duty to retreat before using deadly force if you are in your home or yard (some states include a place of work and occupied vehicles)
  - c. Duty to Retreat: Duty to retreat from a threatening situation if you can do so with complete safety.

According to the website MDCreekmore.com, as of 2019, six states – CA, FL, MA, MN, NJ, and NY all prohibit those convicted of felonies and/or assault (which I assume would include sexual assault) are prohibited from carrying pepper spray. (See <https://mdcreekmore.com/pepper-spray-laws-by-state-a-simple-cheat-sheet-with-all-you-need-to-know/>)

For a more complete breakdown of firearm rights laws and restoration of firearms rights after a conviction, visit:

<https://ccresourcecenter.org/state-restoration-profiles/chart-1-loss-and-restoration-of-civil-rights-and-firearms-privileges/>

### LEOs AND THE “PUBLIC DUTY DOCTRINE”

LEOs have often shown a general reluctance to file complaints when the victim is a Registered Person. Police officers are usually covered by the “public duty doctrine,” which basically states the police have an obligation to protect the public rather than any individual. In other words, police have a lot of discretion in deciding to investigate a complaint. However, there are exceptions to this doctrine which can make police officers civilly responsible for failing to protect you as a citizen. (See Karen J. Kruger, “Duty to All- Duty to No One: Examining the Public Duty Doctrine and Its Exceptions.” The Police Chief, IACP, May 2007, [www.policechiefmagazine.org](http://www.policechiefmagazine.org)).

- “Danger Creation” Exception: A complainant must show that the government’s action or inaction “affirmatively placed the plaintiff in a position of danger, that is, where state action creates or exposes an individual to a danger which he or she would not have otherwise faced.” Gross negligence does fall under this category.

- “Special-Relationship Exception:” A principle of law that allows for suits based on negligent police protection where the plaintiff can demonstrate that there existed a special relationship between the injured person and the police. Generally, such a relationship will be found “where the government singles out a particular party from the general public and affords that person special treatment.” I’m not fond of calling the relationship between Registered Persons and LEOs “special,” but it may be worth it in cases of gross negligence by the police.

If you’d rather not deal with the courts, try contacting other Law Enforcement agencies, the county prosecutor’s office, or even the state attorney general’s office for consultation.

## CHAPTER 9: DISASTER PREPARENESS

Americans rarely prepare themselves for disasters, but I was surprised when I conducted a survey of disaster preparations and of the 100 Registered Persons I surveyed, only 12 had a disaster plan in place (barely a third of the number of non-Registrants in the US that have developed an emergency plan.) My reason for being shocked is because our status does make us more likely to face disruptions in our personal lives due to status.

Disasters can be on a personal scale, such as a house fire or accident leaving you unable to work, or it can be on a regional scale, such as a hurricane; in 2020, the COVID-19 pandemic led to massive spikes of unemployment as many business closed due to the virus. Each of these disasters presents different kinds of challenges as a Registered Person. If a disaster leads to loss of job or home, you will still be required to register.

This challenge is exacerbated if the disaster is on a larger scale, impacting the local registration office. Over the years, there have been a handful of stories about the arrests of Registered Persons for being unable to register during a crisis, be it after a hurricane or during the COVID-19 lockdowns. In some states, Registered Persons have been banned from emergency shelters during disasters or sent to segregated shelters (sometimes sheltered in jails/ prisons) during inclement weather.

There are entire books on the subject of preparing for a disaster, as well as an extensive guide on making a disaster plan at <https://www.usa.gov/prepare-for-disasters>

Below are some of the most basic tips I can offer you on being prepared for any disaster:

1. *Save money:* Even if you are on SSI or are homeless, you can save up to \$2000 in the bank without being penalized. Often, to rent an apartment, you'll often have to pay the first month's rent plus a security deposit (often the equivalent of one month's rent) up front. You may also need some money for immediate needs in case you lose credit cards and other valuables.
2. *Have good credit:* If you have bad or no credit, you'll have to take the time to build up a good credit score. Pay off small old debts and make agreements to pay off larger debts. Save \$1000 in a savings account then borrow \$1000 from the same bank using the \$1000 in savings as collateral, then pay it off in time. Repeat a time or two. Then, apply for a credit card. Credit cards can be pricey but only if you are irresponsible with them. If you pay them off in full each month, you don't have to pay interest the next billing cycle. Another advantage to having a credit card is having a record of purchases (which may come in handy in the event you are accused of a crime).
3. *Invest in renter's insurance:* renter's insurance is generally about \$10-\$15 monthly, and covers a variety of issues including theft, fires, and other disasters.
4. *Making an emergency kit:* You can buy a fireproof lockbox to store paperwork and other valuables. You may also want to keep a supply of non-perishable food items like canned foods, trail mix, and peanut butter.
5. *Develop an emergency plan:* In the event of a disaster, where can you go? Can you stay with a friend/ family member? Know the laws of each area you plan on staying in the event of a disaster and where you must register.

## CHAPTER 10: LIVING YOUR LIFE

We all want some sense of normalcy after serving time that goes beyond finding a job and a place to live; this includes dating, recreation, and a social life, including church. This chapter covers some common issues you may face upon release.

### MEETING NEW PEOPLE AND DATING

I have always believed honesty is the best policy when it comes to dating. I've been on quite a few dates and a couple of long-term relationships since my release. If my intention was a purely physical encounter, then mentioning my status was not necessary, but if my relationship was getting serious, it was better to tell my date about my past early on because I want to know if this woman will stand by me when things get rough. Loved ones of Registrants can also be targeted by vigilantes so I believe that potential lovers should be told about my past.

The dating environment is a bit different than it was in the last millennium. Now, many dates are initiated online, either through dating websites or by joining online groups of people with similar interests and hitting it off. If you choose to use online dating, then free dating sites like Tinder or Plenty of Fish are not actively spending resources on background checks, while paid services like eHarmony and Match have banned Registrants from the site. In addition, people often meet friends or lovers on social media websites, but some social media outlets like Facebook, Instagram or Nextdoor actively delete Registrant accounts. (Many other social media outlets like Twitter and LinkedIn have no such policies in place.)

In 2016, I placed a post on the SOSEN site asking those who dated a Registered Person after his conviction to give me a statement, and Gini Aland, a staff member at the site, replied with her personal experience. She writes, "About five years ago I became friends with a very nice man. He helped me with some of the problems I was having with my computer and we began spending time together. One day, after I had known him for several months, we were walking down the street and he invited me to a barbecue at his house, before I could answer he said he needed to tell me something first, he simply said, 'I'm on the registry.' I stopped walking and asked him what he meant, he replied, 'You know, the sex offender registry, Megan's List.' I simply stood there, speechless! He asked if it bothered me, I had to tell him no, absolutely not! I looked at this man as my friend, not some socially labeled 'monster'. We began dating and eventually moved in together. I believe that you simply need to start with honesty and friendship for any relationship to grow."

In December 2016, Maya Chung published a piece in InsideEdition.com called, "Women Reveal What It's Like to Be in a Relationship With a Sex Offender and Why They Stay." Below are some excerpts of the article:

"Susan, 33, and Josh, 31, met in September 2013 when Josh worked a job that delivered beds to the Missouri hospital where Susan worked. According to Susan, a month into the relationship, Josh told her he was on the sex offender registry for a crime he committed while he was serving in the Marines. 'He told me within the first month. He told me very early on because he knew I had two children,' Susan told InsideEdition.com..."

“A few months into their relationship, Susan allowed Josh to meet her two children. She said she felt that she understood Josh’s crime and knew him to be a good person. “He disclosed what happened and how it happened, all of that to me. I could see from his point of view. It’s not totally his fault that this happened,” said Susan. “I didn’t find him as a threat.” Susan isn’t the only woman willing to overlook the past of the man she loves, even a man with his name on the sex offender registry. While it may seem surprising to many, some women are willing to go through being outwardly shunned by family and their communities in the defense of the men because to them, love trumps all. Their experiences being in a relationship with a sex offender may be different, but these women have another thing in common: An undeniable faith in their men...

“Josh is required to re-register every 90 days under Missouri law, which in some other states would only be reserved for Level 3 offenders. He is also not allowed to live within 1,000 feet of a school or loiter within 500 feet of a public park or swimming pool, among other constraints. Because Josh is not currently on parole, however, he is not prohibited from being around kids and therefore nothing prevented him from forming relationships with Susan’s children or eventually moving in with her.

“The many stipulations that come with being a registered sex offender are something that Melissa knows all too well. She is married to a Level 3 offender. ‘If you look at him on paper he looks like a monster, but if you get to know him, he’s not that,’ she told InsideEdition.com. ‘We have been married for almost seven years, and although the constraints of the sex offender registry can be brutal, we are so very happy with each other,’ Melissa said. She met Jerry at a charity event in 2006 – 17 years after his second offense. She said they became friends before becoming romantically involved. When he told her his status on the registry soon after they began dating, and she made a conscious decision to stay with him.

“At first, I was like okay, wow, but I was also able to hear the whole story of things and confirm it with outside sources. So, it’s just kind of like a ‘wow, what kind of stigma does that carry?’ I have my own faith and beliefs that people can change and grow and become better people,” Melissa said. She said she previously held the idea that once you were a child molester you are always a child molester, but she realized Jerry’s story is different. She said Jerry owns up to his mistake. She added that he was young and it took him a while to realize that what he did was wrong...

“Having a child, who has to interact with other children, is another the bridge the pair has to cross. The couple sits down with the parents of their daughter’s playmates and explains to them that Jerry will never be left alone with their children. Melissa also informs them that she has gone through sex-offender supervision courses to ease any of their concerns. ‘The biggest effect the registry has in my life is the effect it has on my family because the community treats my entire family as if they are sex offenders as well,’ Jerry told InsideEdition.com. According to Melissa, some of her family, however, does not agree with her decision to marry Jerry. ‘I’ve had arguments with family members. I’ve had people ask me how I can forgive someone like this,’ said Melissa. “My grandma told me I should have walked away before I ever had children...’

“In cases like Susan’s though, when your children are from a previous marriage, there is an entirely different bridge to walk over. Josh moved in with Susan and her two daughters in November 2015, after

two years of dating. Susan never disclosed to her ex-husband that Josh was on the registry. When he found out in July 2016, he filed a motion to get an order of protection that would prevent Josh from being around his children. It was granted in October. According to the order, Josh can no longer be around or talk to Susan's children. Susan's ex-husband also filed a motion to modify their divorce and obtain full custody of their daughters. The parents currently share 50/50 custody... Susan's ex-husband, who did not want to speak for the article, made a GoFundMe account in which he asked for help with legal fees to get custody of his children. In the post, he called Susan bipolar. He also calls Josh a creep and a pedophile. He added that he wants to provide a safe home for his children by taking full custody of them. 'They are in very real danger every day,' the post said."

It is possible to meet someone who will accept your past; my stance is honesty is the best policy. If your date has kids from a prior relationship, or even if you have kids together, then prepare for hardship. Your mileage may vary. My suggestion is to learn to be happy with yourself without depending on another for happiness. That is likely why many of us "offended" in the first place. You can't force something into existence—it must come naturally. Just be honest and be yourself, because if you have to lie to get that person to like you, then that person isn't worth the effort. But that's just my opinion.

#### ISSUES WITH INTERNATIONAL DATING

I am aware some of you have considered meeting foreign women through pen pal services or websites after being released from prison to find true love. However, you must be made aware of an alarming but overlooked power contained within the Adam Walsh Act (Title IV) is the power to deport a nonresident because one of their spouses or parents was listed on the registry. "The AWA amended Section 204(a)(1)(i) of the Immigration and Nationality Act - the statute governing the petitioning procedure for immediate relatives – to prohibit U.S. citizens and lawful permanent residents who have been convicted of any "specified offense against a minor" from filing a family-based immigrant petition on behalf of any beneficiary, unless the Secretary of Homeland Security (Secretary) determines, in his sole and unreviewable discretion, that the petitioner poses no risk to the beneficiary."

Conviction for any of nine crimes "that by its nature is a sex offense against a minor" (including non-custodian kidnapping, child porn, internet, and solicitation/ prostitution offenses) will be a "disqualifying conviction to bar any U.S. citizen or permanent resident from filing a petition for his/her parent, spouse, children, stepchildren, and siblings. The bar also applies to petitions for a fiance/ee (K1) and derivative children (K2). The petitioner has the burden to prove whether or not a prior conviction is a 'specified offense against a minor.'"

If a person has a disqualifying charge, then he can apply for a "no risk" exception as described in the Aytes Memorandum of February 8, 2007 (Aytes Memo). "The Aytes Memo stresses that USCIS may not approve a family-based petition if the petitioner has a conviction for a specified offense against a minor unless USCIS first determines that the petitioner poses no risk to the safety or well-being of the beneficiary (and any derivative beneficiary) for whom a petition was filed."

"The Aytes Memo listed the following factors that should be considered in the "no risk" analysis: (1) The nature and severity of the petitioner's specified offense(s) against a minor, including all facts and

circumstances underlying the offense(s); (2) The petitioner's criminal history; (3) The nature, severity, and mitigating circumstances of any arrest(s), conviction(s), or history of alcohol or substance abuse, sexual or child abuse, domestic violence, or other violent or criminal behavior that may pose a risk to the safety or well-being of the principal beneficiary or any derivative beneficiary; (4) The relationship of the petitioner to the principal beneficiary and any derivative beneficiary; (5) The age and, if relevant, the gender of the beneficiary; (6) Whether the petitioner and beneficiary will be residing either in the same household or within close proximity to one another; and (7) The degree of rehabilitation or behavior modification that may alleviate any risk posed by the petitioner to the beneficiary, evidenced by the successful completion of appropriate counseling or rehabilitation programs and the significant passage of time between incidence of violent, criminal, or abusive behavior and the submission of the petition."

"In cases where none of the intended beneficiaries are children, the Aytes Memo directs the close examination of the petitioner's specified offense and other past criminal acts (ex: spousal abuse or domestic violence) to determine whether the petitioner poses any risk to the safety or well-being of the adult beneficiary. However, USCIS uses the "beyond a reasonable doubt" standard in the "no risk" analysis, and in a 2014 decision, the Board of Immigration Appeals ruled that it lacked the authority to review the propriety and USCIS' use of that standard in adjudicating petitions under the Adam Walsh Act."

On May 20, 2014, the Dept. of Homeland Security got the Board of Immigration Appeals (BIA) to ratify the startling power that the DHS may deport a noncitizen for a crime committed by someone else.

On May 20, 2014, in the trilogy of decisions that are *Matter of Aceijas-Quiroz*, *Matter of Introcaso*, *Matter of Jackson and Erandio*, the Board answered some of these questions and refused to address others on jurisdictional grounds. Each decision represents a particular pronouncement of law regarding the AWA. As a single piece of work, the story is far more disturbing. In *Acejias-Quiroz* the BIA held that it lacked the authority to review any challenges brought against the legal standard used by USCIS—"beyond a reasonable doubt"—when conducting a "no risk" analysis...In *Introcaso*, the BIA explained that a visa petitioner bore the burden of proving whether or not an offense was a "specified offense against a minor...In *Jackson and Erandio* the BIA held that the AWA applied to all convictions made by any US citizen at any time – even those that occurred, as they did in *Jackson and Erandio*, 25 years before the AWA's enactment...The impact of these three decisions will undeniably be devastating for those families caught up in the immigration related provisions of the AWA. It now becomes far more likely that their visa petitions will be denied, without any meaningful opportunity to obtain administrative review of such denials.

The Immigrant Legal Resource Center advises attorneys, "Where the victim is a minor, counsel should attempt to plead to an offense that does not appear in the above list. If that is not possible, counsel should keep the age of the victim out of the reviewable record. However, it is not clear that the inquiry will be limited to the reviewable record and the categorical approach."

It IS possible to obtain a visa but according to the USCIS, they have denied 99% of all petitions under the AWA. They estimate denying petitions of over 4000 cases just in 2017.

## RECREATION

*Outdoor Activities:* I have covered travel issues in the Travel Issues chapter, but it should be noted that some events or locations for recreations may be subject to restrictions, especially if you are “On Paper.” Certain activities like hunting may be affected. Some states that have park bans may include places like beaches. Sporting events may ban Registrants if on school grounds or if children are the primary focus of the event.

*Video Games:* Thanks to Online Predator Panic, POs can place restrictions on internet access if your crime involved the computer, and since pretty much every modern system currently has internet capability, then you might not be allowed to use certain devices that cannot be easily monitored while “On Paper”. As far as I know, there isn't some software that can be downloaded to allow police to monitor your PS4 or Xbox One like they can a PC. Thus, some SOs may not be able to buy and play many modern video game consoles because of restrictions placed upon you by a PO. (This is not an absolute rule and can vary; I have heard some POs would allow games for older audiences but not kid-friendly games, and many have no such restrictions.)

It is questionable if the PS2, released in 2000, can even run online these days but even if it does, I doubt anyone can play online games these days since Sony shut down PS 2 online servers in 2016. (Actually, for the nerds out there, a computer program called XLink Kai allows users to achieve online play for some PS2 games by using a network configuration that simulates a worldwide LAN; because of this, only games with LAN functionality may be played in this way.) Online game support for PS3, Xbox 360, and Vita is declining. Ultimately, internet capability, as well as ability to play certain games like Call of Duty or Madden football, is determined by the dedication of companies supporting outdated systems or of online communities of gamers.

As much as I hate Wikipedia, they have a decent article on Online gaming history which can explain the internet capability of each gaming console, found at --  
[https://en.wikipedia.org/wiki/Online\\_console\\_gaming](https://en.wikipedia.org/wiki/Online_console_gaming)

So here are some gaming options that should still remain open to you should you find yourself facing restrictions on video gaming devices:

Older-Gen systems: Pretty much every console made before Sega Dreamcast lacks internet capability, at least not without some massive runarounds. The list of major systems that has internet capability is shorter than the list that doesn't, so below are systems that ARE internet capable and/or can play online games:

- ❖ Sega Dreamcast (Runs Windows CE so it can theoretically connect to the Internet, but probably can't handle today's internet)
- ❖ All Microsoft XBox Systems
- ❖ Playstation 2, 3, and 4, PSP and Vita
- ❖ Nintendo Gamecube, Wii, Wii U, and Switch
- ❖ Pretty much any computer-based emulators like Raspberry Pi

That leaves pretty much every video game console before the year 2000 (A Philips CD-I had some limited online capability but it was made in 1991 so I doubt it could even handle modern internet). Fans of various gaming systems continue to make new games for vintage systems, even more obscure vintage consoles like the Vectrex and Intellivision. (Of course, that would mean going online to find them, so you'll have to find someone willing to do that for you.)

Flashbacks or “Dedicated” Systems: If you like retro games, you're in luck. Pretty much all plug and play “Flashback” or “Mini” consoles are not internet capable and can be hacked to add more games. The Atari and Genesis Flashback portables even allows you to have someone else download games for you to play more games.

## VOTING

Most states grant all Registrants (and felons in general) the right to vote either upon completion of a prison sentence or upon restoration of voting rights through a pardon or other legal procedure. Below is a breakdown of our right to vote. The info was taken from “Criminal Disenfranchisement Laws Across the United States,” Brennan Center for Justice, Sept. 2018 and adjusted just to reflect voting rights for SOs.

- Permanent disenfranchisement for all people with felony convictions unless government approves individual rights restoration: IA, FL, KY
- Permanent disenfranchisement for at least some people with criminal convictions, unless government approves restoration: AL\*, AZ, DE\*, MO, MS\*, NV, TN\*, WY (\*These states permanently disenfranchise SOs. Wyoming extends that to all violent crimes, and SOs are generally assumed to be violent offenders. NV permanently disbars those with “Category A” offenses, including some SOs or repeat offenders but can get voting restored via pardon/ cout order)
- Voting rights restored upon completion of sentence, including prison, parole, and probation: AK, AR, GA, ID, KS, MN, NE(1), NJ, NM, NC, OK, SC, SD, TX, VA(2), WA, WV, WI
- Voting rights restored automatically after release from prison and discharge from parole (people on probation may vote) CA, CO, CT, LA(3)
- Voting rights restored automatically after release from prison DC, HI, IL, IN, MA (4), MD, MI, MT, NH, ND, NY(5), OH, OR, PA, RI, UT
- No disenfranchisement for people with criminal convictions ME,VT

### Footnotes:

1. Nebraska imposes a two-year waiting period after completion of sentence. Nebraska also disenfranchises persons with treason convictions until they have their civil rights individually restored.
2. Virginia’s constitution imposes permanent disenfranchisement, but allows the governor to restore rights. The current governor’s policy individually restores voting rights to those who have completed their sentences, prioritizing those with the earliest completed sentences and those who apply.
3. In LA, voting rights are restored for those on probation or parole who have not been incarcerated during the last 5 years.

4. Massachusetts disenfranchises persons with convictions for “corrupt practices in respect to elections” until they have their civil rights individually restored.
5. In NY, on April 18, 2018 Governor Cuomo announced that he would restore the right to vote to New Yorkers on state parole through executive order. Since then, he has restored voting rights for over 24,000 New Yorkers living and working in their communities. Prior to this announcement, New Yorkers were disenfranchised until the completion of incarceration and parole.

There have been other concerns with allowing Registered Persons to vote, such as the fact many voting booths are in schools (a moot point in my opinion since schools are closed on election day) or on whether or not to allow civilly committed persons to vote (as they technically aren’t “prisoners”). However, the trend has been slowly reversing the tradition of banning people with criminal records from voting.

For a summary of state and federal laws covering voting rights, jury duty, and holding public office with a criminal record:

<https://ccresourcecenter.org/state-restoration-profiles/chart-1-loss-and-restoration-of-civil-rights-and-firearms-privileges/>

### GOING TO CHURCH AS AN RC

The registry impacts our lives in more ways than you can probably imagine; unfortunately, this applies even to practicing your religious faith. According to a 2010 Christianity Today survey, 99% of respondents believed people should be aware a church attendee is on the registry (though only 18% responded everyone should know), but on the upside, only 2% of respondents stated their churches outright ban RCs. That means most churches will welcome you into their congregation; interestingly, just over twice as many churches stated they would place no restrictions on an RC than those who would outright ban an RC from attending services.

However, many churches that welcome you may set guidelines for attendance. You must understand we live in a liability culture, and churches are not exempt from public fear and misinformation. Church insurance companies are behind the times and still believe outdated myths from the 1980s Satanic Panics.

What this means for you is ultimately, nearly all churches will accept you but you might still be treated differently due to liability concerns. The most common method churches may employ is a chaperone or “buddy” system, meaning you’ll have an accountability partner at all time, possibly even for bathroom breaks. While it may be off-putting to most, some of you might like this because it would minimize your chances of being falsely accused of wrongdoing. Other things you may experience are signing some form of accountability statement agreeing to stay away from areas and/or functions designated for children. A few churches have even held a different service for RCs or other sensitive needs folks.

Many people do continue their desire for religious leadership outside prison; among respondents to the 2010 survey, there was a near even split on whether an RC should have the opportunity to have a leadership role (36% in favor, 40% opposed). About 3% of respondents stated a church leader had a prior

record. It is possible to find a church that will accept your desire to lead but be prepared for some negative publicity.

On the legal front, there have not been many rulings related to our right to attend church services. In *State of NH v Peretto*, No. 2009-647 (NH Sup Ct, 17 Sept 2010), the NH high court let stand a supervision rule banning Registrants from church, adding, “He may still practice his religion in ways that do not violate the condition of his sentences, including the use of books and video and audio recordings. He may also arrange bible study with elders from his congregation and attend meetings at a congregation where minors are not present.” In *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016), the 4th Circuit held NC’s proximity law statute, banning RCs from even being within 300 feet of areas frequented by children, was unconstitutionally vague; it included an arrest for attending a church having a daycare area on campus. In *Doe v. Boone Co Prosecutor*, No. 06A01-1612-PL-2741, \_ NE3d \_ (Ind. Ct. App., Oct. 24, 2017), the IN appeals court determined that a church does not meet the legal definition of “school property.”

The bottom line is you should have little problem exercising your faith. Honesty is the best policy; talk to the church about their stance on allowing an RC to attend. To paraphrase Matthew 10:14, if you aren’t welcome, kick the dust from your feet as you leave. There are plenty of churches willing to accept you.

### HALLOWEEN/ HOLIDAY LAWS

Only five states currently have legal statutes regulating Registrant participation in certain holiday (particularly Halloween) activities—AR, FL, IL, LA, and MO. Of these 5 states, only LA and MO apply the restrictions to all Registered Persons. IL applies restrictions to both those on supervised release, parolees/ probationers, and those convicted of sexual offenses involving anyone under age 18. AR applies restrictions to those on Level 3 or 4. FL state law applies only to those on probation or parole.

HOWEVER, many states have adopted statewide regulations that may apply to you if you are on probation/ parole/ supervised release. At least 14 states have been noted to have some form of operations or restrictions on Halloween activities for certain Registrants (CA, CO, GA, ID, IN, MD, NV, NY, OH, SC, TN, TX, VA, WI). This does not include Halloween restrictions on a city or county level. You could be restricted in various ways by a local level law EVEN IF you aren’t “On Paper,” like adhering to curfews, attending mandatory meetings, keeping your porch lights off, bans from wearing costumes, or handing out candy/ gifts.

There aren’t many legal decisions, either. In *State of Missouri v. Charles A. Raynor*, SC90164 (Jan. 12, 2010), Halloween restrictions were recognized as punishment and could not be applied to those convicted before the law took effect. More recently, and perhaps more useful to you, is the case of *Reed et al v. Long et al*. Case 5:19-cv-00385-MTT (M. Dist. GA 2019); in this case, a judge ruled forcing SOs to place signs in the yards stating “No Candy At This Residence” was compelled speech and therefore unconstitutional under the 1st Amendment.

## RELIEF FROM THE REGISTRY

In Appendix 2, I cover laws pertaining to possible relief from having to register. For some Registrants, there are definitive paths to obtaining relief from the registry. Relief may come via pardon or by a court procedure. Though this resource has not been updated since 2015, [pardon411.com](http://pardon411.com) is a good resource for understanding how to obtain a pardon. Pardons are generally offered only by the state of conviction (or, if you're a federal case, a pardon from the President), but a few states may allow Registrants the opportunity to seek relief from the registry even if the Registrant's conviction is from a different state.

No matter what procedure is in place for petitioning for registry removal, court investigators will delve into your entire criminal history (not just sex offenses) so maintaining a clean record after your release is imperative. Having a respected member of the community going to bat for you (such as a minister, politician, or even an LEO) increases your chances. Still, expect your chances of obtaining a pardon to be extremely slim; for example, the Alabama Bureau of Pardons and Paroles noted that it pardons less than 2% of applicants convicted of sex offenses. (Amazingly, Alabama will grant pardons to those convicted of federal offenses.) Still, less than a 2% chance of a pardon is greater than zero chance for relief.

While lawyers are not necessary for pardon hearings, Registrants who are eligible for relief from the registry should hire a well-known, well versed on sex offender laws attorney to petition to get off the Registry. You may have to "Google" "sex offender attorney" and your state to find a specialist. You may also want to read reviews. With attorneys, you truly get what you pay for, and many attorneys are unwilling to take cases pro bono.

Pardons and relief from the registry obligations does NOT remove the conviction from your criminal record. The sex offense conviction may still show up on your criminal record.

## FINAL THOUGHTS

I have lived on this registry for over 17 years now, and while I hate the principle of registering, I prepared this guide with the intent of helping you endure the registry. But for all the laws we face and all the struggles we endure, hundreds of thousands of people find ways to get by. I'd like to end this guide by reposting two of my best ICoN inspirational pieces in hopes they encourage you. I'm not going to lie and pretend it was easy. However, I've found ways to enjoy life in spite of some peoples' attempts at ruining those efforts.

### MUSINGS ON KINTSUGI AND THE PHOENIX (From Issue #27, Jan. 2018)

I was trying to come up with a last minute idea to fill space for this month's newsletter when I just happened to turn on CBS Sunday Morning. With December 31<sup>st</sup> falling on a Sunday this year, the show was filled with discussions of the events over the past year (as expected), but they discussed something interesting I felt was worth sharing. They discussed something called "Kintsugi." Kintsugi (or Kintsukuroi, which means "golden repair") is the Japanese art of repairing broken pottery with a special lacquer containing powdered gold (sometimes silver or platinum) which not only breathes new life into a broken vessel, but increases the beauty of the once broken piece. This repair method celebrates each artifact's unique history by emphasizing its fractures and breaks instead of hiding or disguising them.

"Kintsugi art dates back to the late 15th century. According to legend, the craft commenced when Japanese shogun Ashikaga Yoshimasa sent a cracked chawan—or tea bowl—back to China to undergo repairs. Upon its return, Yoshimasa was displeased to find that it had been mended with unsightly metal staples. This motivated contemporary craftsmen to find an alternative, aesthetically pleasing method of repair, and Kintsugi was born.

Since its conception, Kintsugi has been heavily influenced by prevalent philosophical ideas. Namely, the practice is related to the Japanese philosophy of wabi-sabi, which calls for seeing beauty in the flawed or imperfect. The repair method was also born from the Japanese feeling of mottainai, which expresses regret when something is wasted, as well as mushin, the acceptance of change." [From "Kintsugi: The Centuries-Old Art of Repairing Broken Pottery with Gold." MyModernArt.com. Apr. 25, 2017. <https://mymodernmet.com/kintsugi-kintsukuroi/>]

We in America live in a throwaway society. If something is broken or has imperfections, we throw it away or donate it to a thrift store. Vegetables that do not meet a specific standard for shape and overall looks are rejected for sale in grocery stores. This principle seemingly applies to people as well. We are considered "broken vessels," useless and ready to be discarded. However, those of us who are considered broken can not only repair our lives, we can strengthen what were once our imperfections and make them beautiful.

Two ways of applying Kintsugi on our souls is through personal healing and through an activist lifestyle. Whether you are still in prison or are in the "free world," we all have great struggles to endure. You don't have to face it alone. There are treatment organizations willing to help those still struggling with personal

issues. There are online support groups like SOSEN that can help those in the “free world” but struggling with life on the list.

Even in prison, there are ways to prepare for life as an activist; activist organizations like OnceFallen help those adjusting to life on the registry and gain knowledge needed to navigate the confusing world of registration. (OnceFallen.com celebrated its 10-year anniversary on December 5, 2017). This newsletter offers up resources and activist tools each month.

My slogan for OnceFallen.com is “Through Knowledge and Wisdom, We Rise from the Ashes.” (It is by design my logo is a Phoenix). Like a repaired piece of broken pottery or the legendary Phoenix, we can overcome and be made whole again. That slogan I shared was for a treatment-focused group I was forming with some prisoners called SOPHIA (SOs Pursuing Healing In Adversity). I believe that knowledge (“book smarts”) and wisdom (“street smarts”) IS power. You may not be able to stop every bad thing that happens from here on out, but you can make the most of your life in whatever life situation you currently face. Many of us find contentment, peace, and life a good life even in the midst of this persecution.

To me, there is no greater beauty than one who can rise from the ashes of a broken life. Your success, however, won’t be measured by income or material possessions, but in finding happiness in whatever situation you find. Imagine the looks on the faces of the “haters” when what were once cracks and imperfections now glitter with gold!

#### YOUR BEST LIFE NOW (From ICoN Issue #14, Dec. 2016)

I have been writing this newsletter for you for nearly two years, and sadly, it is often bad news. We’re often told where to live, work, and even who to date. We are being banned from a growing number of places, and it seems there is little we can do about it. There is a small but growing movement against these laws, of course, but few of the 850k on the list have been willing to fight.

Many of you write to me asking questions about how to live a life under all of these conditions. How do we survive prison? We adapt. We find a way to endure the restrictions. However, despite all of these restrictions, it is still possible to succeed if you are willing to work for it. We have higher unemployment rates but not all of us are unemployed. Some of us are homeless, but most have a home. Some of us are harassed by neighbors, some are left alone. Success is a relative term. I haven’t been rearrested for a new crime since my release in 2003. I’m a success there. But I’ve also been homeless and I’m living off SSI and food stamps. Many might not see that as a success, but it also freed me to do this newsletter and run a website that helps thousands of Registrants annually.

When I was incarcerated, I tried to make the most of my time. Now, I understand many of you aren’t religious nor am I going to cram religion down your throats, but I found Joel Olsteen’s ‘Your Best Life Now’ to be helpful. For those who can’t (don’t want to) read it, I’ll summarize the main points, modified slightly for the sake of our particular plight:

1. “Enlarge your vision”: Olsteen says if you think you will be successful and expect success, it will happen. I say don’t expect things to be easy, but if you continue to work at it, you can beat the odds. I love proving people wrong, don’t you?
2. “Develop a healthy self-image.” Look, there will be no shortage of “haters” out there. What matters is rising above it. It is easy to say “don’t let it get to you,” because we’re only human. I have gotten hate mail and a few threats over the years. You may get the same treatment. But you know you aren’t what they say you are. Focus on the good parts on you and accentuate that. You aren’t a bad person but a good person who has done a bad thing in the past. You paid your debts and moved on. If you allow these folks to dictate your opinion to yourself, you could end up back in prison.
3. “Discover the power of your thoughts and words.” We are constantly told we are “scum”, “monsters”, “pedos”, etc., but if you start accepting that label, you behave as your label. A lot of folks end up in bad situations because they talked themselves into it. Just because society labels you a “sex offender” does not mean you are doomed to act like an SO. (And honestly, what does acting like an SO mean?) As a man thinks, so is he.
4. “Let go of the past.” When I give media interviews, I always say when a man’s time is up, it’s up. That should be the end of it. I feel the same way. Don’t let this label define your future. Again, many folks have overcome the label.
5. “Find strength through adversity.” Trust me, you’ll face a fair amount of adversity out here, much like you do in prison, but if you survived prison, you’ll survive this. I was a quieter, more introverted person in my youth, but this experience broke me out of it. If there is one thing Americans love, it is someone who beats the odds. You being a success story will inspire those who someday will be in your current place. Strength comes from surviving whatever society throws at me.
6. “Live to give!” We all will share this label, no matter why you were given the label. I don’t care if you merely urinated behind a dumpster, had mutual relations with someone too young to consent, looked at illegal pics, or committed a hands-on offense. Society doesn’t differentiate. There are agencies out there, including mine, working to change the system. Make helping them a priority, whether by donating (money, manpower or support) to their causes or even starting your own program. For example, I am collecting donations for the Registrant homeless camp in Miami for Christmas. I’m accepting money, new underclothes, and hygiene products for them. As Registered Persons, we should remember we are the “least o these” as the Bible would say, so we should look out for our own when it comes to charity.
7. “Choose to be happy.” Happiness IS a choice for the most part. I can choose to lament the fact I’m living on \$753/mo and \$194/mo food stamps. But I have a roof over my head, foot to eat, and video games for entertainment (thank God for cheap used video games). Most of all, I enjoy receiving the letters and calls from people grateful for what little I offer. Also, the BEST REVENGE against your enemies is enjoying life even under the restrictions. They think we’re not supposed to be happy! I go out and take pictures, go to events, travel, go out on dates and to dinners, and buy video games when I have the money to do so, and it drives the haters crazy. They want you to be miserable, not happy.

The bottom line is that you will decide how well you adjust to these restrictions, and my advice to you is to live your “best life” under these laws as possible as we work towards bettering the lives of all Registered Persons.

--Derek W. Logue of OnceFallen.com

## APPENDIX 1: HOUSING LIST

While I spend a lot of time trying to create a comprehensive list of available housing, this list does imply this is all the available housing. Locating housing is challenging in part because some housing resources remain low-key. Places open and close without warning. This housing list can be found at – <http://www.oncefallen.com/findinghousing.html>

Below were the current listings as of June 7, 2020:

### HOUSING OPTIONS and ASSISTANCE BY STATE:

#### ALABAMA

Outreach Reentry Ministry, Inc.

2303 Camden Cove West, Muscle Shoals, AL 35661

[outreachreentryministry@mail.com](mailto:outreachreentryministry@mail.com) / [williesimpson@blackwallstreet.org](mailto:williesimpson@blackwallstreet.org)

(256) 394-3306

An Apply at <https://outreachreentryministry.org/application>

Note: This program has outreach programs in Alabama and in other states. Contact for more info.

#### ARIZONA

The following info was extrapolated from <http://azrsol.org/resources/> on July 3, 2020:

East Valley Men's Center (Must be homeless and living in Mesa)

Phone 480-610-6722 – Fax 480-610-0330

Steve Collins –Kokopelli Group Home \$132.29/Week has several group homes and takes people convicted of sexual offenses. 480-620-2039

There are some houses near 15th Ave. and Roosevelt that rent rooms to people convicted of sexual offenses. Most of them are \$90/week. The landlord of the houses is Sharron Ledbetter 602-695-3500.

There are some houses near 15th Ave. and Roosevelt that rent rooms to people convicted of sexual offenses. Most of them are \$100/week. The landlord of the houses is Chris Downing, 602-696-8114.

Chuck Lopez, the Maricopa Probation Housing Coordinator, has other references he can make. His number is 602-619-1380.

Church on the Streets (3 day limit – check in at 4 PM)

4006 W. Van Buren St., Phoenix, AZ 85009

602-447-0259

Redeemed Outreach (No DCAC or Level 3)  
2210 E. Taylor St., Phoenix, AZ 85006  
602-666-1749 or 602-368-2111

New Windsor Hotel (\$170/week)  
546 W. Adams St., Phoenix, AZ 85003  
602-254-8694

2luv1another – Sonya Jennings  
234 W Turney Ave., Phoenix, AZ 85015  
Phone 562-726-0415 – SonyaJennings@yahoo.com

Las Palmas Inn (\$205/week)  
765 W. Grand Ave., Phoenix, AZ 85007  
602-354-3337

Weekly Kitchenettes  
3239 E. Van Buren, Phoenix, AZ 85008  
602-499-3425

South Mountain Assisted Living  
6420 S. 22nd St., Phoenix, AZ 85040  
602-276-3883

El Ranchito Inn  
3060 NW Grand Ave., Phoenix, AZ 85017  
602-696-5283 or 602-284-8065

The Eagle Apartments (Not related to Eagles' Nest Ministries)  
2316 E. Roosevelt, Phoenix, AZ 85006  
623-242-9677

Disciples of Christ  
Bert Lajonader  
724 N. 10th Ave., Tucson, AZ. 85705  
520-406-0294

### CALIFORNIA

Citizen Support  
Contact: Nauman  
310-415-2389

About: Housing in the L.A. area. Double and Triple occupancy available in a duplex. \$750/mo. Shared kitchen and bathrooms. Front building is strictly women, back building is strictly men. Call for more info or schedule an appointment.

Sacramento Manor

7300 24th Street Bypass

Sacramento, California 95822

Senior apartment, not subsidized. Pet deposit 200\$ no pet rent. Max of 2 pets per household. No elevator. Bankruptcies accepted based on # of years. No felonies accepted but misdemeanors and sex offenders accepted. Wheel chair accessible

Fairway Apartments

3711 Morse Ave, Sacramento, CA 95821

COLORADO

NARSOL's Colorado affiliate, Colorado Advocates for Change, has a non-public list of private housing leads for in-state Registrants, so contact them for more info.

Website: <http://advocates4change.org>

Address: P. O. Box 103392 Denver, CO 80250

Phone: 720-329-9096

Email: [advocates4changeafc@gmail.com](mailto:advocates4changeafc@gmail.com)

FLORIDA

Florida Action Committee maintains a resource page that may contain housing leads in addition to what I have below:

Housing4Offenders LLC

Ron Johnson, Manager

PO Box 607096, Orlando, FL 32860

Ph. 407-548-4623

Email: [info@housing4offenders.com](mailto:info@housing4offenders.com)

Visit us at <http://www.housing4offenders.com>

DETAILS: Monthly rent starts at \$500 per month. Housing is located in Orange County, FL. Amenities include bedroom furnishings, cable services, washer and dryer, kitchen/dining area use, water, and electric. First month's rent and 1 month's rent due as security to move-in.

Sunshine Mobile Home Park, LLC

Michael Shannon

305-998-5000, Ext. 1001

Located in Cocoa, Florida

Email: [info@edgeasset.com](mailto:info@edgeasset.com)

Pricing starts at \$350 for a private room with a keyed lock. Furnishings are available if needed at an additional cost. \$100 application fee. 1 month security deposit required. Fast approval and move in.

Michael Murphy

407-800-2275

Diverse Housing LLC, PO Box 580635, Orlando, FL 32858

Phone: (407) 800-2275

Email: [info@diversehousing.com](mailto:info@diversehousing.com)

<http://www.diversehousing.com>

Pricing starts at \$500 for a private room with a keyed lock. Furnishings are available if needed. Washer and dryer is located at the home and included with rental. Our houses are well kept, friendly, and free of any drugs or violence. Visit our website to fill out an application.

H4SO, Inc. c/o Daphne Sinkewiz

P.O. Box 540164, Orlando, FL 32854

407-300-3252

[housing4so@gmail.com](mailto:housing4so@gmail.com)

<http://www.h4so.com>

H.O.S.T.

Helping Offenders Successfully Transition

407-437-3694

[hosttransitionservices@gmail.com](mailto:hosttransitionservices@gmail.com)

<http://www.hosttransitionservices.com/>

Matthew 25 Ministries City Of Refuge

Jerry Youmans, Intake Coordinator

120 Pelican Lake Drive, Pahokee FL 33476

561-924-5556

[www.matthew25ministries.org](http://www.matthew25ministries.org)

Additional Info: Matthew 25 Ministries City of Refuge is a rental community in Pahokee, FL that provides housing for men and women transitioning back into society and who cannot find other housing because of state and local residency restrictions. We are not a halfway or transitional housing program. In fact, we do not run a program at all, although there are some classes offered through Jacob's Destiny Church, our non-denominational congregation here in our community. For our residents who are required to attend state-mandated counseling, Dr. Ben Taylor of B and K Counseling Services comes to our community every week to conduct group sessions at the resident's expense. Our rent starts at \$500 per month and there is a one-time administrative fee of \$300 due before the resident's arrival.

The Villages of Orlando:

Lake Shore Village, 4127 North Orange Blossom Trail, Orlando FL 32804

Overland Village, 3303 Overland Road, Apopka, FL 32703

Hillcrest Village, 6105 Beggs Road Orlando, FL 32810

407-616-7757 (Lori)

SOHOFLA@gmail.com  
<http://sohofla.weebly.com/>

Housing For Offenders  
Randy Young  
Phone # 407-925-4471  
Email: hfouro@aol.com  
<http://housingforsexoffenders.com/>

FLORIDA JUSTICE TRANSITIONS  
1221 1/2 10th St N, St Petersburg FL 33705  
Office # 727-346-3350 office  
Fax # 727-954-7090  
James Broderick, President  
[info@fjt2008.org](mailto:info@fjt2008.org)  
[www.floridajusticetransitions.com](http://www.floridajusticetransitions.com)

Palace Mobile Home Park  
R2 Properties Co. Ltd, Inc., 2500 54th Avenue N. Ste 100-B, St Petersburg FL 33714  
Office: 727-289-7020, Alt: 727-289-7021  
Fax: 727-954-7090  
[www.palacemhp.com](http://www.palacemhp.com)

Conditions: We charge a \$200.00 non-refundable application fee! The rent is \$350.00 per month plus Electricity. You will also need \$30.25 for DMV to get your ID. We have strict criteria for acceptance. We are a non-violent and drug free community. Probation may require persons to have additional months paid up front prior to acceptance with us. We must have the first two months plus last month for a total of three months' rent plus the application fee paid, that comes to a total of \$1,250.00, prior to acceptance into the program. This will be a lease for six months and a day. Trailers are "shared living" (private bedroom, shared kitchen/bathroom)

Offender Housing LLC  
Freddy Rodriguez, Re-Entry Specialist  
P.O. Box 547758, Orlando FL 32854  
Cell # 407-541-9766  
Office # 407-704-4126  
Fax # 866-253-8611  
[freddy@offenderhousing.org](mailto:freddy@offenderhousing.org)  
<http://www.offenderhousing.org/>  
Project SOAR Recovery Residences LLC  
1231-1235 NE 15th Avenue, Ft. Lauderdale FL 33304  
800-992-0381  
[www.projectsoar.us](http://www.projectsoar.us)  
[info@projectsoar.us](mailto:info@projectsoar.us)

JSJ Florida Investments  
11451 Char Ann Dr., Apt C, Fort Myers FL 33908  
239-823-0377 or 239-826-3330

Lakeland Palms (Won't accept anyone on probation)  
2965 New Tampa Hwy, Lakeland, Fl 33815  
407-619-7041  
Manager: Al

Master's Touch Ministries of Pensacola  
6312 Mockingbird Lane, Pensacola FL 32503  
850-982-1655 (Melanie Canaan)

City Walk Urban Mission  
1351 Thomasville Road, Tallahassee FL 32303  
850-528-3909

CARE Tallahassee  
1224 Eppes Drive, Tallahassee FL 32304  
Office # 850-320-0281  
Fax # 850-536-6886  
<https://www.care-tallahassee.org/>

ABOUT: We specialize mainly with those incarcerated and ready to be released. We communicate via mail to complete the application process. We have a somewhat restrictive first thirty days, then if the new resident continues working for the ministry, they do not pay fees, however, once they obtain employment, they start paying program fees. \$100 a week, or \$400 a month. Of course, the address has to be approved by DOC where they want to stay once released if they are released under DOC supervision.

Southeast New Start Transition Housing  
9171 Parker Ave, Jacksonville FL 32218  
904-234-5437  
Kelly Clemens

FSJ Housing  
Contact person: Rick Evans @ 813-294-0341  
2818 N Nebraska Ave, Tampa FL 33603  
Rent is \$100.00 per week and that includes kitchen, bathroom, washer, dryer, and fridge

Burch's Transitional House  
2058 Danese Street, Jacksonville, FL 32206  
904-345-9848

Off the Chain Ministries Inc  
Daryl Townsend  
904-282-1336  
4265 Everett Ave, Middleburg FL 32068  
<http://offthechainministries.com/>

Plant A Seed  
Pastor Al  
Fort Pierce, FL  
727-486-0733

Solid Rock Foundation  
Thomas Brown  
23945 NE 113th Ave. Fort McCoy FL 32134

Coastal Apartments  
c/o Josh Sims Apt F2  
16800 Carmen Ave, Ft. Myers FL 33908

Palace Mobile Home Park  
2500 54th Ave. N., Tarpon Springs FL

The Ranch  
P.O. Box 92901, Lakeland, FL 33804  
863-513-2486  
Manager: Chris

Trinity House  
375 Kaye Street, Fort Pierce FL 34947  
772-985-7835

Christlike Ministry  
3011 Orient Rd., Tampa FL 33619  
813-623-1099

The following resources were extrapolated from the US Probation Middle District of Florida website, so should be accurate as of 4/19/20:

Care Patrol: Care Patrol is a nationwide company that assists with locating assisted living, independent living, and nursing homes for people in need. Mary Ellen Gilbert is the point of contact for all of Florida. You, the client, or the family can simply call Mary Ellen's cell 410-610-4054 and provide her with the offender's name, amount of monthly income, and requested housing type. She will work to find a home for the client within their budget. The facility pays Care Patrol for the referrals so the client does not pay for the service. Depending on the client's needs, Care Patrol can provide several housing options. Care

Patrol recently found a facility that would accept one of my homeless clients with active psychiatric concerns. Mary Ellen says they have options for sex offenders also.

Columbia Motel: Motel rooms for working people. Single daily rate \$40; double \$45; weekly \$210.

1042 E Hillsborough Avenue, Tampa 33604

Phone # 813-236-5941, Call M-F 9-5

(Note: Not entirely sure if they take SOs or not, was not specific)

Clifford Hill Community Outreach

Shelter with meals for adult. Available to ex-offenders, including sex offenders. Emergency clothing referral. 24-7

Contact: Helen Pridgen, 1303 E. New Orleans Ave, Tampa 33603

Phone # 813-237-5439

Fax # 813-234-4762

## GEORGIA

Offender Resource Network

Housing in the Macon GA area

Daphne Boyd

407-300-3252

Male sex offenders in Georgia (Fulton and Dekalb County)

The Faith Project, Inc.

[www.thefp.org](http://www.thefp.org)

770-733-8859

Mailing address: PO Box 769, Snellville, GA 30078

Georgia also maintains a database on transitional housing called THOR (Transitional Housing for Offender Reentry), and if a program takes Registrants, it is noted in the entry. The places listed below were listed on THOR in March 2020.

THOR weblink: <https://pap.georgia.gov/reentry-services/transitional-housing-offender-reentry>

Male: Beacon House

2701 Beacon Avenue

Columbus, GA 31904

Wilhite, Don

706-321-8953

[dwilhite@calvaryministries.com](mailto:dwilhite@calvaryministries.com)

Male: Cardinal Transitional Home 2  
736 Wright St  
Columbus, GA 31907  
Shumpert, Anthony  
706-580-3798  
Anthonyshumpert1975@gmail.com

Male/Female: Chattahoochee Valley Ministry  
www.safehouse-ministries.com  
2305 15th Street #3  
Columbus, GA 31906  
Richardson, Neil  
706-641-5334  
NRichardson@columbusga.org

Male: Christian Family Center  
<https://cfcnewlife.org/>  
21 Outreach Lane  
Soperton, GA 30457  
Campbell, Nick  
912-529-6712  
Admin@cfcnewlife.org

Male: Let Our House Be Your Home, Inc.  
www.letourhousebeyourhome.com  
4201 Rainbow Dr.  
Decatur, GA 30034  
Holmes, Sarah  
404-534-9923  
sholmes4maog@aol.com

Male: Revival of Power To Crusade Ministry  
2112 Ollie Dr.  
Macon, GA 31217  
Welch, Vanessa  
478-336-0040  
vwelchs@yahoo.com

Male/Female: Serenity House of Atlanta  
www.serenityhouseatl.org  
1095 White Oak Avenue

Atlanta, GA 30310  
Bethesda, Norman  
844-473-7364  
serenityhouseatl@yahoo.com

### IDAHO

Bethel Ministries  
PO Box 44106  
Boise, Idaho 83711-0106  
Rob Lee, Executive Director  
roblee@bethelministries.net  
208-475-1284 phone  
208-377-1498 fax

<http://www.bethelministriesidaho.org/>

NOTE: Can only accept residents of Idaho/ those released from Idaho institutions.

### ILLINOIS

NewDay Apartments  
25 Telsler Rd, #56  
Lake Zurich, IL 60047  
[www.newdayapartments.com](http://www.newdayapartments.com)

Info: "NewDay Apartments specializes in providing housing to registered sex offenders in Kane County, IL. We offer studio, 1-bed, and 2-bed units starting at \$750/month. Applicants must show proof of income, not be on mandatory supervised release/parole/probation, and have no other felonies other than the one(s) requiring them to register. Click the link for more information!"

Beal Properties  
2320 North Damen Avenue  
Chicago, IL. 60647  
(Has housing in Chicago and Evanston)  
[bealproperties.com](http://bealproperties.com)

"Public Act 094-0161 establishes that the Illinois State Police identify details on the Sex Offender Registration Information website of transitional housing facilities licensed by the Illinois Department of Corrections." What that means for us is the state lists transitional programs certified by the state as transitional homes. You can access the list by going to <https://www.isp.state.il.us/sor/transition.cfm>

### KENTUCKY

Ardery House (Wellspring)  
1382 S. 3rd Street, Louisville, KY 40208  
Laura Alborias, 502-637-4361 x 1456

Severe and Persistent Mental Health Issues/Sex offenders on a case by case basis/Homeless

Broadway House/Wellspring

1155 East Broadway, Louisville, KY 40204

Carl Humphrey, 502-589-3432

Severe and Persistent Mental Offenders/ Sex offenders on case-by-case basis

Courage to Change

Recovery House

1137 S. 32nd St

Louisville, KY 40211

502-338-2505, Contact Staci Crowder

Must pass phone screening/accepts some sex offenders/males or females.

Phone Screening

\$100 deposit and \$75 per week. Have a 6 mo. dependency program or just provide transition living.

CTS Russell Center

(Men Only)

1407 W. Jefferson #200, Louisville, KY 40203

Barbara Strahm, 502-855-6500

Anyone including Sex Offenders without residence restrictions

Flintlock Arms Apts

4150 Flintlock Drive,

Louisville, KY 40216

Angela Sanders 502-447-7771

RPs without residency restrictions.

Heywood House

427 Heywood Ave. Louisville, KY 40208

Don Siebert 502-636-4294 or cell 502-727-5628

Men only. Housing and must attend either AA or NA meetings. Will take RP if no residency restrictions.

Hope Sisters for Women

645/647 S. 23rd St.

Louisville, KY 40211

427 N. 20th St

Louisville, Ky 40203

Laquita Walker 502-472-6992

Women only. Recovery Dynamic-12 Steps. Letter or phone interview. \$75 They will work with offenders.

House of Hope  
1157 Dixie Hwy  
Louisville, KY 40210  
502-566-6007  
502-551-4270  
Tangy Hunter  
Women facility. Sex Offenders without restrictions. \$62 per week

House of Hope  
2735 S. 4th Street Louisville, KY 40208  
Men facility.

Resolution House,  
1934 W. Jefferson Louisville KY 40203  
502-445-1118  
502-583-0953  
Men only. Sex offenders allowed. \$85 per week

Resolution House 4,  
2310 Burnett Street,  
Louisville KY 40210  
William Ellis,  
502-813-1477  
Men only. Sex offenders allowed.

Upward House  
1934 and 1936 W. Jefferson Street  
Louisville, KY 40203  
Reggie Ezell, 502-585-4848, Ext 227  
Cell 502-445-1118  
Recovery House (will accept sex offenders, however it's not a main sex offender house). No application, however offender needs to talk with Mr. Ezell. \$85 Deposit and \$85 a week.  
Next Step (Sex Offenders)  
2601 West Chestnut Street  
Louisville, Kentucky 40211  
502-772-0809

Last Resort – House of Deliverance (will take sex offenders at Preston St.)  
1373 South Preston St.  
Louisville, Kentucky  
502-749-0703

## LOUISIANA

Veterans Housing Outreach Ministries  
(has housing for Tier 1, Tier 2 and Tier 3 RCs)  
504-340-3429  
<http://www.veteranshousingoutreach.webs.com>  
Jefferson Parish, Orleans Parish and Livingston Parish in Louisiana

One Touch Ministry  
1717 Dallas Dr.  
Baton Rouge, LA 70806  
Email Address: [otm1111@yahoo.com](mailto:otm1111@yahoo.com)  
Office Phone Number: 225-359-9911  
Office Fax Number: 225-359-9982  
<http://www.1touchministry.com/>

### MARYLAND

Reformed and Redeemed Ministries  
Rev. Rodney D. Palmer  
Frostburg, MD 21532  
Description: We run a Christian based ministry in Maryland for sex offenders and others in and out of prison. We deal with housing, jobs, counseling, and just about anything else that may be encountered by persons who have been accused, charged, or convicted of a sex crime.

### MICHIGAN

Frank Joseph  
PO Box 1653  
Saginaw, MI 48605  
Additional Info: Owns several houses in MI, good neighbors, good condition properties. Room rentals generally run \$300-\$400/ mo., all utilities included. House rental start at \$450/ mo. Occasionally has work in exchange for rental opportunities (mainly carpentry, advertising, or answering calls). No smoking or pets for most properties. Quiet tenants only. Please write first for availability. It is best to respond by sending a phone number and the best time to call.

Alpha Prison Ministries  
PO Box 9216  
Grand Rapids, MI 49509  
616-538-4090  
[info@alphapm.org](mailto:info@alphapm.org)  
<http://www.alphapm.org/>

MINNESOTA

DOROTHY DAY HOUSE

714 8th Street South, Moorhead, Minnesota 56560

Phone: 218-233-5763

Fax: 218-227-0327

<http://www.fmddh.org>

MISSISSIPPI

Sex Offender Halfway House

Dismas Charities

Director – Chris Kelly

Address: 5209 Old Hwy 42

Hattiesburg, MS 39401

Phone: 601-582-0843

Note: No “hands on” offenses

MISSOURI

To access the MO DOC Reentry database -- <https://doc.mo.gov/programs/reentry-housing> When accessed in June 2017, the resource page was set up with a list of options on the right-hand side of the screen, and you can choose "does not exclude sex offender" to weed out programs that will reject Registered Persons.

Criminal Justice Ministry

1104 S. Jefferson Ave

St. Louis MO 63104

[info@cjmstlouis.org](mailto:info@cjmstlouis.org)

(314) 652-8062

<https://www.cjmstlouis.org/>

Hope Faith Ministries,

705 Virginia Avenue

Kansas City, MO 64106

PHONE: 816-471-HOPE (4673)

[info@hopefaith.org](mailto:info@hopefaith.org)

<https://www.hopefaithministries.org/>

Peter & Paul Community Service

2612 Wyoming Street, St. Louis MO 63118

Phone: 314-588-7111

Fax: 314-621-9875

Email: [tsacco@ppcsinc.org](mailto:tsacco@ppcsinc.org)

[ppcsinc.org](http://ppcsinc.org)

CYDKAM Center, LLC  
1081 Hart St  
Neelyville, MO 63954  
573-989-6514

COMING SOON:  
Reset Missouri, St. Louis, MO  
314-384-6541  
resetmissouri.org

### MONTANA

Missoula 3:16  
Office: 10450 Mullan Road  
Missoula, MT 59808  
Mail: P.O. Box 16833  
Missoula, MT 59808  
E-Mail: missoula316@aol.com  
<http://www.missoula316.org/>

Adullam House Ministries  
<http://www.adullambillings.org/contact-us/>

### NEVADA

Bristlecone  
1725 S. McCarran Blvd., Reno NV 89502  
775-954-1400 Fax 775-954-1406 V# T40802000  
Beds Available-38 Type-Substance Abuse  
Accept SOs-Condition

Ridge House-Reporting  
900 West 1st Street, Reno NV 89203  
775-322-8941 ex 12 Denise Culpepper  
Multiple locations  
Type-Substance Abuse  
Accept RCs-Conditional if Tier 1

Solutions Recovery  
5660 North Dapple Gray Road, Las Vegas NV 89149  
702-228-8520 or 702-234-1356 Contact David Marlon V# T29014791  
Beds Available-10 Type-Substance Abuse-Intensive  
Accept RCs-Conditiona

Veterans Hospital/VA Sierra Pacific Network

975 Kirman Ave., Reno NV 89502

Atten: Paula Bosler, LCSW-Re-entry Specialist Paula.Bosler@va.gov

775-326-5713

Assists Inmate Veterans with parole planning 6-12 months prior to release. Facilitates VA Health Care Enrollment and Homeless Program Services. They have their own Release Form; however, they will accept a generic one from NDOC.

West Care Inc., Harris Springs

1200 Harris Springs Rd., Las Vegas NV 89124

702-385-2090

Will take a generic Mental Health form

Beds Available- 56 Type-Substance Abuse

Accept RCs-Conditional

West Care-Women And Children's Campus

5659 Duncan Dr., Las Vegas NV 89130

702-385-2090 V#T80928668C

Will take a generic Mental Health form

Beds Available- 130 Type-Substance Abuse

Accept RCs-Conditional

Covenant Of Love

2001 Lowry Street North, Las Vegas Nevada 89030

702-810-4830

Beds Available – 4, Clientele Type – Substance Abuse

Accept RCs – Case by Case

Steps To New Freedom

210 Marsh Street, Ste. 100; 1600 S. Arlington Ave., Reno NV 89509

775-322-4003

Beds Available – 10 Clientele Type – Substance Abuse

Accept RCs – Case by Case (NO Tier 3)

Castle House

4983 Almagordo Street Las Vegas Nevada 89102

702-568-1463

Beds Available – 5, Type-Substance Abuse

Accept RCs-Conditional

Reno Sparks Gospel Mission

355 Record Street Reno, NV 89512

775-329-0485

Beds Available-female 18 male 70, Type-Substance Abuse

Salvation Army  
2300 Valley Road Reno, NV 89512  
775-688-4570 Beds Available-70, Type-Substance Abuse  
RCs-Case by case

NEW MEXICO

Titus House Ministries  
P.O Box 2376  
Tijeras, New Mexico 87059  
Phone: (505) 286-8807  
madalleyreport@aol.com  
<http://titushouseministries.org/>

NORTH CAROLINA

The Charlotte Reentry has a listing of housing options, mostly in the Charlotte area, and some are open to Registered Persons. To access the Charlotte Reentry housing page, go to - <http://charlottereentry.org/new-page/>

The following places were listed as of June 2017:

Miracle House Of Hope  
980-939-9679  
Nine-month program residential program for men and women including sex offenders. Free transportation provided.

My Father's Choice  
980-272-4380  
Christian program for men and women who are eager to rebuild their lives. Volunteering required for those who do not have income.

Saber  
704-347-0278  
A program of the Urban Ministry Center, each individual receives housing and three months of intensive outpatient treatment followed by six months of continuing care for substance abusing men. No fees. No restrictions

Supportive Housing Communities Scattered Site Apartments  
704-335-9380  
Must be referred through coordinated assessment. Men, women and families. Residents have at least one disabling condition and are chronically homeless. \$100 to move in. Residents with income pay 30% of income for rent. No restrictions.

Exodus Homes  
828-324-4870

Transitional and permanent supportive housing for homeless men and women who are recovering addicts, alcoholics, and formerly incarcerated people returning to our community from treatment programs and prison. Located in Hickory, NC. Fees required.

House Of Pearls  
704-400-8555

180-day program for women only. Located in Monroe, NC.  
No known restrictions

TROSA  
919-419-1059

TROSA is a comprehensive, long-term, residential substance abuse recovery program for men and women. TROSA operates a number of businesses. Work is a major part of life at TROSA.  
Located in Durham, NC.

No restrictions

#### NORTH DAKOTA

Gladys Ray Shelter  
Jan Eliassen, Director

1519 1st Ave S  
Fargo, ND 58103

Email: [jeliassen@cityoffargo.com](mailto:jeliassen@cityoffargo.com)

Phone: 701-364-0116

Fax: 701-232-1983

<http://www.ci.fargo.nd.us/CityInfo/Departments/PlanningandDevelopment/Homelessness/GladysRayShelter/>

Dorothy Day House - West  
2111 East Main Avenue, #16  
West Fargo, North Dakota 58078  
Phone: 701-478-1979  
<http://www.fmddh.org>

#### OHIO

Columbus, OH Rooms for Male Registered Persons (approved locations)

Shared bathroom and kitchen with Microwave and Refrigerator

Quiet area with same situation clients trying to peacefully rebuild their lives; Only \$410-450 mo. plus deposit, Utilities Included, not a nursing home.

Apply online at <https://room4me.vpweb.com/> or text "APPLY" to 614-210-3808

Mail Address: P O Box 132447, Columbus Ohio 43213

Email Questions/Concerns: [processing@gmail.com](mailto:processing@gmail.com)

Gem City Housing, LLC

Contact: Michael

614-935-5888

michael@gemcityhousing.com

Housing Unit address:

1501 Riverside Dr., Dayton OH 45405

Details: 14-unit building, 1 and 2 bedrooms, newly remodeled, free Wi-Fi and hot water, Exclusive to Registered Persons; VOA may be able to help provide financial assistance to those who qualify. Baseboard heating, gas stoves, \$30 flat fee for city water/ trash/ sewer.

#### THE EXIT PROGRAM

Mailing Address:

P.O. Box 233, Brice OH, 43109

Administrative Office:

1561 Old Leonard Ave., Columbus, OH 43219

Phone # 614-253-8969

Fax # 614-569-4938

Email: info@theexitprogram.com

<http://www.theexitprogram.com/>

#### OKLAHOMA

Hand Up Ministry

2130 SE 59th ST

Oklahoma City, OK. 73129

405- 236-3349

<http://www.huminc.org/>

#### OREGON

New Life Transitions in Portland 503-935-3050

Free On The Outside in Oregon City 503-908-0596

These resources may be able to help find housing

Sponsors, Inc. (Note, might only take people from Lake County and surrounding areas)

338 Highway 99 North

Eugene, Or 97402

541-485-8341 (phone)

Laura Johnson, Director - [ljohnson@sponsorsinc.org](mailto:ljohnson@sponsorsinc.org)

<https://sponsorsinc.org/housing/sex-offender-housing/>

Union Gospel Mission Of Salem  
PO Box 431  
Salem, OR 97308-0431  
Telephone: 503-967-6388  
<http://www.ugmsalem.org/>

PENNSYLVANIA

Hearken House Ministry  
Patrick M. Matthews  
79 S Franklin Street  
Chambersburg PA 17201  
Phone # 717-552-2891  
Fax # 717-251-3163  
Email- [patrick@hearkenhouse.org](mailto:patrick@hearkenhouse.org)  
Web [www.hearkenhouse.org](http://www.hearkenhouse.org)

Stepping Stones to Freedom  
PO Box 5621  
Belleville, PA 17004  
Email- [info@sstf.info](mailto:info@sstf.info)  
Website- <http://sstf.info>

New Person Ministries  
PO Box 223  
Reading, PA 19607  
610-777-2222  
Email - [info@newperson.org](mailto:info@newperson.org)  
<http://cr-so.org/>

Glass House  
913 E. King St.  
Lancaster, PA 17608  
717-390-0438  
203 State Street properties  
C/O Al Griggie @ 717-343-8386  
Will work with ex-sex-offenders

Gateway Rehabilitation Center Liberty Station  
412-221-9480  
331 Hickory Grade Road  
Bridgeville, PA 15017  
3 levels of housing for sober living. Inpatient care half-way houses. Out patient accepts male and females. Sex offenders Case by case basis. No out-standing warrants or dual diagnosis.

Sunday Breakfast Mission  
302 N. 13th St.  
Philadelphia, PA 19107  
Sex offenders okay, max out inmates.

Just For Jesus Outreach  
14530 Rt 28  
Brockway, PA 15824  
Sex offenders okay.

### SOUTH CAROLINA

Band of Brothers Inc.  
24 Pine Valley Rd.  
Piedmont SC 29673  
864-277-3265 or 864-219-8800  
(Will accept some SOs, \$125/wk.)  
[www.bandofbrothersministry.org](http://www.bandofbrothersministry.org)

Shield Ministries Transitional Housing  
5519 Woodbine Ave.  
North Charleston SC 29406  
843-209-7941  
(Will accept some SOs, \$110/wk.)

Alston Wilkes Society  
3519 Medical Dr.  
Columbia SC 29203  
844-2977-1962 Toll Free  
[www.alstonwilkessociety.org](http://www.alstonwilkessociety.org)  
(Accepts primarily federal inmates, takes SOs, there is a cost)

Fresh Start Visions  
721 Long Point Rd, Suite 405  
Mt. Pleasant, SC 29464  
<http://freshstartvisions.org/>  
(Does accept SOs willing to complete their program)

### TENNESSEE

A housing list can be found at the Tennessee DOC website at –  
<https://www.tn.gov/correction/redirect-agency-services/approved-transitional-housing.html>

The following was extrapolated from the site in January 2019:

Room in the Inn

Primary Contact Martina Condron

705 Drexel Street

Nashville, TN 37203

615-251-7064

[martina.condron@roomattheinn.org](mailto:martina.condron@roomattheinn.org)

MALE - Sex Offenders - 90 days. Must be a participant in the Reentry Housing program. Must be indigent. Must obtain and maintain successful employment for program completion. Recovery support services and reentry services provided. Secondary education on-site for those who qualify. Anger management, GED, Emotional Healing curriculum, 12-step program, life skills, individual and group counseling. Must comply with all required programs.

Cross Style Center for Women

Primary Contact: Jaleen Starks

201 E. Market Street

Lebanon, TN 37087

615-772-7501

[CSCwomenlebanon@gmail.com](mailto:CSCwomenlebanon@gmail.com)

FEMALE: 3-month transitional residence. Faith Based Program; we believe Jesus is the answer. Must be able to work and participate in the program volunteer assignments. Must show positive attitude to develop a strong personal foundation. \$100 weekly residential charge will be in effect after obtaining employment. Must obtain employment after first 2 weeks of stay. The program includes Christian Life Skills classes, Counseling, Financial Management classes, Biblical Foundation Study Classes, Responding Recovery (AA) classes and Work Force Development. Participants are encouraged to establish a personal relationship with Jesus Christ.

Women Ablaze City of Refuge

Primary Contact: Linda White

765 North Highland / 767 N. Highland

Memphis, TN 38122

901-486-4353

[womenablaze@bellsouth.net](mailto:womenablaze@bellsouth.net)

FEMALE: 6-month program. Faith-based. \$75 deposit. \$440/mo. after employment obtained Applicants should have completed Pre- Release class in the institution. Must either have GED or be willing to work toward obtaining one. Must comply with all program requirements including: Relapse prevention classes, case management, drug testing, and spiritual support. [Two locations]

Forgiveness House

Primary Contact: Bob Sauter

3515 Summer Avenue

Memphis, TN 38122

901-414-9267

bobsauter@comcast.net

MALE: \$350 non-refundable deposit. \$260 of deposit applied to first two weeks of residency. \$130 per week. Program length – 90 days to 1 year. Mandatory group meetings include: Addiction classes, life skills, money management, Bible study, and faith-based 12- step (Jacob's Well). Weekly LADAC substance abuse counseling. Transportation for employment provided for first 90 days.

Odessa's Home Care

1188 Tutwiler Ave

Memphis, TN 38107

Odessa Williamson

901-569-3168 or 901-598-0657

Male: Has up to 2 beds available for SOs; 90-day max stay

2nd Chance "New Beginning"

437 Riverside Dr.

Jackson, TN 38301

Primary Contact: Lamont Ingram

731-736-1109 / 731-460-6200

lamont.ingram@gmail.com

Male: 90 days. \$200 deposit. \$150/wk. A and D Counseling, Life Skills, 12 Step, Parenting, and Anger Mgmt. participation required.

Aphesis House, Inc

113 Rayon Dr. / 120 Rayon Dr.

Old Hickory, TN 37138

Primary Contact: James Settles

615-742-3463 / 615-525-7359

jsettles@aphesishouse.org

Male: 90 Days, \$375 Deposit, \$105/wk.

Mandatory meetings: Anger mgmt., domestic violence, relapse prevention, recovery skills, spiritual AA/NA.

New Visions Recovery

3947 Crouch Drive

Nashville, TN 37207

Primary Contact: Tierra Patterson

615-788-7418

newvisionsrecoveryhouse.org

a.patterson2613@comcast.net

Male: 90 day. \$240 deposit \$140 used for 1st wk. rent. Must find employment. Attend church and recovery meetings (Note: They are listed as “optional” under whether they accept Registrants, my guess is they only accept certain kinds of Registrants on a case-by-case basis)

Christian Homes Ministries

Primary Contact: Mr. Cary Bratcher  
admissionschm@gmail.com  
339 East Thompson Lane  
Nashville, TN 37217

MALE - 6-month stay to complete. \$125 per week. \$150 deposit - will be refunded in full upon successful completion of the program. Must find employment. Each resident assigned a mentor and must find a church home, weekly Bible study and AA/NA meetings required. Household chores required. Our home is at 406 Glengary La. Nashville 37217 We do not participate in RHP. Please note they ONLY ACCEPT NASHVILLE AREA CLIENTS.

## TEXAS

TDCJ-P.D. Placement and Release Unit  
1650 7th. St.  
West Bldg. STE A  
Huntsville, TX 77320  
Telephone 936-291-7583  
Ask for the form (R7.27 2011) to apply for housing assistance voucher.

The Housing Assistance Program (THAP) will assist you in providing a voucher \$ to pay for halfway houses who accept you to reside in their facility. You must contact the Halfway house and the THAP. You should receive the application for both and submit them to the appropriate place to begin process.

Liberty Center, Austin Tx  
Large comfortable home in a private, safe, and serene area; Close to Public Transportation; In house 12 step meetings  
Please call 512-818-3450

Haven of Rest Ministries - Hemphill  
1927 and 1929 Hemphill  
Ft. Worth TX 76110  
817-926-7175; cell 817-690-0049  
1927 houses 16 men in shared rooms; 1929 houses 5 men in shared rooms; meals provided.  
Deposit required; ask amount; \$375 monthly.  
Need release date and arrival date.  
Public transport nearby.  
RCs and those on electronic monitors accepted.  
No I/Ms with major medical or mental issues; some issues considered if the individuals are on carefully monitored meds. Attendance at religious services and 12-step meetings required; curfew enforced.

New Name Ministries  
1813 and 1815 S. Jennings Avenue  
2804 and 2806 Travis Avenue  
Ft Worth TX 76110

817-920-5886 (for all locations)

Can house 18 men in shared rooms; food is provided. Men prepare own meals. Initial fee \$650, which includes \$100 deposit and \$50 admin fee, first month's stay; after first month, monthly base fee is \$350, with an additional \$75-150 for utilities, printing, household supplies, phone service, etc. \$100 deposit refundable upon completion of program. Parole fees (\$10-25 per month) and treatment fees (\$30 per week) are additional. Will work with parolees while they seek a job. Ex-I/Ms must certify that they have support for the initial \$650 plus \$500/month!

On bus lines. Electronic monitors OK.

Sex offenders OK – ministry specifically directed at SOs.

No ex-I/Ms with mobility, major medical, or mental issues.

Attendance at nightly study meetings required; curfew enforced.

Airline House

1607 Airline

Houston TX 77009

713-861-3070

Kerry Allen, Executive Director

Can house 48 men in 1- to 4-person rooms; no meals.

Deposit is \$95 + \$20 key money. Thereafter \$95 per week, first week non-refundable; will need \$210 in advance of release, \$440 for first month. Money orders only. No refunds if house rules are broken.

Release and arrival dates not required.

Electronic monitors OK.

Sex offenders OK if offense was with another adult.

Some ex-I/Ms with major medical, mental issues considered on a case-by-case basis; limited ability to handle any handicapped person.

Attendance at 2 weekly on-site AA meetings required; Monday night house meeting required; 10 p.m. curfew enforced.

Beyond Restoration Service

14603 Sellers Road

Houston TX 77060

832-882-1172, 281-706-6153

Can house 22 men; no meals.

No deposit; inquire about weekly rent.

Require release date and arrival date.

Near public transportation.

Electronic monitors OK.

Sex offenders must inquire.

No ex-I/Ms with major medical or mental issues.

Required attendance at Thursday night religious service and 11 p.m. curfew except for work-related exceptions.

Deadrick Housing

4613 and 4611 Herschell, Fresno TX 77028

7278 Wiley, Fresno TX 77016

Mailing address:

Deadrick Housing

PO Box 1445

Fresno TX 77545-1445 (Fresno is in the greater Houston area.)

832-525-6355

Can house 5-6 men per house; most in single, some in shared rooms; no meals.

Require 1st month rent + deposit of \$380 for Herschell locations, 1st month rent + deposit of \$390 for Wiley location. Ex-I/Ms on electronic monitors must pay one-time phone line activation cost of \$220 plus monthly phone charge of \$45. ALL- charges listed must be paid in advance prior to acceptance. SSI and SSDI, veterans, and pension benefits accepted by prior arrangement. Ex-I/Ms whose applications are approved by Deadrick Housing will receive an acceptance letter for TDCJ; relatives/friends may contract Deadrick directly.

On and near bus lines.

Electronic monitors OK; see charges above.

Sex offenders OK; Wiley location takes only those with offense against adult.

No ex-I/Ms with major medical, mental or substance abuses issues accepted.

Note: Deadrick Housing is an independent living situation. As such, it has no religious constraints or curfews, and no other constraints except those imposed by parole. Family mediation services are available. Ask about planned on-site sex offense counseling and 12-Step meetings proposed for 2013 by TDCJ.

Encouraged Living

5520 Nordling Road

Houston TX 77076

713-922-5265

Can house 20 men in shared rooms; meals provided.

\$500 deposit, which holds room and covers first month; \$500/mo rent.

Require release and arrival date.

On bus line.

Electronic monitors OK.

Sex offenders OK.

No ex-I/Ms with major medical or mental issues.

Required attendance at religious services, 12-Step meeting, other self-improvement gatherings; curfew enforced. Write for details.

Liberty Living Care Home

7812 Gladstone Unit A

Houston TX 77051

713-239-4616

Can house 16 men, 2 per room; no meals.

No deposit required; write ahead for monthly rent.

No release or arrival date required.

On bus line. Electronic monitors OK. Sex offenders OK. No major medical or mental, but some ex-I/Ms with mental issues OK if on meds. Programs on a case-by-case basis; nightly curfew 10 p.m.

Encore House

1109 East 52nd Street

Austin TX 78723

512-300-2900

Can house 50 men in either single or shared rooms; no meals.

\$100 refundable deposit plus two weeks rent in advance; \$110/week for a 4-man room, \$125/week for a 2-man, \$140/week for private room.

Prefer release and arrival dates.

On bus line.

Electronic monitors OK.

Sex offenders OK.

No ex-I/Ms with major medical or mental issues.

Drug-and-alcohol free house with free laundry and other amenities; attendance at weekly 12-Step meeting and Thursday night prayer meeting required; no curfew.

Ministry of Challenge

1500 East 12th Street

Austin TX 78702

512-370-8960

Can house 40 men in shared rooms; meals provided.

No deposit required; participation in work program required and, upon completion, ex-I/M pays \$100 for each program week.

Release and arrival dates required.

Bus lines nearby.

Some ex-I/Ms with major medical/mental OK; detail your issues in advance.

Require work, 12-Step and devotional meetings; curfew enforced.

Unique House

12108 Shropshire Blvd.

Austin TX 78754

No phone # given.

Can house 10 total; men only. Shared rooms.

No meals served; men buy and prepare own food.

\$100 deposit; \$500 month rent.

Release date and arrival date are required.

Located on a bus line.

No electronic monitors.

Yes, sex offenders.

Yes, major medical and mental issues.

No programs required, but strict curfew enforced.

Airline House

1607 Airline  
Houston TX 77009  
713-861-3070

Kerry Allen, Executive Director

Can house 48 men in 1- to 4-person rooms; no meals.

Deposit is \$95 + \$20 key money. Thereafter \$95 per week, first week non-refundable; will need \$210 in advance of release, \$440 for first month. Money orders only. No refunds if house rules are broken.

Release and arrival dates not required.

Electronic monitors OK.

Sex offenders OK if offense was with another adult.

Some ex-I/Ms with major medical, mental issues considered on a case-by-case basis; limited ability to handle any handicapped person. Attendance at 2 weekly on-site AA meetings required; Monday night house meeting required; 10 p.m. curfew enforced.

Beyond Restoration Service

14603 Sellers Road  
Houston TX 77060  
832-882-1172, 281-706-6153

Can house 22 men; no meals.

No deposit; inquire about weekly rent.

Require release date and arrival date.

Near public transportation.

Electronic monitors OK.

Sex offenders must inquire.

No ex-I/Ms with major medical or mental issues.

Required attendance at Thursday night religious service and 11 p.m. curfew except for work-related exceptions.

Liberty Living Care Home

7812 Gladstone Unit A  
Houston TX 77051  
713-239-4616

Can house 16 men, 2 per room; no meals.

No deposit required; write ahead for monthly rent.

No release or arrival date required.

On bus line.

No major medical or mental, but some ex-I/Ms with mental issues OK if on meds.

Programs on a case-by-case basis; nightly curfew 10 p.m.

Texas Human Services Place

6111 Gladewell Drive  
Houston TX 77072

281-933-8737

Dr. Mbomette A. Udobong, Program Director

Can house 14 men in shared rooms; no meals.

No deposit; monthly rent payment; ask for details when writing.

Require release date and arrival date.

Electronic monitors OK.

Sex offenders OK.

May consider ex-I/Ms with medical and mental issues controlled by meds.

Constraints do not include religious services, only facility's own rules. Inquire when writing.

Good Samaritan Rescue Mission

210 S. Alameda Street

Corpus Christi TX 78401 (Gulf Coast)

361-883-6195

Can house 200 men and women some in dormitories, some in private rooms.

No deposit. Rent is \$7 to \$9/day.

No release or arrival date required.

On city bus line.

No electronic monitors.

Sex offenders OK.

No ex-I/Ms with major medical or mental issues.

Constraints include 11 p.m. nightly curfew; write for other details.

Simple Acts Ministry

PO Box 6601

Lubbock TX 79493 (West Texas)

806-407-4726

Scott K. Vanderhoof, Director

Can house 20 men; meals provided or men can cook for themselves.

Ask about deposit; \$125 weekly rent.

Require release and arrival dates.

Near bus line.

Electronic monitors OK.

Sex offenders may inquire.

Ex-I/Ms with medical or mental issues may inquire.

Attendance at 4 weekly faith-based classes required; residents live in a supportive environment with tasks (gardening, etc.); details on request.

Hope Prison Ministries, Inc.

3515 Sycamore School Road

Suite 125-PMB 172

Fort Worth, TX 76133

(817) 323-7686, cell

Chandler Fozard, president

chandler@hopeprisonministries.org  
<http://www.HopePrisonMinistries.org>

In Texas, we offer transitional housing in Fort Worth. We have 3, Christ-centered transitional houses. We have openings. Nationwide, we help people find transitional housing much like apartment locators. You can learn more about us at [www.HopeGivesBack.com](http://www.HopeGivesBack.com) where you can watch our intro and overview video. [www.HopeAfterPrison.com](http://www.HopeAfterPrison.com) for transitional housing locator service and housing in our program. Do not hesitate to contact me with your comments or questions. Please call my cell phone at (817) 323-7686 as I am frequently out of the office.

### WASHINGTON STATE

Fresh Start Housing  
3403 Steamboat Island Road  
PMB 590 Olympia, WA 98502  
[freshstart\\_housing@yahoo.com](mailto:freshstart_housing@yahoo.com)  
<http://www.freshstarthousing.org/>

Details: We accept RCs in Thurston, Pierce, and Grays Harbor counties in Washington State. We accept DOV voucher, self-pay and some other types of payee funding. Persons interested can apply online.

The Mack House  
Holy Ghost Revival Ministries  
P.O. Box 3688  
Arlington, WA 98223  
<http://holyghostrevivalministries.org/>

Crestview Apartments  
305 Lind Ave SW apt#2, Renton, WA 98055  
425-226-5050  
Description: Includes both studios and one-bed room apartments. Laundry facilities included.  
Days/Hours: 8AM–5PM, M-F  
Eligibility: Admitted sex-offenders, up to and including level III. No children, no pets.  
To Apply: Walk in. Fees: Call to inquire.

Dave's Clean And Sober House  
206-412-9201  
North Seattle Neighborhoods  
Description: Operates two clean and sober houses in N. Seattle neighborhoods.  
Eligibility: Adults, 18+. No children, no pets. No level III sex-offenders.  
To Apply: Call for screening and application.  
Fees: \$325- \$550. Varies by unit size.

Pioneer Human Services – Permanent Economy Housing  
206-766-7940  
7440 W. Marginal Way S, Seattle WA 98108

Description: Provides low-cost permanent housing apartments. Units range from efficiencies (SRO's) to studios and apartments.

Days/Hours: M-F, 8am-5pm

Eligibility: Low-income individuals, couples and families.

To Apply: Call to attend weekly orientation

Fees: Rent: \$400-\$590 per month, including utilities and basic cable. Requires Non-refundable application fee of \$35 and \$75 non-refundable processing fee. Deposit amount is determined by rental screening application.

Stephenson House

206-767-4055

Days/Hours: 10AM – 6PM, M-F

To Apply: Call for screening.

Description: Provides studio 595 and sleeping rooms 410. Offenders may apply.

Fees: Call to inquire.

Step By Step Recovery House

1039 S 128TH St, Seattle WA 98168

<http://www.stepbysteprecoveryhouse.org/>

206-353-7501

Description: Provides beds and rooms for rent at a low price for people coming out of treatment of incarceration who are interested in a sober living home.

Days/Hours: M-F, 6am-9pm

Eligibility: Clean and sober individuals with enough income to pay rent.

To Apply: Call or apply through website.

Fees: Rent: \$275-500, ranging from a shared room to a private room.

Boylston Hotel

1517 Boylston Ave, Seattle, WA 98122

206-325-0836

Description: Capacity 39 rooms housing sex offenders. Laundry and pay phones available.

Days/Hours: 11am–7pm, M-Sa To Apply:

Call to check availability.

Fees: \$175 per week

House Of Mercy Ministries

PO Box 4204, Federal Way, WA 98003

(206) 651-7840

WebSite: <http://HOM.church>

20+ Houses covering King/Pierce/Whatcom/Yakima/Spokane Counties.

We accept all who are seeking reentry from incarceration to those transitioning from treatment centers, off the streets (some Covid restrictions apply), and anyone with the desire to participate in our House of Mercy Clean and Sober Faith Based Program. We assist residents in fulfilling DOC requirements,

obtaining driver's licenses and ID cards, DSHS (food stamps) and public assistance, and employment resources, and other items necessary for successful reentry into society.  
Program Fee varies depending on location.

## APPENDIX 2: SUMMARY OF SEX OFFENSE LAWS

This appendix is an overview of sex offense laws in every US State and territory. If there are no restrictions mentioned for that state/ territory, then there are no statewide restrictions in place or such restrictions are not found in any state statute at the time this information was published.

A caveat – While every effort has been made to ensure the accuracy of the summaries listed below, it is possible a law has been overlooked or misinterpreted. I cannot possibly cover every municipal ordinance. New laws and recent court decisions at the state and federal level may alter the laws discussed here. You could face more restrictions not listed here if you are going to be “On Paper” after your release. I cannot possible cover the laws for over 500 recognized Native American Tribes that are largely sovereign nations.

This resource was compiled using a variety of resources, some of which are listed below:

- ❖ “Summary of State and Territorial Registration Laws Concerning Visiting and Temporary Residence by Adults.” ACSOL, last update October 2018. <http://all4consolaws.org/us-sex-offender-registration-laws/>
- ❖ “50-State Comparison: Relief from Sex Offender Registration Obligations.” Collateral Consequences Resource Center (CCRC), 14 Nov. 2019. <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-relief-from-sex-offender-registration-obligations/>
- ❖ “Sex Offender Registries: Fear Without Function?” Amanda Y. Egan, *The Journal of Law and Economics*, Vol. 54, No. 1 (Feb. 2011)
- ❖ Various fact guides from OnceFallen.com, including Registry Fees, Parental Rights, Halloween/Holiday Laws
- ❖ SORNA Implementation reviews from the SMART Office
- ❖ Shawn Rolfe. “When a Sex Offender Comes to Visit: A National Assessment of Travel Restrictions.” *Criminal Justice Policy Review* · November 2017
- ❖ Various state and federal government SO Law FAQ pages, fact sheets, and legislative summaries

At the end of this Appendix is a section dealing specifically with Federal Registrants and a list of Native American Tribes considered “Substantially AWA Compliant.” While you will be required to register at the same place as a State/ Territory Registrant will have to register and abide by all the rules of your state, you can only obtain registry relief from the Federal system.

Each Section will contain the following:

- Comments: A few interesting facts about the state’s laws.
- Date Registry Established (If not retroactive, date established is often the date applicable)
- Registry Retroactive Date: may not always be date of establishment of law.
- Qualifying event (whether conviction, incarceration, date of offense, or release date by date registry established triggers registration)

- Online Date: By now, every state/ territory has an online registry, but lower Tier/ Level Registrants may not be listed online. They still have to register, and there are often procedures for the public to obtain this info.
- Statutes: The state codes covering the registry.
- Substantial AWA Compliance: To recap, in order for a state to become AWA compliant, there must be a checklist of various features to each state's registry laws, including amount of info shared online, community notification procedures, in-person reporting, publicly listing juveniles age 14+, requirements to re-register a former offender not having to register but later convicted on any criminal offense (including non-sexual offenses), and the requirement that Registrants are required to register for a minimum length of 15 years (although this last requirement is very loosely applied, as many AWA states lack a Tier system.) The suggested Tier system is Tier I (report annually for 15 years), Tier II (report biannually for 25 years), and Tier III (report quarterly for life), with official charges rather than risk assessments as the basis for Tier placement.
- Where to register: Which law enforcement agency you must visit in order to register.
- When to register: How long you have to make it to the registry office when it is time to register.
- Frequency/ Length of registration: How often you need to check in at the registration office and for the amount of time you have to register without taking registry relief into consideration.
- Registry fees: Some states make failure to pay fees a crime.
- Community notification: Every state has an online registry, but some states require other forms of notification, including fliers, door-to-door visits, media announcements, and public community notification meetings. Contrary to pop culture, Registrants are not required to go door-to-door themselves.
- Residence restrictions: Restrictions on where you can sleep.
- Anti-Clustering: Laws impacting number of Registrants in household or buildings.
- Employment restrictions: Includes both work proximity laws (i.e., laws that say you cannot do work within a set distance from a prohibited area) and state laws that specifically mention jobs Registrants cannot do. This will not cover jobs that cannot/ will not hire anyone with criminal records or felonies.
- Presence Restrictions: "Loitering" (being at a location without having a legitimate reason for being there) and "being present" (simply being inside a restricted area, no matter the reason) have different meanings. It is very important to understand the difference.
- Halloween/ Holiday Restrictions: Laws restricting you from participating in certain holiday activities, though many focus specifically on Halloween.
- Civil commitment laws: Those convicted of crimes considered especially heinous or repeat/ multiple victim offenders are especially prone to civil commitment.
- Travel regulations: This concerns traveling TO another state. For registry guidelines when traveling outside your own state, see "When to register."
- Parental Rights: laws that impact whether you can live with your child/ stepchild.
- ID Card Laws: Special laws that either require you to carry a special ID card, have your state ID/ DL cards marked, or require annual renewal of state ID/DL cards.
- Castration Laws: May be offered as a condition of supervised released in some states.

- Relief from SO Legal Restrictions: Ways in which you may be granted an early release from registration requirements, community notification, or other legal restrictions.

## ALABAMA

COMMENT: While Florida is often considered the worst state for a Registered Person to live, a strong case can be made for Alabama having the worst set of Sex offense Laws in the nation. The most onerous of these laws are severe restrictions on “loitering” and working in proximity to prohibited areas, which are broadly enforced; in 2016, a Registrant volunteering as a firefighter was arrested for accepting a service call within 2000 feet of a school.

- ❖ Date Registry Established: 9/6/1967
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Release
- ❖ Online since: 8/1/1998
- ❖ Statutes: Code of Alabama §13A-11-204, §15-20A-1 through §15-20A-48, Ala. Admin Code R. §760-X-1-.21
- ❖ Substantially AWA Compliant? Yes
- ❖ Where to register: In-person at local Sheriff’s Office
- ❖ When to register: Initial registration and updates to reg. information must be done “immediately.” (Within three business days.) Ala. Code §15-20A-10, 15-20A-14. “Reside” is defined as “to by habitually or systematically present at a place,” and includes 4 or more hours at a place per day for a duration of (a) 3 or more consecutive days, or (b) 10 or more days in a calendar month. Overnights not required to establish a residence. Ala. Code §15-20A-4(20).
- ❖ Frequency/ Length of registration:
  - All SOs register in Alabama FOR LIFE. Homeless Registrants report once every 7 calendar days. Code of Ala. §15-20A-12. All others quarterly. Ala. Code §15-20A-10.
  - Out of state offenses: see Ala. Code §15-20A-5(35), (37).
  - Juveniles/"youthful offenders": Life/10 years, depending on offense, date of offense, and recidivist status. Ala. Code §15-20A-3(c), (d), (e), (f); §15-20A-28(a), (c), (e); §15-20A-35.
- ❖ Registry fees: \$10 quarterly. (Can be waived if declared indigent by the court) Ala. Code §15-20A-22
- ❖ Community Notification: Alabama notifies all neighbors within 1000-2000 feet of the Registrant and all schools within 3 miles. Ala. Code §15-20A-21
- ❖ Residence restriction: 2,000 ft. of school, child care facility, resident camp facility, victim or victim’s immediate family; exceptions apply. Code of Ala. §15-20A-11. Additional restrictions apply to residence with any minor. “A Registrant may petition the court for relief from the residency restriction pursuant to Ala. Code §15-20A-11(a) during the time a Registrant is terminally ill or permanently immobile.” Ala. Code §15-20A-23
- ❖ Anti-Clustering: No Registered Person can live in the same household with another Registered Person in Jefferson County (Birmingham). Ala. Code §13A-11-204
- ❖ Employment restriction: 2,000 ft. of school or childcare facility; 500 ft. of playground, park, athletic field or facility, or child-focused business or facility. Ala. Code §15-20A-13.

- ❖ Presence restriction: For conviction involving minor, “loitering” 500 ft. of school, child care facility, playground, park, athletic field or facility, school bus stop, college or university, or any child-focused business; Registrant must be asked to leave by “authorized person.” Ala. Code §15-20A-17.
- ❖ Travel regulations: Registrants must notify law enforcement whenever traveling for 3 or more consecutive days; travel without this notification will be deemed a change of residence. Ala. Code §15-20A-15. May be required to pay fee. Police may verify temporary address.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ SVP Enhancement: A sexually violent predator, as a condition of the release from incarceration, shall be subject to electronic monitoring and be required to pay the costs of such monitoring, as set forth in Ala. Code §15-20A-20, for a period of no less than 10 years from the date of the sexually violent predator's release. Ala. Code §15-20A-19
- ❖ Parental Rights: AL’s laws are complex and rather confusing, with diminished rights for people convicted of specific charges. AL passed HB 48 (2019), known as “Jessi’s Law,” (Amended by Act 2019-512, §2, eff. 9/1/2019) which amended Ala. Code §12-15-312 and §12-15-319 to bar anyone convicted of 1<sup>st</sup> Degree rape, 1st Degree Sodomy, or Incest from obtaining parental custody of their children, regardless of whether the crime involved their children. In addition, any felony can be considered as grounds for termination of parental rights. AL also prohibits Registered Persons who are adults from living with anyone under age 18 or allowing minors to have overnight visits unless that Registrant is the parent, grandparent, stepparent, sibling, or stepsibling of the minor. However, this exception does not apply if the case involved anyone under age 12, if it involved anyone under age 18 if the minor victim lived in the residence with the offender, if the minor was a relative, if there was force involved, or if there is an attempted or completed termination of parental rights in the courts. Ala. Code §12-15-312, §12-16-319, §15-20A-11
- ❖ ID Card Law: Pursuant to Ala. Code §15-20A-18, any Registrant is required to always have in possession a valid driver license or ID card issued by ALEA designating to law enforcement officers of registry status. In compliance with the recent judgment entered in Doe v. Marshall, 2:15-CV-606-WKW, ALEA is changing the way the sex offender status is designated on a license or identification card by removing the words "CRIMINAL SEX OFFENDER" and replacing it with a code that will appear on the face of the card. In addition, Registrants may be required to carry a separate card issued by the local Sheriff’s Office at all times and must be presented if an officer asks for identification.
- ❖ Castration: Since the law was enforced in 2019, I currently lack the legal statute. “Subject to Ala. Code §15-22-27.3, (which excludes those accused of Class B or Class A felonies from obtaining parole), as a condition of parole, a court shall order a person convicted of a sex offense involving a person under the age of 13 years to undergo chemical castration treatment, in addition to any other punishment prescribed for that offense or any other provision of law.” The Registrant shall pay the costs unless declared indigent AND determined to be unable to pay for the foreseeable future.
- ❖ Relief from SO Legal Restrictions:
  - Registration: Less serious non-violent adult, youthful, offender, or juvenile offenses may petition the sentencing court for relief at or after sentencing, if: (1) offense did not involve force and was only a crime due to age of the victim; and (2) at the time of offense, victim was 13 years or older and the defendant was less than five years older than the victim. Ala. Code §15-20A-24. Requirements for relief: No prior or subsequent sex offense adjudications or convictions, no pending sex offense charges. Ala. Code §15-20A-24(k). Court may consider criminal history.

Ala. Code §15-20A-24(h). Court may consider various factors and find by "clear and convincing evidence that the sex offender does not pose a substantial risk of perpetrating any future sex offense." Ala. Code §15-20A-24(h).

- Lifetime juvenile Registrant relief: No subsequent youthful offender sex offender adjudication, conviction for a sex offense, or pending criminal charges; court may consider criminal history. Ala. Code §15-20A-28(e); §15-20A-34(g). Court may consider various factors and must be "satisfied by clear and convincing evidence that the juvenile sex offender is rehabilitated and does not pose a threat to the safety of the public." Ala. Code §15-20A-34(g), (h).
- Employment: (Only less serious crimes and none involving a minor will be considered.) Those convicted of less serious offenses may petition county court for relief from employment restrictions (e.g., regarding proximity to a school) at any time. Ala. Code §15-20A-25. Restrictions may be reinstated for good cause. Ala. Code §15-20A-25(i). No prior or subsequent sex offense adjudications or convictions, no pending sex offense charges. Ala. Code §15-20A-25(h). Court may consider criminal history. Ala. Code §15-20A-25(f)(2).
- Residency: Registrants who are terminally ill, permanently immobile, have a debilitating medical condition requiring substantial care or supervision, or require placement in a residential health care facility, may petition county court for relief from certain residency restrictions at any time. Ala. Code § 15-20A-23. Must be reinstated if person is no longer afflicted. Ala. Code §15-20A-23(k). Relief for residency restrictions: no pending criminal charges. Ala. Code §15-20A-23(d)(3).
- Pardon relieves registration obligation only if specified, and if 30 days' notice given to victim. Ala. Code §15-22-36(c), (e).

## ALASKA

COMMENT: The infamous SCOTUS decision of Smith v Doe in 2003 upholding the public registry was a challenge to Alaska's registration statute.

- ❖ Date Registry Established: 8/10/1994
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction
- ❖ Online since: 6/12/1997
- ❖ Statutes: Alaska Stat. §12.63.010 through 12.63.100; Alaska Stat. §18.65.087; Alaska Stat. §28.05.048
- ❖ Substantially AWA Compliant? No
- ❖ Where to register: Shall register with the Department of Corrections if the sex offender or child kidnapper is incarcerated or in person at the Alaska state trooper post or municipal police department located nearest to where the SO or child kidnapper resides at the time of registration. (AS §12.63.0109B))
- ❖ When to register: In-person notice required for new residents (those staying 30 days or more) by "next working day." Updating AK address requires written notice. (It should be noted that while initial registration is done in person, re-registration in AK is done by mail.)
- ❖ Frequency/ Length of registration: Alaska has a two-Tiered registration scheme. AS §12.63.020
  - Tier I – Annual registration for 15 years (Time on probation/ parole does not count)

- Tier 2 – Quarterly registration for life (Anyone convicted between 8/10/1994 and 1/1/1999 does not register quarterly)
- ❖ Registry fees: None
- ❖ Community Notification: None
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: None
- ❖ Travel regulations: Visitors for less than 30 days do not have to register, but must inform law enforcement of their presence by submitting a Temporary Presence Form. AS §12.63.010.
- ❖ Parental Rights: AK only terminates parental rights of a Registrant when the child is conceived through rape. However, the state is not required to make reasonable efforts to reunite the child with a family member who abused the child or is listed on the SOR. AS §25.23.180; §47.10.086
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: Early termination only available upon reversal of conviction. Set aside/pardon does not provide relief. AS §12.63.100(3) (registration required "regardless of whether the judgment was set aside under AS §12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency").

### **AMERICAN SAMOA (US Territory)**

Comment: American Samoa is one of the last US territories to adopt registration laws. It seems that the registry is more limited in scope than that of most other US states or territories at this time but is still substantially compliant with the AWA.

- ❖ Date Registry Established: 2015
- ❖ Registry Retroactive? Unsure
- ❖ Qualifying event: Conviction
- ❖ Online since: 2017
- ❖ Statutes: Am. Samoa Code Ann. §46.2801 through §46.2806
- ❖ Substantially AWA Compliant? Yes
- ❖ Where to register: Department of Public Safety, corrections division warden
- ❖ When to register: Statutes do not prescribe an initial registration period, but the SMART Office notes that American Samoa is AWA compliant in regards to requiring registration within 3 business days. Registry is to be maintained for “nonresident offenders who reside in American Samoa for school or employment for more than 14 days or for an aggregate period exceeding 30 days in a calendar year.” ASCA §46.2801. Updates required within 10 days. Registration apparently only required for those involving a minor victim, except for SVPs or those with two or more convictions.
- ❖ Frequency/ Length of registration: ASCA §46.2801 requires registration for crimes against anyone under 18 years of age for a 10 year period. (b) Initial registration or changes in employment, home address, school status, or being out of the territory for 6 months must be reported within 10 days. (c)

FTR is a Class A Misdemeanor. (d)(8) Mentions the Dept. of Public Safety will maintain records of non-resident offenders who “reside in American Samoa for school or employment for more than 14 days or for an aggregate period exceeding 30 days in a calendar year.” ASCA §46.2802 considers anyone who committed an offense against a minor under 12, caused physical injury, or repeat offenses a “sexually violent predator” and must register for life. FTR for SVPs is a class C felony.

- ❖ Community Notification: only through a written request to the registry office
- ❖ Registry fees: None
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: N/A
- ❖ Parental Rights: N/A
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: When the underlying conviction requiring a person to register under this act is reversed, vacated, or set aside, or if the Registrant is pardoned, continuing registration is not required. The SMART Office notes that American Samoa permits Tier I offenders to petition for reduction of their registration period if they have maintained a clean record for 10 consecutive years. Tier III offenders who are registered based on an adjudication of delinquency for a sex offense may petition for reduction of their registration period if they have maintained a clean record for 25 consecutive years. SORNA does not permit any reduction in registration period for Tier II offenders. ASCA §46.2803 (2011).

## ARIZONA

Comment: The state affiliate AZ-RSOL has a decent amount of resources for the state listed at <http://azrsol.org/resources/>

- ❖ Date Registry Established: 1983
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All types
- ❖ Online since: 1998
- ❖ Statutes: ARS §13-3821 through §13-3829, ARS §13- 3727
- ❖ Substantially AWA Compliant? No
- ❖ Where to register: County Sheriff
- ❖ When to register: Initial reg. required “within 10 days of entering and remaining in any county.” ARS §13-3821. Registrants working in the state must report in any county where present for 14 consecutive days or an aggregate of 30 days/yr. Change of address and other updates required w/in 72 hours (business days only). ARS §13-3822.
- ❖ Frequency/ Length of registration:

- Arizona has one broad category of offenders based on the offense of conviction: All adult Arizona offenders are required to register for life, except for those convicted of Kidnapping of a Minor (ARS §13-1304) or False Imprisonment (ARS §13-1303, who are required to register for 10 years. Transients report every 90 days. All others annually.
- Juvenile adjudication: Automatic termination at age 25. ARS §13-3821(F).
- ❖ Registry fees: None
- ❖ Community Notification: Non-electronic notification of those designated Tier 2 or Tier 3. §13-3825; Only Tiers 2 and 3 are listed publicly on the internet registry website. ARS §13-3827. Community notification can be required by court order.
- ❖ Residence restriction: 1,000 ft. restriction applicable to certain Registrants with offenses against children, with exceptions. ARS §13-3727. (I.e., those classified as Tier 3 cannot live within 1000 feet of schools, daycares, or residences of the victim. Will not be forced to move if school/daycare opens after your move.)
- ❖ Anti-Clustering: Repealed in 2011
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment? Yes (ARS §36-3701 to §36-3724)
- ❖ Travel regulations: According to the SMART Office, Arizona does not require its offenders to provide notice of any temporary lodging information when an offender is planning on leaving the jurisdiction for 7 days or more. Visitors must register if staying for more than 10 days. ARS §13-3821(A). `Temporary address may be verified by police.
- ❖ Parental Rights: Registered Persons must prove they are not a danger to the child before they can be awarded parental rights; if you are a parent dating a Registrant or allowing a Registered Person to live with you or visit, you must let the other parent know about the Registrant's status; a Registrant has no parental rights if the child is conceived through rape. ARS, §25-403.5; ARS §25-416
- ❖ ID Card Law: Required to renew state ID/ DL every year. ARS §13-3821(J). All SOs are required to obtain a credential from the MVD. The credential, which is obtained annually, looks identical to any other license except when a law enforcement official checks the status of the credential it indicates that the individual is subject to sex offender registration. Failure to obtain this credential is a Class 6 felony with a mandatory \$250 assessment.
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - No provision for early termination except for youthful offenders on probation
  - Set-aside under ARS § 13-907 does not relieve duty to register. Op. Atty. Gen. No. I00-0300, 2000 WL 33156113 (Ariz. A.G. Dec. 18, 2000). Pardon may relieve but no authority directly on point. See Ariz. Admin. Code §R5-4-101(6) (pardon "absolves an individual of the legal consequences of a crime for which the individual was convicted").
  - Offense committed under age 18 (juvenile adjudication or conviction): Discretionary termination by court after successful completion of probation. ARS§13-3821(G). For conviction under 18, may also petition for termination at annual probation hearing until turning 22. ARS §13-3821(H), §13-923.
  - Statutory rape conviction while under age 22 with probation sentence (where victim between age 15-17): May petition for termination upon completion of probation. ARS §13-3826. No

intervening felony, sex, or obscenity offense; no determination "that probable cause exists to believe the defendant is a sexually violent person." ARS §13-3826(a). Court may deny if denial is "in the best interests of justice or tends to ensure the safety of the public." ARS §13-3826(d).

## ARKANSAS

Comment: Under ACA §12-12-927, Registrants are banned from the state's Medicaid program. To my knowledge, this is the only state with a legal ban from Medicaid.

- ❖ Date Registry Established: 8/1/1987
- ❖ Registry Retroactive? Begins 8/1/1997
- ❖ Qualifying event: Currently applies to anyone convicted, incarcerated, committed, or On Paper on or after 8/1/1997, or was required to be registered under the Habitual Child Sex Offender Registration Act, former ACA §12-12-901 et seq.
- ❖ Online since: 1/1/2004
- ❖ Statutes: A.C.A. §5-14-128 through §5-14-134; §9-27-356; §12-12-901 through §12-12-926; §12-12-1513; 004 00 C.A.R.R. 002; 172 00 C.A.R.R. 014
- ❖ Substantially AWA Compliant? No
- ❖ Where to register: The law enforcement agency having jurisdiction over residence (i.e., municipal police if in an incorporated area, and county police if not in an incorporated area.) ACA §12-12-907
- ❖ When to register: "Residency" includes 5 or more consecutive days in a calendar year. ACA §12-12-903(10). If relocating w/in state, reg. 10 days before or 3 business days after an eviction or natural disaster. ACA §12-12-904, §12-12-909.
- ❖ Frequency/ Length of registration: Lifetime. If convicted of aggravated offense, classified Level 4, has been convicted at least twice of a sex crime, or convicted of forcible rape, there is no relief from registration. All others register for life but can apply for relief 15 years after end of supervision date (requires a court hearing and you'll need a lawyer.). (ACA §12-12-919) Homeless report monthly; SVPs register quarterly; all others register biannually.
- ❖ Registry fees: Pay the mandatory fee of two hundred fifty dollars (\$250) to be deposited into the DNA Detection Fund established by ACA §12-12-1119 within ninety (90) days from the date of registration, if DNA not already provided in a database accessible to their agents. ACA §12-12-906
- ❖ Community Notification:
  - Level 1: Only Law Enforcement and residents in the household
  - Level 2: Those who may come into contact; those considered the offenders "preferred victim"
  - Level 3: Those in the community
  - Level 4: "Highest and most visible means of community notification is required"
- ❖ Residence restriction: For L3 and L4 offenders: 2,000 ft. of elementary or secondary school, Public Park, day care center, youth center, 2,000 ft. of victim. L4 offenders only: 2,000 ft. of church. No restrictions for L1 and L2.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: N/A
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: (Enacted 24 July 2019) ACA §5-14-135 prohibits all SOs classified as L3 or L4 from distributing candy or wearing masks where a minor is present UNLESS every minor

at the event is a relative of the Registrant, or the costumes/ candy distribution is related to legitimate employment.

- ❖ Civil Commitment: No
- ❖ Travel regulations: Register at Sheriff's Office if staying longer than 5 days; Registration fee may be charged, police may verify temporary address; you may be placed on the state's website and not removed. May be subject to residence restrictions.
- ❖ Parental Rights: Registered Persons are presumed dangerous to children; the burden of proof falls on the RP to prove he is not a danger to children before custody can be granted or be allowed to live in a household with children present. Children born through rape are entitled to inheritance money and child support while the Registrant has no legal visitation/ custodial rights. ACA, §9-13-101; §9-10-121; §9-13-105
- ❖ ID Card Laws: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Less serious offenses: may petition court for relief 15 years after release from incarceration. ACA §12-12-919(b). Public safety standard.
  - Not available for level 4 offenders/aggravated offenses/recidivists. ACA §12-12-919(a). Permanent AR residents convicted in other states may apply for relief.
  - For conviction under ACA §5-24-221 (permitting physical abuse of a minor), Registrant may petition for termination at any time. ACA §12-12-919(b).
  - Expungement does not terminate registration obligation, ACA §12-12-905(b), but pardon/reversal/set aside/vacatur does. Id. at (c).
  - No relief provisions specific to juveniles/youthful offenders.
  - 15-year relief: No prior/subsequent sex offenses. ACA §12-12-919(a)(3), (b)(2)(A). Preponderance of evidence that the petitioner is "not likely to pose a threat to the safety of others." ACA §2-12-919(b)(2)(B)
  - §5-24-221-based registration: "Preponderance of the evidence that the facts underlying the offense for which the sex offender is required to register no longer support a requirement to register." ACA §12-12-919(b)(3)(B).

## **CALIFORNIA**

Comment: California is the birthplace of the registry; LA country established a "Convict Registry" in the 1930s in response to organized crime but shifted focus to sex offenses in the 1940s. California is transitioning from lifetime-for-all system to a 3-Tiered system in 2021. Both laws will be covered as much as possible here. Under Executive Order N-63-20, section 15, the Governor encouraged (but not obligated) registration to be conducted by phone during the COVID-19 pandemic.

- ❖ Date Registry Established: 1947, New law taking effect 1/1/2021
- ❖ Registry Retroactive? To July 1, 1944
- ❖ Qualifying event: Conviction
- ❖ Online since: 12/15/2004
- ❖ Statutes: Cal. Penal Code §290 through §294; Cal. Penal Code §3003, §3003.5.; Cal. Welf. and Inst. Code § 6608.5. See also SB 384 (2017) where major changes to the law will begin 1/1/2021

- ❖ Substantially AWA Compliant: No
- ❖ Where to register: At municipal police, with Sheriff (if living in unincorporated area), and/ or with University/Campus police (if attending community college or University)
- ❖ When to register: All must register w/in 5 working days of coming into jurisdiction; updates also w/in 5 working days. §§290(b), 290.013. Those working in the state for 14 days or for more than 30 days in a calendar year must register. §290.002. Those who “regularly reside” at a temporary or permanent residence must register “regardless of the number of days or nights spent here.” Cal. Penal Code §290.010. Transients must reregister every 30 days. Cal. Penal Code §290.011.
- ❖ Frequency/ Length of registration:
  - Until 2021, Lifetime. SVPs update every 90 days; all others update annually. Cal. Penal Code §290.012.
  - Effective 2021, California has adopted a 3-Tier registration system with MINIMUM registration periods of 10 years, 20 years, and life. Registration may be terminated upon petition to the superior court in the county of registration at the expiration of the minimum period. (Thus, law implies that lower Tiers can be denied relief and stay on longer than the minimum period.) Allows the Department of Justice to place a person in a Tier-to-be-determined category for a maximum period of 24 months if his or her appropriate Tier designation cannot be immediately ascertained. See SB 384 (2017).
- ❖ Registry fees: None
- ❖ Community Notification: No notification outside the online registry; Depending on the offense of conviction, California either (1) displays different amounts of information about an offender or (2) does not display the offender on the public registry website.
- ❖ Residence restriction: 2,000 ft. of schools and parks. Cal. Penal Code §3003.5(b). NOTE: this statute was declared unconstitutional as applied to certain parolees by *In re Taylor*, 60 Cal. 4th 1019 (2015) and is no longer being enforced by the state. However, local governments may enforce this statute or local ordinances.
- ❖ Anti-Clustering: Cannot live with another Registrant while on parole unless related by blood, marriage, or adoption. Cal. Penal Code §3003.5(a).
- ❖ Employment restriction:
  - Under Cal. Penal Code §290.4, employers are prohibited from using registry info to deny employment except “to protect a person at risk.”
  - Under Cal. Penal Code §290.95, Registrants whose conviction involved a minor under 16 cannot be an “employer, employee, or independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the Registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. This subdivision shall not apply to a business owner or an independent contractor who does not work directly in an unaccompanied setting with minors.” All other Registrants can work with minors under these circumstances BUT must give notice of registration status to employer.
- ❖ Presence restriction: Registrants may not enter schools without permission. Cal. Penal Code §626.81. Parolees with convictions involving minors under 14 may not enter parks without permission. Cal. Penal Code §3053.8. May not enter daycare or place for dependent adult if conviction involved dependent adult. Cal. Penal Code §653c.

- ❖ Halloween Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes (See CA WEL and INST §6600 to §6609.3)
- ❖ Travel regulations: Visitors may be required to register at Sheriff's Office if visit 5 days or longer; Police may verify temporary address; May be placed on state registry during visit and not removed. May be subject to local restrictions.
- ❖ Parental Rights: (Cal. Fam. Code §3030; §3030.5; Cal. Welf. and Inst. Code §355.1): Registered Persons with offenses involving minors cannot be awarded parental rights; court can override this rule but must prove a written statement listing the reasons for the exception. It is assumed allowing a Registered Person with a minor victim around your children is "prima facie evidence" the child is at risk of abuse or neglect. Parents of children conceived by rape have no parental rights but can be compelled to pay child support.
- ❖ ID Card Law: None
- ❖ Chemical Castration: Cal. Penal Code §645 gives courts the discretion to make chemical castration a condition for parole if the Registrant is convicted of certain offenses involving minors; this condition becomes a mandatory condition of parole if this is the second or more conviction for certain sex offenses involving minors.
- ❖ Relief from SO Legal Restrictions:
  - Until January 1, 2021, a certificate of rehabilitation relieves duty to register for certain less serious sex offenses. Cal. Penal Code §290.5(b)(3); §4851.01; §4852.03(a)(2). COR available only for CA convictions. See §4852.01.
  - For more serious offenses, duty to register relieved only by [state] pardon. See §290.5(b)(1).
  - Removal from website: Exclusion available from Justice Department for certain less serious offenses. See Cal. Penal Code §290.46(e). No conviction for certain listed offenses. See Cal. Penal Code §290.46(b)-(e). Mandatory for listed offenses if designated as low/moderate-low SARATSO risk level. Cal. Penal Code §290.46(e).
  - Sealing of juvenile records under Cal. Welf. and Inst. §781 provides relief. Sealing available 5 years after termination of juvenile court jurisdiction or upon turning 18. § 781(a).
  - Certificate of rehabilitation: Must not have been subsequently incarcerated. Must not be on probation for a felony. Cal. Penal Code § 4852.01(b). Must "conform to and obey the laws of the land." Cal. Penal Code §4852.05. "The person shall live an honest and upright life, shall conduct himself or herself with sobriety and industry, shall exhibit a good moral character, and shall conform to and obey the laws of the land." Cal. Penal Code §4852.05. Must reside in California for 5 years prior to application. Cal. Penal Code §4852.01(c), §4852.03(a)(2). Must not be in custody, on parole, or probation. Cal. Penal Code §290.5(a)(1).
  - Effective January 1, 2021, people in Tiers 2 and 3 of the new sex offender structure may seek relief from the superior court where they are registered, after a minimum period of registration.

## COLORADO

Comment: Colorado is a battleground state. In *Millard v Rankin*, 265 F. Supp. 3d 1211 (D. Colo. 2017), the US District Court determined the state's registry as currently applied is punishment and violated the 8th Amendment. (This case is still pending in the 10th Circuit as of 2020). Court-mandated Treatment may employ the use of polygraphs and PPGs. Per Governor's Executive Order D-2020-029, photograph/fingerprint collections were suspended, and the option for non-contact registration allowed during the COVID-19 pandemic.

- ❖ Date Registry Established: For child offenders, 7/1/1991; for all SOs, 10/1/1998
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Release (for 1991 registry); Conviction (for those included in 1998 law)
- ❖ Online since: July 1, 2001
- ❖ Statutes: C.R.S. §16-13-901 through §16-13-906; C.R.S. §16-22-101 through §16-22-115; C.R.S. §18-3-412.5 through §18-3-412.6; 8 C.R.R. §1507-24
- ❖ Substantially AWA compliant: Yes
- ❖ Where to register: Local Police (or County Sheriff if in unincorporated area)
- ❖ When to register: Initial reg. and updates w/in 5 business days. "Residence" 14 consecutive days or 30 days/yr. in another CO jurisdiction; temporary residents must register within 5 business days of arrival. Transient Registrants subject to annual registration must report every 3 mo. Transient Registrants subject to quarterly registration must report monthly. CRS §16-22-105 through §16-22-108.
- ❖ Frequency/ Length of registration:
  - Two Tiered system. Lifetime for all. Quarterly reg. for SVPs and those convicted out-of-state and required to register quarterly in state of convictions. All others reg. annually. CRS §16-22-108
  - Out of state offenses, see CRS §16-22-103(3) ("may petition the court for an order that discontinues the requirement for registration in this state for offense classifications that such person would not be required to register for if convicted in Colorado").
- ❖ Community Notification: Under CRS §16-13-903, community notification is warranted for those with the SVP designation. CBI notes that "Community notification occurs in one of two ways:
  - Passive: The public is able to access a list of registered sex offenders or view Registrants on a public website.
  - Active: When law enforcement provides information to citizens about a sexually violent predator via a public meeting or electronic notification process.
- ❖ Registry fees: Municipalities can charge up to \$75 initial/ \$25 renewal (CRS §16-22-108 (7))
- ❖ Residence restriction: No statewide restrictions but municipal ordinances exist, and some restrictions may be applied to those On Paper.
- ❖ Anti-Clustering: No statewide law but municipal ordinances may exist
- ❖ Employment restriction: In addition to employment that bans those with criminal records in general, the following licenses/ jobs are specifically restricted/ prohibited for RCs:
  - License or employment for any family child care home, foster care home, child care center, residential child care facility, secure residential treatment center, or child placement. CRS §16-22-102(9)
  - Community Association Manager. CRS §12-61-1003(3)(d).

- Public and private correctional facilities. CRS §17-1-109.5(1), §17-1-202(1)(a), §17-1-204.
- Driving certain taxicabs, a charter bus, luxury limousine, off-road scenic charter, or children's activity bus. CRS §40-10.1-110, 4 CCR §723-6:6105.
- Transportation Network Company Driver (aka Rideshare driver, like Uber or Lyft). CRS §40-10.1-605(3)
- License/ employment as a teacher, substitute teacher, special service provider, principal, administrator, adjunct instructor, school speech-language pathology assistant, JROTC instructor, career and technical educator, literacy instructor, and other school-related professions. CRS §22-60.5-103
- License for an insurance producer. CRS §10-2-801(1)
- An entity that contracts with the Department of Human Services to operate a private juvenile facility. CRS §19-2-410(4)
- Massage Therapist and Massage Parlors, if convicted of or pled guilty to a charge of unlawful sexual behavior as defined in CRS §16-22-102, or any prostitution-related offense.
- Private Investigator License. CRS §24-5-101.
- Department of Human Services jobs working directly with vulnerable persons. CRS §27-90-111(9)(b)
- See the full list of employment/ licenses that are impacted as of 2015 at:  
<http://www.coloradodefenders.us/wp-content/uploads/2015/01/consequences-of-conviction.pdf>
- ❖ Presence restriction:
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes. See CRS §18-1.3-908
- ❖ Travel regulations: Visitors may be required to register if staying longer than 5 days, pay registration fees, and be placed on state registry website. May be subject to local residence restrictions.
- ❖ Parental Rights: A sex offense conviction can be used as the basis for terminating parental rights, and the Registered Person has the burden of proof for showing the Registered Person is not a danger to the child. The court can order a Registered Person to take a psychological evaluation at the Registered Person's expense. The parent of a child conceived through rape can petition the court to terminate the rights of the offender, but termination of rights does not terminate child support obligations. CRS §14-10-129; §19-5-105.5; §19-5-105.7
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - May petition court for relief after 20/10/5 years/immediately from date of discharge by DOC, depending on the offense, or upon successful completion of deferred adjudication. CRS §16-22-113(1)(a)-(d). Relief not available for serious violent offenses/SVPs. CRS §16-22-113(3).
  - Sex offenses not eligible for sealing under CRS §24-72-702. Collateral relief order not available for sex offenders. See, e.g., CRS §18-1.3-107. Pardon may relieve registration requirement but no authority directly on point. See CRS §16-17-103 ("A pardon issued by the governor shall waive all collateral consequences associated with each conviction").
  - Juvenile offenses: May petition for relief after discharge of sentence/disposition, unless court orders continuing registration. CRS §16-22-113(1)(e). Relief not available for serious violent offenses/SVPs. § 16-22-113 (3). If under 18 at time of commission of first offense of unlawful

sexual behavior/indecent exposure/sexual exploitation of a child (the latter limited to posting or possessing private images by a juvenile), may immediately move to be exempted from registration requirements. CRS §16-22-103(5).

- 20/10/5 year/immediate relief/deferred adjudication: No prior/subsequent sex offense conviction/adjudication. CRS §16-22-113(1), (3), §16-22-103(4).
- Juvenile relief under CRS §16-22-113(1)(e): must meet above requirements and also may not have a pending sex offense prosecution.
- Disability: Registrants with a qualifying physical or intellectual disability may petition for termination at any time. CRS §16-22-113(2.5). The court may consider any relevant information presented by the petitioner or district attorney. CRS §16-22-113(2.5)(f).
- 20/10/5 year relief/ deferred adjudication/ juvenile offenses under CRS §16-22-113(1)(e): the court must find "the petitioner is not likely to commit a subsequent offense of or involving unlawful sexual behavior." CRS §16-22-113(1)(e), (2)(III). In addition, a person seeking immediate relief for a sex trafficking offense, must also show "by a preponderance of the evidence that at the time he or she committed the offense of human trafficking for sexual servitude, he or she had been trafficked by another person...for the purpose of committing the offense." CRS §16-22-113(1)(a.5). The court must find that "the petitioner suffers from a severe physical or intellectual disability to the extent that the petitioner is permanently incapacitated, does not present an unreasonable risk to public safety, and is not likely to commit a subsequent offense of or involving unlawful sexual behavior." CRS §16-22-113(2.5).
- Under 18 relief pursuant to CRS §16-22-103(5): Evaluator must recommend exemption based on best interest of person/community. CRS §16-22-103(5)(a)(IV). Court must determine by totality of circumstances that registration would be unfairly punitive and that exempting the person would not pose a significant risk to the community. CRS §16-22-103(5). No prior unlawful sexual behavior charges. CRS §16-22-103(5).

## CONNECTICUT

Comment: The same day the landmark case of Smith v Doe was decided, SCOTUS issued a ruling on Connecticut Department of Public Safety v. Doe, 538 U.S. 1 (2003); SCOTUS ruled unanimously that a Registrant need not have a hearing to be placed on the registry. "Mere injury to reputation, even if defamatory, does not constitute the deprivation of a liberty interest."

- ❖ Date Registry Established: 1/1/1998
- ❖ Registry Retroactive? To 10/1/1988 for violent offenses; not retroactive otherwise
- ❖ Qualifying event: Release date
- ❖ Online since: 1/1/1999
- ❖ Statutes: Conn. Gen. Stat. §54-250 through §54-261
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: State Police (Department of Emergency Services and Public Protection)
- ❖ When to register: Reg. for all is required "without undue delay," but probably 3 days. Visitors who reside "on a recurring basis for less than five days" shall "notify" law enforcement of "temporary residence." CGS §54-253.
- ❖ Frequency/ Length of registration:

- Lifetime (if convicted of a “sexually violent offense”) or Ten years CGS §54-251, §54-252. Confirmation of address required quarterly by return of mailing from state. CGS §54-257.
- Out of state convictions, see CGS §54-253(a) (all Registrants who moved to the state from 10/1/1998 until registration terminates in jurisdiction of conviction).
- ❖ Community Notification: Under CGS §54-255, public registry info can be restricted if RC was under age 18 at time of offense. Otherwise, info sent to superintendent of schools and chief executive officer of community of residence.
- ❖ Registry fees: None
- ❖ Residence restriction: None statewide.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: May register if stay is 5+ days (May have to provide contact info if less than 5 days); May be placed on state registry website and not removed.
- ❖ Parental Rights: The court can move to terminate the rights of a Registered Person if the child was conceived by rape. CGS §17a-111b
- ❖ ID Card Laws: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Full pardon "erases" conviction and person "deemed to have never been arrested," though no authority directly on point. CGS §54-142a(e).
  - No other provision for early termination.
  - No registration for juvenile adjudications.

## **DELAWARE**

Comment: As reported in Delaware Online in 2015, 8 out of 57 municipalities have restrictions beyond state law; since Delaware is a small state and these are the only municipalities with restrictions beyond state law, I've added these restrictions to this guide. There may be newer restrictions, however, or restrictions in communities not listed here. Delaware State Police continued requiring registration during the COVID-19 pandemic.

- ❖ Date Registry Established: 6/27/1994
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction
- ❖ Online since: 11/1/1998
- ❖ Statutes: 11 Del. C. §1112; 11 Del. C. §4120 through §4122; 11 Del. C. §4336
- ❖ Substantially AWA Compliant? Yes
- ❖ Where to register: State Police
- ❖ When to register: Initial registration and updates w/in 3 business days. “Residence” established by 7 days employed or as student, or for an aggregate of 30 days within a 12-month period, or vacations at a location for greater than 2 weeks in a 1-year period. 11 Del. C. §4120.

- ❖ Frequency/ Length of registration: 11 Del. C. §4120, §4121(k).
  - Tier I – Annually for 15 Years
  - Tier II – Biannually for 25 Years
  - Tier III – Quarterly for Lifetime
  - Homeless Registrants: Tier I/II report monthly; Tier III reports weekly
  - Registration period runs from release from custody (if level V custody) or effective date of sentence (level IV custody or below). Id.
- ❖ Community Notification: Tier Is are not listed on the public registry; information is limited to law enforcement agencies. For Tier II/III, schools and daycare centers are notified when an offender registers as residing, being employed, or studying in the area. Additionally, for Tier III, immediate neighbors are notified.
- ❖ Registry fees: \$30 fee due by 1/31 annually (11 Del. C. §4120(g))
- ❖ Residence restriction:
  - Statewide: May not reside within 500 ft. of school property. 11 Del. C. §1112.
  - Dover: Tier II/III cannot live within 500 feet of a day care center unless Registrant was living within zone prior to 4/9/2012, or juveniles.
  - Bridgeville, Felton, Harrington, Houston: Cannot reside, lodge, abide or live within 2,500 feet of any school, park or child-care facility inside the town.
  - Greenwood: Cannot reside 500 feet within a school, park, library, or child-care facility in the town.
  - Milton: Cannot reside, lodge, abide or live within 3,000 feet of a school, park or child-care facility inside the town.
  - Smyrna: Cannot live within 1,000 feet of the property line of any school in the town.
- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - Dover: Tier II/III cannot work within 500 feet of a day care center unless Registrant was working within zone prior to 4/9/2012, or juveniles.
- ❖ Presence restriction:
  - Statewide: May not loiter within 500 ft. of school property. 11 Del. C §1112.
  - Greenwood: Cannot loiter 500 feet within a school, park, library, or child-care facility in the town.
  - Smyrna: unlawful to loiter on or within 1,000 feet from any school.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Register if in state 3 days or longer, or visiting state 14+ days out of the year.
- ❖ Parental Rights: All Registered Persons are assumed dangerous and cannot have custody, unsupervised visits, or reside with a child. This restriction can be waived by the court if there are no subsequent convictions for sex/ violent crimes, completed a treatment program, and determined to be in the child's best interests. This exception does not apply if there is a court order prohibiting these exemptions, the minor is the victim, or was a child conceived by rape. 13 Del. C. §722A, §724A, §725A, §726A, §728, §728A
- ❖ ID Card Laws: As noted by the DE DMV, 'By signing the driver license or identification card application form, applicants acknowledge that the Division of Motor Vehicles has notified them that registration in compliance with 11 Del. C. §4120, is mandatory for any person who has been

convicted in any state of any offense which if committed or attempted in this State, would have been punishable as one or more of the offenses referenced in 11 Del. C. §4120(a), and that such registration must occur within seven days of coming into any country, city or town in which he/she temporarily resides or is domiciled for that length of time. This form will be permanently retained. There is a \$5.00 fee to add the "Y" restriction." (See 21 Del. C. §2718(e, f))

❖ Castration Laws: None

❖ Relief from SO Legal Restrictions:

- Tier II/III misdemeanor offenders where victim was not under 13 (if offender was 18 or older at time of commission) may petition the superior court for relief immediately. 11 Del. C. § 4121(d)(6).
- Tier I offenders may petition the court for relief 10 years from last day of Level IV/V sentence, or from the date of sentencing if no IV/V sentence imposed. 11 Del. C. §4121(e)(2)(c). Tier II/III offenders may petition for re-designation and eventually reach a Tier I designation, though certain waiting periods and eligibility criteria apply. See 11 Del. C. §4121(e)(2).
- Unconditional pardon relieves registration obligations. *Heath v. State*, 983 A.2d 77 (Del. 2009). Sex offenses not eligible for misdemeanor first offender expungement. 11 Del. C. §4373(c)(1).
- Juveniles convicted of less serious offenses may petition for relief at earlier of 2 years after adjudication/completion of treatment. 11 Del. C. §4123(d). Juveniles may be exempted from registration for less serious offenses at sentencing, 11 Del. C. §4123(c), or seek relief from registration or assignment to a lower Tier, at the conclusion of treatment or 2 years after adjudication. 11 Del. C. §4123(d).
- Juveniles (2 year relief and initial exemption): Court must determine "by a preponderance of the evidence that such person is not likely to pose a threat to public safety." 11 Del. C. §4123(c)(2), (d).
- Tier I offenders: Must be free of any non-vehicle conviction for 10 years. 11 Del. C. § 4121(e)(2)(c). Must establish "by a preponderance of the evidence, that the public safety no longer requires preservation of the original designation." 11 Del. C. §4121(e)(2)(d). Must complete treatment program. 11 Del. C. §4121(e)(2)(c).  
Tier II/III offenders: Court must determine "by a preponderance of the evidence that such person is not likely to pose a threat to public safety if released from the obligations [imposed by registration]." 11 Del. C. §4121(d)(6)(c) No subsequent sex offense/violent felony convictions. 11 Del. C. §4121(d)(6)(b).

## **DISTRICT OF COLUMBIA**

Comment: Interestingly, the National Capital is not Substantially AWA compliant.

- ❖ Date Registry Established: 6/1/2000
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction/ Not Guilty-Insanity
- ❖ Online since: 3/1/2001
- ❖ Statutes: D.C. Code §§22-4001 through 22-4017; C.D.C.R. §§6-A400 through 6-A499.
- ❖ Substantially AWA Compliant? No
- ❖ Where to register: Court Services and Offender Supervision Agency

- ❖ When to register: Initial reg. is required w/in 3 days for those released from incarceration, or “who enter the District of Columbia from another jurisdiction to live, work, or attends school.” Updates to reg. information 3 days. DC Code §6-A406.2, §6-A412.
- ❖ Frequency/ Length of registration:
  - Time begins running from placement on probation or parole, or completion of community supervision if later, depending on offense/recidivist status/sexual psychopath status. DC Code §22-4002(a), (b).
  - For non-D.C. offenses, see DC Code §22-4001(8)(g).
  - DC classifies Registrants into 3 classes based on offense type:
    - Class A: Quarterly for Life (high-level crimes, recidivist, labeled Sexual Psychopath)
    - Class B: Annually for 10 years
    - Class C: Annually for 10 years (not listed online)
- ❖ Community Notification: Under, DC Code §22-4011, the Metropolitan Police Department has the authority to utilize community meetings, flyers, telephone calls, door-to-door contacts, electronic notification, direct mailings, and media releases. In practice, residents can find out about Registrants through attending the regular PSA, CAC, and ANC meetings, stop by any DC Police District and check the open registry, or online. Only Class A and B Registrants are listed online.
- ❖ Registry fees: None
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Must register if staying 3+ days; must check in upon arrival if staying less than 3 days.
- ❖ ID Cards: None
- ❖ Parental Rights: Registered Persons whose children were conceived by rape have no parental rights but can be compelled to pay child support. DC Code §16-914
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - A person required to register in D.C. for an offense from another jurisdiction can petition the superior court for review of that determination. DC Code §22-4004 (at the time a person is informed about a determination, they must provide notice of intent to seek a review and do so within 30 days; otherwise must seek review within 3 years "but only for good cause shown and to prevent manifest injustice").
  - A person is deemed not to have committed a registrable offense if: the conviction is reversed or vacated, or the person is pardoned on the ground of innocence. DC Code §22-4001(3).
  - No registration for juvenile adjudications.

## **FLORIDA**

Comment: FloriDUH has the reputation as being the worst state for Registered Persons in America (though a strong case could be made for Alabama being #1). Part of the problem is the state allows municipalities to create regulations far exceeding the state registry guidelines; over 160 municipalities have restrictions exceeding state law. Local residency restriction ordinances of 2500 feet or more are common, particularly in Miami-Dade and Broward Counties, where Registered Persons have been forced to congregate in the few areas not covered by the restrictions such as overpasses and industrial parks. Some counties have placed red signs in Registrants' yards. Florida keeps the names of out-of-state, out-of-country, deported, incarcerated, and deceased Registrants on their website. For now, FL law does not have regulations on social media usage unless On Paper.

- ❖ Date Registry Established: Florida had a rudimentary registry as far back as the 1950s but the modern version of their registry was established 10/1/1993 for violent offenders and 10/1/1997 for all SOs
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Commission of the offense
- ❖ Online since: 10/1/1997
- ❖ Statutes: Fla. Stat. §775.21, §775.215; Fla. Stat. §943.043 through 943.0435; Fla. Stat. §944.606 through §944.607; Fla. Stat. §947.1405, §985.481
- ❖ Substantially AWA Compliant? Yes
- ❖ Where to register: County Sheriff
- ❖ When to register:
  - “Residence” means either (1) a place where one spends 3 or more consecutive days, (2) a place where one spends 3 or more aggregate days in a calendar year, or (3) a county in which one is present for 3 or more aggregate days in a calendar year.
  - Registrants must appear to register with law enforcement w/in 48 hours of establishing a residence, and must appear to provide any updates within 48 hours.
  - Transient Registrants update every 30 days. Registrants must also appear to register with the driver’s license office of the FL DHSMV within 48 hours of registration to obtain a driver’s license or ID card labeled either “SEXUAL PREDATOR” or “943.0435, F.S.”
  - Those adjudicated delinquent by another state on or after July 1, 2007 for a qualifying sexual offense in this state or a similar offense in another jurisdiction when he or she was 14 years of age or older at the time of the offense (FS §943.0435(1)(a)1.d)
- ❖ Frequency/ Length of registration: For life. “Predators”, some classified as offenders, and all juvenile offenders must register quarterly. Other Offenders biannually.
- ❖ Community Notification: “Within 48 hours after receiving notification of the presence of a sexual predator, the sheriff of the county or the chief of police of the municipality where the sexual predator temporarily or permanently resides shall notify each licensed child care facility, elementary school, middle school, and high school within a 1-mile radius of the temporary or permanent residence of the sexual predator of the presence of the sexual predator.” FS §775.21 All Registrants are listed online; Residents can sign up for email “FL Offender Alert System.”
- ❖ Registry fees: None
- ❖ Residence restriction: FS §775.215

- Florida conviction for offenses that occur on or after October 1, 2004, and for out-of-state offense for offense occurred on or after May 26, 2010: A person who has been convicted of a violation of FS §794.011, §800.04, §827.071, §847.0135(5), or §847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground.
- Individual cities and counties may have additional requirements. At least in regards to the state law, restriction does not apply if residence was established before prohibited area established.
- While there is no state law regarding hurricane shelters, many counties banned Registrants from staying in hurricane shelters or sent Registrants to separate shelters including jails.
- ❖ Anti-Clustering: No statewide law but local ordinances may exist
- ❖ Employment restriction: Nothing explicitly stated by presence restrictions applying to you would likely include employment, plus the usual restrictions on working around minors. An attorney website notes that “In cases where the victim was a minor, sex offenders cannot volunteer or work at any business, school, day care, park, playground, or other place where children regularly are present.”
- ❖ Presence restriction:
  - Registrants with conviction involving a minor cannot be within 300 feet “of place where children are congregating,” and face restrictions on ability to be present in schools and parks with exceptions. FS §856.022
  - For those whose offense was committed on or after May 26, 2010: It is unlawful for a Registrant to knowingly approach, contact, or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground with the intent to engage in conduct of a sexual nature or to make a communication of any type with any content of a sexual nature.
- ❖ Halloween/ Holiday Restriction: (Enacted 2010) FS §947.1405 and FS §948.30 both contain, among other conditions of supervision, "A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court."
- ❖ Civil Commitment: Yes (Jimmy Ryce Civil Commitment Act (FS §394.910-§394.932))
- ❖ Travel regulations: Florida considers a visit of 72 hours “establishing a residence” thus requiring registration; will be placed on state registry and not removed even after death; police may verify address; and subject to state and local residency restrictions.
- ❖ Parental Rights: Parental rights can be terminated under the following conditions: children conceived through rape, incarceration of certain sex crimes, sexual abuse of a child, or classification as a “sexual predator,” and there is no obligation of child welfare services to engage in any activity related to family reunification. FS §39.806
- ❖ ID Card Laws: Florida Registrants must update their state ID/DLs within 48 hours after initial registration or change of address (FS §775.21(6)(f) to (g)(1); FS §943.0435). If you are classified as a “Sexual Predator,” your card will have “Sexual Predator” spelled out on the front while those designated “sexual offender” have “943.0435, F.S.” listed in this area. (FS §322.141)
- ❖ Castration Laws: FS §794.0235 gives courts the discretion to make chemical castration a condition for parole if the Registrant is convicted of sexual battery; this condition becomes a mandatory condition of parole if this is the second or more conviction for sexual battery.

- ❖ Relief from SO Legal Restrictions:
  - May petition the circuit court for relief 25 years after release for less serious offenses. FS §943.0435(11)(a).
  - Full pardon relieves all registration obligations. FS §943.0435(11).
  - Certain youthful offenders (not more than 4 years older than victim who was 13 or older but less than 18) may petition for relief immediately. FS §943.04354
  - 25 year relief: Must demonstrate that relief complies with certain federal standards. Court must be "satisfied that the offender is not a current or potential threat to public safety." FS §943.0435(11)(a)(3). No subsequent arrest for a felony or misdemeanor. FS §943.0435(11)(a)(1)
  - Youthful offenders: Termination must not conflict with federal law. FS §943.04354(2).

## **GEORGIA**

Comment: It is a misdemeanor to intentionally photograph a minor in Georgia without parental consent. §42-1-18. Also, the amount of restrictions you will endure depends on date of conviction.

- ❖ Date Registry Established: 7/1/1996
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction (or incarcerated when law passed)
- ❖ Online since: 1998
- ❖ Statutes: O.C.G.A. §42-1-12 through §42-1-19; Ga. Comp. R. and Regs. R. 140-2-18.
- ❖ Substantially AWA Compliant?
- ❖ Where to register: County Sheriff
- ❖ When to register: Registration required within 72 hours of establishing a residence or entering the state. OCGA §42-1-12(f).
- ❖ Frequency/ Length of registration:
  - Generally for life unless removed by order of a court or other legal means. OCGA §42-1-19
  - Sexually Dangerous Predator (Formerly SVP) updates every 6 months and required to wear EM device.
  - All others (Level I and Level II) update annually within 72 hours of birthday.
- ❖ Registry fees: As passed by HB 1059 (2005), If the offender was convicted of a “dangerous sexual offense” on or after July 1, 2006, he or she must pay the sheriff of the county of his or her residence an annual registration fee of \$250.00. OCGA 42-1-12(f)
- ❖ Residence restriction: Depends on your date of conviction –OCGA §42-1-15 to §42-1-18
  - Before 6/4/2003: No restrictions except as imposed while On Paper
  - 6/4/2003 to 6/30/2006: Cannot live within 1000 feet of child care facility, school, public or private park, recreation facility, playground, skating rink, neighborhood center, gymnasium, or “similar facilities providing programs or services directed towards persons under 18 years of age.”
  - 7/1/2006 to 6/30/2008: Same as above but specifically includes churches, school bus stops, and public/ community swimming pools
  - 7/1/2008 and beyond: Same as above two but includes public libraries.
  - Does not apply if resided at location before establishment of prohibited area.
- ❖ Anti-Clustering: None

- ❖ Employment restriction: OCGA § 42-1-15 to §42-1-16
  - Any individual who committed an act between July 1, 2006, and June 30, 2008, for which such individual is required to register shall not be employed by any child care facility, school, or church or by or at any business or entity that is located within 1,000 feet of a child care facility, a school, or a church.
  - Any individual who committed an act between July 1, 2006, and June 30, 2008, for which such individual is required to register who is a sexually dangerous predator shall not be employed by any business or entity that is located within 1,000 feet of an area where minors congregate.
  - On and after July 1, 2008, no individual shall be employed by or volunteer at any child care facility, school, or church or by or at any business or entity that is located within 1,000 feet of a child care facility, a school, or a church if the commission of the act for which such individual is required to register occurred on or after July 1, 2008
  - On or after July 1, 2008, no individual who is a sexually dangerous predator shall be employed by or volunteer at any business or entity that is located within 1,000 feet of an area where minors congregate if the commission of the act for which such individual is required to register occurred on or after July 1, 2008.
  - Does not apply if employment at location existed before establishment of prohibited area.
- ❖ Presence restriction: Notwithstanding any ordinance or resolution adopted pursuant to OCGA§ 16-6-24 or §16-11-36(d), it shall be unlawful for any individual to loiter, as prohibited by OCGA §16-11-36, at any child care facility, school, or area where minors congregate. OCGA §42-1-15
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Registration apparently required only if in the state for 14 consecutive days, or for more than 30 days in calendar year. OCGA §42-1-12(e)(7). Visiting Registrants are placed on state's website and are not removed.
- ❖ Parental Rights: Considers child conceived by rape or when the mother is below age 10 as "aggravated circumstances" in determining termination of parental rights; children born of rape are entitled to inheritance. OCGA §15-11-2, §19-7-2, §19-8-10
- ❖ ID Card Law: None
- ❖ Castration law repealed: Georgia's castration statute, once located at OCGA §16-6-4 (2002) and OCGA §42-9-44.2 (2002), was repealed in 2006.
- ❖ Relief from SO Legal Restrictions:
  - Certain less violent offenses: May petition court for relief from registration, residency and employment restrictions 10 years after completion of sentence. Such persons with level I risk assessment may petition for relief at any time. OCGA §42-1-19(a)(4), (c)(2).
  - Physically incapacitated Registrants, those in a nursing home or permanently disabled may petition for relief immediately. OCGA §42-1-19(a)(1), (c)(1).
  - Discharge following first offender deferred adjudication provides relief from registration obligations. OCGA §42-1-12(8).
  - Pardon provides relief from registration. People with sex offenses requiring registration must wait 10 years before applying, and a separate application form is required. See <https://pap.georgia.gov/pardons-restoration-rights>.
  - No registration for juvenile adjudications.

- Pardon: "Must have lived a law-abiding life during the 10 years prior to applying." No pending charges. All fines and restitution must be paid. Considerations include results of mandatory polygraph and psychosexual evaluation. See details at: <https://pap.georgia.gov/pardons-restoration-rights>
- Certain less violent offenses: No prior conviction for sex offense/distribution of obscene materials to minors. OCGA §42-1-19(a)(4), §17-10-6.2(c)(1)(A).
- Certain less violent offenses: Court must find "by a preponderance of the evidence that the individual does not pose a substantial risk of perpetrating any future dangerous sexual offense." OCGA §42-1-19(f). Must complete supervised release/probation. OCGA §42-1-19(a)(4). For specific disqualifying offense characteristics, see OCGA §17-10-6.2(c)(1).
- Non-sexual kidnapping of minor: Same "preponderance" standard as above. OCGA §42-1-19(f). May petition for relief immediately. OCGA §42-1-19(a)(3), (c)(1).
- Incapacitated Registrants: Must have completed period of parole/ probation. OCGA §42-1-19(a)(1). Same "preponderance" standard as above. OCGA §42-1-19(f).

### **GUAM (US TERRITORY)**

Comment: Despite being part of the Northern Mariana Islands archipelago, Guam is an independent territory. It is also AWA compliant.

- ❖ Date Registry Established: 11/9/1999
- ❖ Registry Retroactive? From 1/1/1993
- ❖ Qualifying event: Conviction
- ❖ Online since: N/A
- ❖ Statutes: 9 Guam Code Ann. §89.01 through 89.15
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Judiciary of Guam, Probation Division
- ❖ When to register: 3 working days for initial registration. 9 GCA §89.01(u), 89.03. "Resides" means present in jurisdiction for at least 30 days. §89.01(r). Employed means more than 14 days or more than 30 days in a calendar year. 9 GCA §89.01(i).
- ❖ Frequency/ Length of registration: Guam uses a 3-Level system with inverted ranking compared to other registries.
  - Level 1 – Highest classification, quarterly for life
  - Level 2 – Biannually for life
  - Level 3 – Annually for 15 years
- ❖ Registry fees: None
- ❖ Community Notification: 9 GCA §89.11 – Done by email request only
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restrictions:
  - 9 GCA §89.15. A Registered Person may not be employed, directly or through an independent contractor, in any of the following:
    - a medical, dental or physical therapy facility or clinic while patients are present;
    - a child care facility while children are present;

- a school or learning institution while children are present;
  - a medical or disabled person transport service while patients are present;
  - a hospital nursing home or hospice facility while patients are present; or
  - an installer or deliverer of services or goods where the employee may be required to enter a private residence.
- 9 GCA § 4203.3. No person convicted of a sex offense or who is listed on the Registry shall work in any agency or instrumentality of the government of Guam.
- 21 GCA § 61103(kk) - No home may be licensed as a Bed and Breakfast whose physical address is the physical address of an RSO.
- 10 GCA § 84107(f) - the EMS Commission will deny, suspend, or revoke any EMT-B, EMT-I, EMT-O, or EMT-P license issued under the Office of EMS, for the following actions...(3) listed on Sex Offender Registry...
- 5 GCA § 5253 - No person convicted of a sex offense or who is listed on the Registry, and who is employed by a business contracted to perform services for an agency or instrumentality of the government of Guam, shall work for his employer on the property of the government of Guam other than a public highway.
- ❖ Presence restriction: None
  - ❖ Halloween/ Holiday Restrictions: None
  - ❖ Civil Commitment: No
  - ❖ Travel regulations: No express provision regarding visitors (though it appears they want SOs to register after being there 3 working days even if visiting).
  - ❖ Parental Rights: N/A
  - ❖ Castration: 9 GCA § 80.101-80.106 established a pilot program for the use of chemical castration, but the law was never enforced. A failed attempt in 2019 would have made chemical castration mandatory as a probation/ parole requirement.
  - ❖ Other restrictions: “Persons required to register under this Section shall not access, or create or maintain a personal web page, profile, account, password, or user name for: a social networking website; or an instant messaging or chat room program, that permits persons under the age of eighteen (18) years to become a member or to create or maintain a personal web page, unless such social networking website, or an instant messaging or chat room, limits the ability of adult members to add persons under the age of eighteen (18) years as friends, buddies or associates. All computers or devices capable of accessing the internet that are on the Registrant’s person, vehicle or home are subject to unannounced searches by law enforcement personnel acting within the scope of their duties while performing a lawful investigation. 9 GCA § 89.03(i)
  - ❖ Relief from SO Legal Restrictions: 9 GCA § 89.03(b)(6)(B) – “Pardoned Convict or Conviction Reversed Upon Appeal. The duty to register under this Chapter shall not be applicable to any sex offender whose conviction was reversed upon appeal, or who was pardoned by I Maga’lahen Guåhan, or who has been pardoned by the designated agency or individual of any jurisdiction as defined in this code.

## HAWAII

Comment: Hawaii's Supreme Court overturned the public registry (See State v. Bani, 97 P.3d 285 (Haw. 2001)), but that decision was overridden by Smith v Doe in 2003. Hawaii was also among the states that suspended all in-person registration during the 2020 COVID-19 outbreak per Hawaii Executive Order 20-02.

- ❖ Date Registry Established: 1/1/1996 for violent offenses; 7/1/1997 for all offenses
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 5/1/2005
- ❖ Statutes: H.R.S. §846E-1 through §846E-12
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local police/ Sheriff's office
- ❖ When to register: 3 working days for initial reg. and updates.
- ❖ Frequency/ Length of registration: Lifetime. Updates required within 30 days of birthday. HRS §846E-2. All Tiers register in person annually, and mail-in forms are sent quarterly which must be returned within 10 days of receipt. The Tier system only seems to impact the length one must register before being eligible for removal from the registry.
- ❖ Registry fees: None
- ❖ Community Notification: Email alert system in addition to online registry. Those convicted of a single misdemeanor does not appear on the website.
- ❖ Residence restriction: None, but conditions may exist for those On Paper
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None, but conditions may exist for those On Paper
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Must register within 3 working days if present in the state for more than 10 days, or an aggregate of 30 days/yr. HRS §846E-2, § 846E-3. May be subject to residency restrictions.
- ❖ Parental Rights: A Registered Person has no parental right to child conceived by rape but can be ordered to pay child support; Registry status is considered an "aggravated circumstance" when deciding parental rights in court. HRS §571-46; § 571-61; §587A-4
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Any person may petition court for relief after 40 years (from later of date of sentencing/release). HRS §846E-10(e). Certain Tier 2 offenses: may petition after 25 years, HRS §846E-10(c); certain Tier 1 offenses after 10 years, HRS §846E-10(d).
  - Out of state offenses, see HRS §846E-2(b).
  - Pardon/reversal of conviction removes data from public registry. HRS §846E-3(e). No registration for juvenile adjudications.
  - 25/10 year relief: "Maintained a clean record" and no "repeat covered offender[s]." HRS §846E-10(c), (d), §846E-1.

- 40/25/10 year relief: Substantial evidence and more than proof by a preponderance of the evidence that the person is very unlikely to commit a covered offense ever again, and registration will not assist in protecting the safety of the public or any member thereof. HRS §846E-10(f)

## IDAHO

Comment: Idaho's law regarding frequency of postcard mailings for residence verification is confusing. No matter when the registration form arrives, take it to the registry office immediately.

- ❖ Date Registry Established: 7/1/1993
- ❖ Registry Retroactive? No (Juveniles 14+ registration began 7/1/1998)
- ❖ Qualifying event: Conviction
- ❖ Online since: 2002
- ❖ Statutes: Idaho Code §18-8301 through 18-8414; IDAPA §11.10.03.000 through §11.10.03.012.
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local police/ County Sheriff
- ❖ When to register: 2 business days for initial registration and updates. Transient Registrants must report location every 7 days. IC §18-8307, §18-8308.
- ❖ Frequency/ Length of registration: Life. IC §18-8307, §18-8308 (note that the two statutes give conflicting info; since both the DOC's FAQ page and the SMART 2019 report both state the info below, the info listed below is accurate.)
  - Sexually Violent Persons: Registry office sends out monthly registry form by mail. SVPs have 7 days to conduct in-person registration to complete the registration. Police verify residence by visiting biannually. (SMART report from 2019 report notes Idaho no longer classifies Registrants as SVP as of 7/1/2011, but those designated as SVP when law was active still abides by these laws.)
  - Non-SVPs before 7/1/2011, or all Registrants convicted on/ after 7/1/2011: Register in person annually, and on the 4th and 8th month from annual registration, receive a registration form which must be completed and delivered in-person within 7 days.
  - Juvenile Registrants: Register until age 21.
- ❖ Community Notification: Does not list employer information publicly or allow residents to view the info. Allows residents to receive email alerts.
- ❖ Registry fees: SVPs pay \$50 annual fee plus \$10 per registration period; all others pay \$80 annual fee (I.C. § 18-8307(2)). May also be required to pay for psychosexual evaluation unless indigent. IC §18-8318
- ❖ Residence restriction: May not reside or loiter within 500 ft. of school. IC §18-8331, §18-8332.
- ❖ Anti-Clustering: May not reside with more than one person also required to register, with certain exceptions such as residing in an approved transition home. IC §18-8331, §18-8332.
- ❖ Employment restriction: Cannot apply for or to accept employment at a day care center, group day care facility or family day care home. Id. C §18-8327
- ❖ Presence restriction: Banned from or to be upon or to remain on the premises of a day care center, group day care facility or family day care home while children are present, unless picking up or dropping off one's own children. Id. C. §18-8327.

- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Statutes do not specifically address visitor registration. Rolfe survey indicates that visits of 7 days or more require registration. Temporary volunteers or employees must register if in state for more than ten consecutive days, or for an aggregate period of 30 days in a calendar year. If “employment involves counseling, coaching, teaching, supervising or working with minors in any way,” must register “regardless of the period of employment.” Id. C. §18-8303(6). Visiting Registrants are placed on state’s website and not removed. Temporary address may be verified by police.
- ❖ Parental Rights: Assumes that terminating the parental rights of a Registered Person when the child was conceived by rape or the Registered Person committed an offense against the child is in the child’s best interests but can be challenged. Id. C. §16-2005
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - May petition court for full relief after 10 years if not an aggravated offender/violent sexual predator. Id. C. §18-8310(1)
  - May petition from relief from bars on employment with child care facility/proximity to facility after 10 years. Id. C. §18-8328
  - Pardon for violent and sex crimes available 5 years after completion of sentence. IDAPA 50.01.01.550.01(b). Not clear what effect on registration. Expungement under Id. C. §19-2604 is not available for offenses requiring registration.
  - No relief provisions specific to juveniles/youthful offenders.
  - Full relief: No other conviction for offense requiring registration. Id. C. §18-8310(4). No pending criminal charges. Id. C. §18-8310 (1)(b). Clear and convincing evidence that it is highly probable or reasonably certain the petitioner is not a risk to commit a new violation for any violent crime/sex offense/certain crimes against minors. Id. C. §18-8310(4)(c). See also State v. Kimball, 181 P.3d 468. Must have completed sentence and treatment program. Id. C. §18-8310(1)(a), (e).
  - Employment/proximity: Clear and convincing evidence that the person does not pose threat to children in day care facilities. Must present testimony from licensed physician/psychologist about petitioner's chance of success of not committing an act against children. Id. C. § 18-8328.

## **ILLINOIS**

Comment: Illinois laws are particularly onerous if you are considered a “child sex offender”, defined as any offense involving a victim under age 18; these restrictions apply even if you are no longer required to register. RCs cannot legally change names (735 ILCS §5/21-101). Many of IL’s laws are repetitive, vague, and contradictory. Trying to obtain an accurate summary of the state’s laws have been largely an exercise in futility, and even the official state registry’s FAQ page leaves a lot to be desired.

- ❖ Date Registry Established: 8/15/1986
- ❖ Registry Retroactive? No

- ❖ Qualifying event: Conviction
- ❖ Online since: 7/1/2002
- ❖ Statutes: 20 ILCS §4026/15; 45 ILCS §20/1 through 20/2; 720 ILCS §5/Art. 11; 730 ILCS §5/3-3-11.5; 730 ILCS §150/1 through 152/999; 20 Ill. Adm. Code §1280 through §1282.30
- ❖ Substantially AWA Compliant; No
- ❖ Where to register: Sheriff's office
- ❖ When to register: 3 days for initial registration and updates. Students and employees present for 5 or more days or for an aggregate of 30 days in a calendar year must register. Transient Registrants must report weekly. 730 ILCS §150/3.
- ❖ Frequency/ Length of registration:
  - This section is confusing, but it appears there are only two real classification Tiers:
    - Regular offenders: Register in-person annually for 10 years
    - Sexually Dangerous/ Violent: Quarterly for Life
    - If received an FTR charge on/after 7/1/2005: Quarterly for duration of registration.
    - Time on supervision counts toward total registration time, but not time incarcerated.
  - Verification is done by non-forwardable mail to current residence. See 730 ILCS §150/5-10
- ❖ Registry fees: \$100 Initial; \$100 annually; can be waived if declared indigent (730 ILCS §150/3(c)(6))
- ❖ Community Notification: Registration offices have the obligation to notify a variety of business about Registrants in the county; they have the option
- ❖ Residence restriction:
  - "Child sex offenders" may not reside within 500 feet of school, park, playground, or facility where minors gather. 730 ILCS §150/8. (Exceptions, can live close to school/ playground/ child focused facility if residence bought before 7/7/2000, daycares if before 6/26/2006, and (group) day care home before 8/14/2008.) Cannot live within 500 feet of victim. 720 ILCS §5/11-9.3 (b-15)
  - Nursing home/Intellectual/Developmental Disability Community Care Home: If the identified offender is a convicted or registered SO or if the Identified Offender Report and Recommendation reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility. (210 ILCS §45/2-201.6; 210 ILCS §47/2-201.6)
- ❖ Anti-Clustering:
- ❖ Employment restriction:
  - All Registrants (many of these apply to those with criminal records in general) cannot work as the following:
    - Election judges (10 ILCS §5/31-4; 10 ILCS §5/14-1)
    - Office of the Secretary of State (15 §ILCS 310/10b.1), the Comptroller's Office (15 §ILCS 410/10b.1), Dept of Central Mgmt Services (18 ICLS §8b.1), Serve on the Direct Child Welfare Service Employee License Board (20 ILCS §505/5d); or the Department of Children and Family Services (20 ILCS §505/11.1)
    - Cannot obtain Health Care Worker License (20 ILCS §2105/165)
    - Attend police academy or work as a cop (50 ILCS §705/6, 6.1)
    - Municipal employment (65 ILCS §5/10-1-7)
    - Firefighter or at a Fire Protection District ((65 ILCS §5/10-2.1-6.3; 70 ILCS §705/16.06b)

- Work with park district (70 ILCS 1205/8-23)
  - Work as a driver for public transportation even if private carrier (70 ILCS §3605/28b)
  - Work in any school, school district position, or obtain a teaching license. (105ILCS 5, §2-3.25o to §34-2.1)
  - Admission to medical school (110 ILCS §57/20)
  - Financial institution (205 ILCS §5/16.5)
  - Nursing homes: (210 ILCS 45/ 3-206.01)
  - Intellectual/Developmental Disabilities Community Care Home (210 ILCS §47/3-206.01)
  - Community-Integrated Living Health Care Facility (210 ILCS §135/131)
  - Child Care Facility License/ Employment (225 ILCS §10/4.2)
  - Health Care Provider Requiring Contact with Residents/Personal Records (225 ILCS §46/25)
  - Massage Therapist License (225 ILCS §57/15)
  - Professional Engineering License (225 ILCS §325/24)
  - Home Inspector License (225 ILCS §441/15-10)
  - PI/ private security/ alarms/ locksmith/ fingerprinting service (225 ILCS §447/1510 to §35-30)
  - Liquor Control Commission License (235 ILCS §5/6.2)
  - Medical Assistance Program Vendor Authorization (305 ILCS 5/12-4.25)
  - Early Intervention Service Provider (325 ILCS §20/10)
  - Carnival Worker (430 ILCS §85/2-20)
  - School Bus Driver (625 ILCS §5/6-106.1)
  - Court Appointed Special Advocate in parental cases (705 ILCS §405/2-17.1)
  - Mental Health Facility (720 ILCS §5/11-9.5)
  - Probation/ Parole Officer (730 ILCS §110/14)
  - Executor of an estate (755 ILCS §5/6-13)
  - Licensee/Employee of Secure Residential Youth Care Facility (730 ILCS §175/45-30)
  - Sex Offender evaluator/ Treatment provider: 20 III. §1905.40; 20 III. §1910.50
  - The Illinois Administrative Code lists similar restrictions to those listed above. You can see this list at <http://www.ilvoices.org/il-law-summary.html>
- Those classified as “child sex offenders:
- Cannot work at county fairs where minors are present (720 ILCS §5/11-9.3 (c-5));
  - RCs who rents out property where they reside cannot rent to anyone who has a minor living with them (720 ILCS §5/11-9.3 (c-6));
  - Cannot offer or provide services to anyone under 18 (720 ILCS §5/11-9.3 (c-7));
  - Cannot operate a food/ beverage truck business, including ice cream trucks, or an emergency vehicle or rescue vehicle. 720 ILCS §5/11-9.3 (c-8)
  - Cannot communicate with minors online except if the Registrant is the parent/ guardian of the child. 720 ILCS §5/11-9.3 (b-20)
  - Operate/ work at/ be associated with any program or facility that provides services exclusively to minors; though, nothing prohibits them from owning the property where the business operates. (720 ILCS 5/§11-9.3 (c))
  - Cannot vote at a polling place located in a school and must vote by mail-in ballot or vote early if another option given. (10 ILCS §5/11-4.1 (d))
- ❖ Presence restriction:

- Cannot be present in any public park building, a playground or recreation area within any publicly accessible privately owned building, or on real property comprising any public park when minors are present in the building or on the grounds AND to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds. 720 ILCS §5/11-9.3 (a-10). However, in 720 ILCS §5/11-9.4, it is unlawful for a sexual predator or a child sex offender to knowingly be present in any public park building or on real property comprising any public park. The IL Supreme Court upheld a conviction for violating the latter statute even when the first statute gives exceptions. See *People v Legoo*, 2020 IL 124965 (6/18/2020)
- Cannot LOITER within 500 feet of a park when minors are present. 720 ILCS §5/11-9.3 (b-2)
- May not loiter w/in 500 ft. of school facilities or be present in school facilities unless a parent present for specific reasons. 720 ILCS §5/Art. 11. Cs
- Cannot be present within 100 feet of posted bus stop. 720 ILCS §5/11-9.3 (a-5)
- “Sexual Predators” and “child sex offenders” cannot be present in public parks, nor loiter within 500 feet of a public park. 720 ILCS §5/11-9.4-1
- ❖ Halloween/ Holiday Restrictions: IL – Enacted in 2005, 730 ILCS §5/3-3-7 (a)(16), 730 ILCS §5/5-6-3.1 (c) (18), and 730 ILCS §5/5-6-3 (a) (10) all have the same statement that reads, "if convicted of a sex offense as defined in subsection 3-1-2(a-5) of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;" Under 720 ILCS §5/11-9.3 (c-2), enacted in 2013, “It is unlawful for a child SO to participate in a holiday event involving children under 18 years of age, including but not limited to distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. For the purposes of this subsection, child sex offender has the meaning as defined in this Section, but does not include as a sex offense under paragraph (2) of subsection (d) of this Section, the offense under §11-1.50(c) of this Code. This subsection does not apply to a child SO who is a parent or guardian of children under 18 years of age that are present in the home and other non-familial minors are not present.” Thus, it seems Halloween restrictions apply to all parolees and all Registrants with offenses against anyone under age 18.
- ❖ Civil Commitment: Yes (See 725 ILCS §207)
- ❖ Travel regulations: FAQ notes that visitors are required to register if they spend more than 3 total days in a calendar year in the state at ANY location, and will be placed on the state registry. May be required to pay registry fee, and may be subjected to residency restrictions,
- ❖ Parental Rights: Registered Persons classified as a “Child SO” (i.e., an offense against anyone under age 18) cannot live in a household with minors unless the minor is a child or stepchild; parental rights are terminated if the child was conceived by rape but can be compelled to pay child support (720 ILCS §5/12-21.6-5; 750 ILCS §46/622). All Registrants cannot serve as foster/ adoptive parent (20 ILCS §505/5) and ineligible to have relative child placed in home by social services (20 ILCS §505/11.1)
- ❖ ID Card Laws: State IDs/DLs are only valid 12 months, requiring annual renewal. (625 ILCS §5/6-115)

- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination.
  - Sealing or expungement of conviction appears to relieve obligation to register. 20 Ill. Comp. Stat. Ann. §2630/12(a).
  - Pardon may relieve if expungement authorized.
  - Juveniles: May petition for relief after 5 (felony)/2 years (misdemeanor). 20 ILCS §150/3-5(c). Does not apply to juveniles prosecuted as adults. §150 /3-5(i). Registrant poses no risk to the community (by a preponderance of the evidence based upon enumerated factors). §150/3-5(d),(e).

## INDIANA

Comment: Under IC 11-8-8-16 , Registrants cannot apply for a name change.

- ❖ Date Registry Established: 7/1/1994
- ❖ Registry Retroactive? No, due to Wallace v. State, 905 N.E.2d 371 (Ind.2009)
- ❖ Qualifying event: All
- ❖ Online since: 1/1/2003
- ❖ Statutes: IC §11-8-2-12.4; IC §11-8-8-1 through §11-8-8-22; IC §11-13-3-4; IC §36-2-13-5.5
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Sheriff's office
- ❖ When to register: 3 days for Initial registration and updates. Transients or "temporary residents" in transitional housing must register every 7 days. IC §11-8-8-12. Law enforcement is required to personally visit Registrants once per year (or quarterly for SVPs) to verify residency. IC §11-8-8-13.
- ❖ Frequency/ Length of registration:
  - "Sexually Violent" offenders, other offenders convicted of a sex offense against a victim who was under the age of 12, or offenders who were convicted of using force or the threat of force must register for life if the offense was committed after July 1, 2001 update quarterly for life .
  - 10 Year Registrants update annually. IC §11-8-8-14.
  - Out of state convictions, see IC §11-8-8-19(f)
- ❖ Registry fees: Counties authorized to impose up to \$50 annual fee and \$5 per address change (IC §36-2-13-5.6)
- ❖ Community Notification: Only provides online registry, and notices to some agencies like schools
- ❖ Residence restriction:
  - Paroled Registrants cannot live within 1000 feet of schools or 1 mile of victims. IC §11-13-3-4
  - Sexually Violent Predator/ Offender Against Children: prohibited from residing within 1,000 feet of school property; not including property of an institution providing post-secondary education; a youth program center; or a public park. SVPs cannot live within 1 mile of his/her victim. (See IC §35-42-4-11)
- ❖ Anti-Clustering: None.
- ❖ Employment restriction: SVP/ Offender Against Children: cannot work for pay or as a volunteer on school property, at a youth program center; or at a public park. (See IC §35-42-4-10). Parolees are prohibited from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age (IC §11-13-3-4)

- ❖ Presence restriction: A “Serious SO” (SVP/ recidivist/ offense against a child) cannot knowingly or intentionally enter school property (IC §35-42-4-14)
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Must register within 3 days if in state for period of 7 days w/in 180-day period, or work in the state for 7 consecutive days or 14 aggregate days/yr. IC §11-8-8-7. May be placed on registry website (and not removed), and temporary address verified.
- ❖ Parental Rights: Parental rights can be terminated if the victim is a child of the Registered Person or was conceived by rape. IC §31-35-3-4, §31-35-3.5-1 to §31-35-3.5-12
- ❖ ID Card law: You must have and keep with you a valid driver’s license or state issued identification card from your state of residence. Your driver’s license or state issued identification card MUST contain your CURRENT address and physical description. (See IC §11-8-8-15)
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination.
  - Expungement of adult record does not provide relief. IC §35-38-9-6(e). Pardon may relieve but no authority on point.
  - No relief provisions specific to juveniles/youthful offenders.

## IOWA

Comment: Iowa was among the first to enforce strict residency restrictions in 2005, causing a drastic increase in homelessness, absconding, and Registrants moving to other states, while sex crime rates remained steady. In 2009, Iowa scaled back residency restrictions to all but those considered at high risk to reoffend, leaving roughly 1200 Registrants still struggling to find adequate housing.

- ❖ Date Registry Established: 7/1/1995
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Convicted/ Deferred Adjudication
- ❖ Online since: 7/1/1998
- ❖ Statutes: Iowa Code §692A.101 to §692A.130; 441 IAC §103.3(692A); 661 IAC §83.1(692A) to §83.5 (692A)
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Sheriff’s Office
- ❖ When to register: 5 business days for initial registration and updates, and visitors who enter the state; requirement to register may be triggered by 5 calendar days in state. Ia. C. §692A.104, §692A.105.
- ❖ Frequency/ Length of registration:
  - Frequency: Tier level only impacts FREQUENCY of registration, not duration, or impacts residency restriction laws, or any other requirement under the law. Sheriff can require more frequent registration if good cause can be shown. (Ia. C. §692A.108)
    - TI – annually
    - TII – biannually
    - TIII – quarterly

- Duration (Ia. C. §692A.106)
  - For most Registrants: 10 years
  - If convicted of an FTR: Additional 10 years
  - If violate supervision/ probation/ parole: Registry time restarts
  - If SVP, aggravated offense, or recidivist: Life
- ❖ Registry fees: \$25 annual fee. \$250 civil fee for registry offense conviction after 7/1/1995. Ia. C. §692A.110
- ❖ Community Notification: Residents can sign up for email alerts in addition to viewing the online registry. Offenders who were less than 20 years old at the time of offense and whose conviction was for Ia. C. §709.4(1)(b)(3)(d) [prior to 7/1/13 was under Ia. C. §709.4(2)(c)(4)] shall not be displayed on the IA SOR website. All others displayed on website. Iowans can request the employment status of a Registrant.
- ❖ Residence restriction: Registrants with convictions involving minors for “sexual abuse” in the 1st or 2nd degree, or in the 3d degree except for a conviction under I.C. §709.4(2)(c)(4), may not reside within 2,000 ft. of daycare center. Under Ia. C. §692A.127, no “political subdivision” of the state (cities, counties, etc.) can create and enforce their own residency restriction laws.
- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - Registrants with adult or minor victims: Cannot not be an employee of a facility providing services for dependent adults or at events where dependent adults participate in programming and shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.
  - Registrants who are employment restricted with victims who were minors may not:
    - Operate, manage, be employed by, or act as a contractor or volunteer at any municipal, county, or state fair or carnival when a minor is present on the premises.
    - Operate, manage, be employed by, or act as a contractor or volunteer on the premises of any children's arcade, an amusement center having coin or token operated devices for entertainment, or facilities providing programs or services intended primarily for minors, when a minor is present.
    - Operate, manage, be employed by, or act as a contractor or volunteer at a public or nonpublic elementary or secondary school, child care facility, or public library.
    - Operate, manage, be employed by, or act as a contractor or volunteer at any place intended primarily for use by minors including but not limited to a playground, a children's play area, recreational or sport-related activity area, a swimming or wading pool, or a beach.
    - Operate, manage, be employed by, or act as a contractor or volunteer at a business that operates a motor vehicle primarily marketing, from or near the motor vehicle, the sale and dispensing of ice cream or other food products to minors.
- ❖ Presence restriction: Registrants with convictions involving minors may nor loiter or be present w/in 300 ft. of school, day care center, public library, or any place intended primarily for the use of minors, unless certain permissions are obtained. No Registrant may loiter, volunteer, or be employed at residence facility for dependent adults.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (Ia. C. §229A.1 to §229A.16)

- ❖ Travel regulations: 5 business days for visitors who enter the state; requirement to register may be triggered by being in the state 5 calendar days (Sleeping at a location meets the definition of “residence”). Visiting Registrants are placed on state’s website, and may be subject to residency restrictions. Ia. C. §692A.104, §692A.105.
- ❖ Parental Rights: Parental rights can be terminated if that parent is a Registered Person with a minor victim, the parent was convicted of a sex crime requiring 5+ years in prison, if the Registered Person is divorced from or never married to the other parent of the child, or if the child was conceived by rape. A parent’s registry status can be considered during child custody inquiries. Furthermore, it is considered child abuse and a parent can be arrested for child endangerment for allowing a Registered Person unsupervised time with the child unless the parent is a Registered Person or married to the Registered Person. Exposing the child to obscene material is also considered child abuse. Ia. C. §232.68; §232.116; §598.41; §600A.8; 726.6
- ❖ ID Card Law: None
- ❖ Chemical Castration: Ia. C. §903B.10 gives courts the discretion to make chemical castration a condition for parole if the Registrant is convicted of a “serious sex offense”; this condition becomes a mandatory condition of parole if this is the second or more conviction for a “serious sex offense.”
- ❖ Relief from SO Legal Restrictions:
  - Tier I offenders may petition the district court for modification of registration requirements after 2 years; Tiers II and III after 5 years. Ia. C. §692A.128(1)-(6).
  - Registration not required for deferred judgment that has been set aside. Ia. C. §692A.101(7).
  - Pardon may relieve but no authority on point.
  - Juvenile court may waive registration requirement in most instances. Ia. C. §692A.103(3), (4). Prior to discharge by juvenile court, most juveniles may move for modification/suspension of registration requirements upon a showing of good cause. Ia. C. §692A.103(5); see also § 232.54(1)(i).
  - Sealing under Ia. C. §232.150 does not provide relief. §692A.101(7).
  - 2/5 year relief: Risk assessment must classify person as a low risk to reoffend. Must complete required treatment. Ia. C. §692A.128(2). Persons still on conditional release of any kind must additionally obtain stipulation of district DOC director. Ia. C. §692A.128(2)(e).

## KANSAS

Comment: The Kansas Offender registry covers sex, violent, and drug crimes. Also noteworthy, Kansas passed a law banning residency restrictions from being enforced anywhere in the state.

- ❖ Date Registry Established: 7/1/1993
- ❖ Registry Retroactive? No (4/14/94 for Sexually Violent offenses; 7/1/97 for all other adult sex or violent offenses, 7/1/2002 for juvenile sex offenses, and 7/1/2007 for drug offenses)
- ❖ Qualifying event: Conviction
- ❖ Online since: 4/24/1997
- ❖ Statutes: KSA §22-4901 through §22-4913
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local Police/ Sheriff

- ❖ When to register: 3 business days for initial registration and updates. KSA §22-4905. “Residence” defined as 3 consecutive days in one location, or 10 days in a period of 30 consecutive days. KSA §22-4902. Transients must register every 30 days. KSA §22-4905. Must give 21 day advance notice if traveling internationally. 22-4905(p)
- ❖ Frequency/ Length of registration:
  - Length: Depends on offense/SVP status/recidivist status. KSA § 22-4906.
    - Tier I – 15 years
    - Tier II – 25 years
    - Tier III – life
  - Frequency: Quarterly for all. Your registration months depend on your birthday.
    - If your birthday is in January, April, July, or October, you are required to report to the registering law enforcement agency in January, April, July, and October.
    - If your birthday is in February, May, August, or November, you are required to report to the registering law enforcement agency in February, May, August, and November.
    - If your birthday is in March, June, September, or December, you are required to report to the registering law enforcement agency in March, June, September, and December.
    - Transient: Report monthly
  - Updates are required quarterly in specific months per. KSA §22-4905
  - Juveniles under 14: Must register to age 18 or for 5 years from adjudication/release, whichever is later. KSA §22-4906(f).
  - Out of state convictions, see KSA §22-4906(k), (l) (term required by jurisdiction of conviction or KS, whichever is longer).
- ❖ Registry fees: \$20 per registration period (Article 49-22-4904(7)(e)) (failure to pay is a felony)
- ❖ Community Notification: Kansas’ statutes, KBI Offender Registration Handbook, and KBI Offender Registration Policies #10 and #11 clearly indicate the information that must be made available to law enforcement agencies, usage of the SORNA Exchange Portal, and general community notification through KsSORT. The SMART Office has been working closely with KS to implement the SOR Tool, and the state has contracted with a vendor to begin customization.
- ❖ Residence restriction: None; local residence restrictions are expressly prohibited by KSA §22-4913
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (KSA §59-29a01 to §59-29a23)
- ❖ Travel regulations: Kansas defines “residence” as staying 3 consecutive days in one location or 10 days in a 30 day location.
- ❖ Parental Rights: A Registered Person’s status can be considered in custody rights hearings, regardless of whether or not the offense involved the child in question, or any child. It is also assumed that an RC is unfit to care for a child if the child is a victim or conceived by rape by the RC, or the RC has been convicted of trafficking offenses. KSA §23-3203; §38-2269
- ❖ ID Card Law: Required to renew State ID/DL annually, and marks the cards to identify registry status. (KSA §8-1325a)
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:

- "No person required to register as an offender pursuant to the Kansas offender registration act shall be granted an order relieving the offender of further registration under this act." § 22-4908.
- Expungement does not relieve registration, but relieves public registration. KSA §22-4909(e). However, expungement under KSA §21-6614 is not available while registered. KSA §21-6614(f).
- Pardon may relieve but no authority on point.
- Juvenile offenders under 14: Court may waive registration requirement for "substantial and compelling reasons" and may require that registration information shall not be open to inspection by the public or posted on the internet. KSA §22-4906(f).

## **KENTUCKY**

Comment: Registrants are prohibited from using certain social media and chat rooms, and are forbidden to photograph or videotape minors without parental consent. §17.546. Under Commonwealth v. Baker, 295 S.W.3d 437 (Ky. 2009), the state cannot apply residency restrictions to offenses committed before 7/12/2006. Some changes to the KY Statutes are effective 7/15/2020.

- ❖ Date Registry Established: 7/15/1994
- ❖ Registry Retroactive? No
- ❖ Qualifying event:
  - Convicted after July 15, 1994 of a sex crime
  - Incarcerated or sentenced after July 15, 1998 for a sex crime (even if convicted prior to July 16, 1994)
  - Convicted or released from incarceration (even if convicted prior to July 16, 1994) after April 11, 2000 for a criminal offense against a victim who is a minor
  - Can be placed back on registry after timed out of registry if convicted for any felony.
- ❖ Online since: 4/1/2000
- ❖ Statutes: K.R.S. §§17.500 through 17.580; 502 K.A.R. 31:020
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local Police/ Sheriff
- ❖ When to register: 5 working days for initial registration and updates. Registrants employed in the state must register if present for a period of 14 consecutive days or 30 days in a calendar year. Must give 21 day advance notice for international travel.
- ❖ Frequency/ Length of registration: KRS §17.520.
  - Quarterly for Life for offenders convicted, released, or registered after April 11, 2000 for the crimes of: Rape 1st Degree; Sodomy 1st Degree; Kidnapping or Unlawful Confinement of a Minor (except by a parent); those convicted of a sex crime who have prior convictions of specified offenses; those convicted of two or more felony criminal offenses against victims who are minors; all offenders moving into KY and registering from another state or anyone designated as a SVP in another jurisdiction.
  - All others – Annually for 20 years (Time does not start until you are no longer “On Paper”)
  - Address verification forms are mailed to Registrants by the Department of Kentucky State Police for completion and return by mail. Registrants are required to report every two years to have new photographs taken.
- ❖ Registry fees: None

- ❖ Community Notification: Does not seem to take any steps beyond the registry website.
- ❖ Residence restriction:
  - If convicted on or after 7/12/2006, you cannot live within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or licensed day care facility; must move out of residence within 90 days if a new residence opens. KRS §17.545. The KY State Police do not evaluate or approve particular locations for compliance with residence restrictions.
  - Effective 7/15/2020, “publicly leased playground” to list of restrictions, but cannot be applied retroactively
- ❖ Anti-Clustering: None
- ❖ Employment restriction: Cannot work at any child care center. KRS §17.165
- ❖ Presence restriction: May not be present on clearly defined grounds of a high school, middle school, elementary school, preschool, publicly owned or leased playground, or licensed day care facility, except with the advance written permission of the school principal, the school board, the local legislative body with jurisdiction over the publicly owned playground, or the day care director that has been given after full disclosure of the person's status as a Registrant. KRS §17.545. Effective 7/15/2020, “publicly leased playground” to list of restrictions, but cannot be applied retroactively.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: The Rolfe Survey reports that visitors are not required to register unless present for 14 consecutive days, or 30 days in a calendar year. KRS §17.510. Visiting Registrants are placed on state’s website and are not removed, may be subject to residency restrictions, and police may verify temporary address.
- ❖ Parental Rights:
  - Registered Persons are denied parental rights for children conceived through rape but may be compelled to pay child support. The mother has the right to waive denial of visitation and collection of child support. KRS §403.322; §405.028
  - A Registrant who is 18 years or older and has committed a criminal offense against a victim who is a minor cannot have the same residence as a minor unless the Registrant is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless the spouse, child, grandchild, stepchild, sibling, stepsibling, or ward was a victim of the Registrant. Applies to offenses against minors committed after 7/14/2018. KRS §17.545
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No provision for early termination of mandatory terms or relief provisions specific to juveniles/youthful offenders.
  - Registration terminates upon completion of pretrial diversion/deferred adjudication under KRS §533.250. KRS §17.500(5)(d).
  - Early termination available in case of pardon or reversal of the conviction. KRS §17.578

## LOUISIANA

Comment: Louisiana laws are particularly onerous, particularly community notification requirements and registry fees. Under LA Rev Stat § 15:543.2, Registrants must provide notice of status if seeking emergency shelter, and under 29.726 E (14) 9c (i), that Registrant is removed and sent to a segregated shelter. One segregated shelter was destroyed by Gustav in 2008.

- ❖ Date Registry Established: 6/18/1992
- ❖ Registry Retroactive? No
- ❖ Qualifying event: In Custody
- ❖ Online since: 5/1/2000
- ❖ Statutes: La. R.S. §§ 15:541, 15:542, et seq., 15:543, et seq., and 15:544. La. R.S. §§14:91.2, 14:91.5, 14:91.9, 14:313, 14:313.1, 15:551, and 15:553 La. R.S. §§40:1321(J) and 32:412(I)
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local/ Parish Police
- ❖ When to register: 3 business days for initial registration and updates. LRS §15-542. New residents to the state have 3 business days to register and to provide information to police and the community as required by LRS §15:542.1.3 and §15:542.1. Employees and students must register within 3 business days of beginning. LRS §542.1.3(C), (D).
- ❖ Frequency/ Length of registration: LRS §15:52.1.1 - Updates based on Tiers:
  - TI – annually for 15 years
  - TII – Biannually for 25 years (Any offense involving a minor unless aggravated/ re-offense)
  - TIII – Quarterly for life (aggravated or repeat offense)
  - Out of state offenses, see LRS §15:544(C) (term required by jurisdiction of conviction or LA, whichever is longer).
  - Homeless: Every 14 days
- ❖ Registry fees: \$60 Annually; failing to pay within 30 days constitutes FTR; some local ordinances allowed under state law have created fees of up to \$600; courts can establish own rules to determine indigence. Inability to pay fees is a crime. (LRS §15:542(D))
- ❖ Community Notification: LRS §15:542.1 – Every 5 years, all Registrants above age 18 must send out notices of the crime for which he was convicted, his name, residential address, a description of his physical characteristics as provided in LRS §15:542(C)(1), and a photograph or copy to all of the following:
  - At least one person in every residence or business within a one-mile radius in a rural area and a three-tenths of a mile radius in an urban or suburban area of the address of the residence where the offender will reside upon release, including all adults residing in the residence.
  - The superintendent of the school district where the offender will reside, who shall notify the principal of every school located within a one-mile radius of the address where the offender will reside and may notify the principals of other schools as he deems appropriate.
  - The lessor, landlord, or owner of the residence or the property on which he resides.
  - The superintendent of any park, playground, or recreation districts within the designated area where the offender will reside, who shall notify the custodians of the parks, playgrounds, and recreational facilities in the designated area and may notify the custodians of other parks, playgrounds, and recreational facilities as he deems appropriate.

- Registry office may require these notices put in the newspaper and make other notification requirements, including but not limited to signs, handbills, bumper stickers, or clothing labeled to that effect.
- ❖ Residence restriction: LRS §14:91.2
  - Registrants convicted of offenses against those under age 13 cannot live within 1000 feet of public/ private schools, Early learning centers, child community/ group homes, home-based child daycares, public parks, recreation centers, or early learning facilities.
  - Registrants convicted of aggravated offenses against anyone under 13 cannot reside near playgrounds and video arcades in addition to the restrictions above.
- ❖ Anti-Clustering:
- ❖ Employment restrictions: (LRS §15:553) It is unlawful to do the following:
  - Operate any bus, taxicab, or limousine for hire.
  - Engage in employment as a service worker who goes into a residence to provide any type of service.
  - Engage in employment as a door-to-door solicitor, peddler, or itinerant vendor selling any type of goods or services including magazines or periodicals or subscriptions to magazines or periodicals
  - Operate any carnival or amusement ride if offense involved a minor child
- ❖ Presence restriction:
  - Registrants convicted of offenses against those under age 13 cannot enter public libraries or loiter within 1000 feet of library property; cannot be present within 1000 of public/ private schools, public parks, recreation centers, or early learning facilities; and cannot be present on a school bus.
  - Registrants convicted of aggravated offenses against anyone under 13 cannot be present within 1000 feet of community/group homes for children or a home-based day care provider in addition to the restrictions listed above.
- ❖ Halloween/ Holiday Restrictions: LA – (Both were enacted in 2008) Under LRS §313.1, no gifts to any child during a holiday in which gifts or candy is given. Under LRS §14:313(E), RCs are prohibited from wearing masks, hoods or disguise of any kind with the intent to cover one's identity.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Registrants planning to acquire “temporary lodging” for 7 consecutive days or more must register within 3 business days before establishing temporary lodging. LRS §542.1.2(F)(1). Visiting Registrants are placed on state’s website.
- ❖ Parental Rights: Registered Persons have no custody rights when a child is conceived by rape or if the Registered Person abused the child, but the child maintains inheritance rights; the Registered Person may be compelled to pay court costs and child/ victim support for these cases. La. Civ. Code §137; La., Child Code §1004; §1015; §1015.1
- ❖ ID Card Laws: Louisiana marks State ID/DLs with “Sex Offender” in orange letters, and requires annual in-person renewal, thus not allowing ID/DL renewals by mail (LRS §32:412(I); LRS §40:1321). Registrants are disqualified from obtaining free ID cards. LRS §40:1321(H)
- ❖ Chemical Castration: LRS §14:43.6 gives courts the discretion to make chemical castration a condition for parole if the Registrant is convicted of LRS §14:42 (aggravated rape), LRS §14:42.1 (forcible rape), LRS §14:43.2 (second degree sexual battery), LRS §14:78.1 (aggravated incest), LRS §14:81.2(D)(1) (molestation of a juvenile when the victim is under the age of thirteen), and LRS §14:89.1 (aggravated crime against nature); this condition becomes a mandatory condition of parole if this is the second or more conviction for the aforementioned offenses.

- ❖ Relief from SO Legal Restrictions:
  - 15 year registration may be reduced by the court of conviction (or residence) to 10 years upon petition LRS §15:544(E)(1).
  - No provision for reducing 25-year registration requirement. LRS §15:544(B)(1).
  - Person whose period was increased to lifetime based on a finding of substantial risk of committing another offense, may petition for relief. § 15:544(F)(2).
  - "The requirement to register shall apply to an offender who receives a pardon as a first-time offender." § 15:544(A), (B)(1). Deferred/withheld adjudication does not provide relief, LRS § 15:541(7), (24)(b), nor does expungement, La.Cr.P. Art. 973(A)(1). Some Registrants convicted of aggravated offenses are ineligible for pardon.
  - Lifetime juvenile offense: May be reduced to 25 years upon petition after 25 years if "clean record." LRS §15:544(E)(2).
  - 15 year/lifetime juvenile relief: "clean record" (see LRS §15:544(E)(3)), including no sex offense convictions and no subsequent felony convictions. LRS §15:544(E)(3), (E)(4)(c). Must successfully complete any period of supervised release/sex offender treatment program. LRS §15:544(E).
  - Relief from increased lifetime term: "clean record" (see LRS §15:544(E)(3)) for period of time the person would otherwise have been required to register. LRS §15:544(F)(2). Court must find clear and convincing evidence that "the offender does not pose a substantial risk of committing another offense requiring registration." LRS §15:544(F)(2).

## MAINE

Comment: Maine does not register any offenses committed as juveniles. Also, the laws applicable to you depend on your conviction date.

- ❖ Date Registry Established: 9/1/1996
- ❖ Registry Retroactive? To 1/1/1982
- ❖ Qualifying event: Conviction
- ❖ Online since: 10/1/2003
- ❖ Statutes: For offenses committed before Jan. 1, 2013, MRS §34-A-11201 through §34-A-11256; For offenses committed on or after Jan. 1, 2013, MRS §34-A-11271 through §34-A-11304
- ❖ Substantially AWA Compliant? No
- ❖ Where to register: Local Police or Sheriff
- ❖ When to register:
  - Convictions before Jan. 1, 2013: Registrants have 5 days to register with the state Bureau of Identification (generally in writing) and 24 hours to register with local law enforcement using a form provided by the Bureau. MRS §34-A-11222-§11223. Employees and students (and probably visitors) in the state must register with the bureau w/in 5 days and with local law enforcement w/in 24 hours of working for either (1) more than 14 consecutive days in the state, or (2) for an aggregate period exceeding 30 days in a calendar year. MRS §MRS 34-A-11224
  - Convictions on or after Jan. 1, 2013: Registrants have 3 days to register with the state Bureau of Identification (generally in writing) and 24 hours to register with local law enforcement using a

- form provided by the Bureau. MRS §34-A-11282-11284. “Residence” includes 14 consecutive days, or 30 days in one year. MRS §34-A-11273(12).
- ❖ Frequency/ Length of registration: Duration of reg. requirement and frequency of updates are determined by date convicted and Tier. MRS §34-A-11222, §11285.
    - Convicted before 1/1/2013
      - Tier 1 – 10 years
      - Tier 2 – Life
    - Convicted on/ after 1/1/2013
      - Tier 1 – Annually for 10 years
      - Tier 2 – Biannually for 25 years
      - Tier 3 – Quarterly for Life
    - Out of state offenses, see MRS §34-A-11285(2), (4), (6), (9) (same periods as Maine; pardon and set-aside relief also apply).
  - ❖ Registry fees: \$25 Annually (MRS §34-A-11226)
  - ❖ Community Notification: Public notification is made at the discretion of the law enforcement agency having jurisdiction in the area where the Registrant resides. Some low-level offenses are not listed on the public registry.
  - ❖ Residence restriction: No statewide restrictions, but municipalities are allowed to make ordinances restricting Registrants (possibly up to 750 feet) with offenses against anyone under age 14, and can be a condition of probation/ parole.
  - ❖ Anti-Clustering: None
  - ❖ Employment restriction:
  - ❖ Presence restriction: For Registrants convicted after June 30, 1992 of an offense against a person younger than 14, Maine prohibits the knowing initiation of contact with a person younger than 14 in a “sex offender restricted zone,” unless the parent consents or the contact is for employment purposes. “Sex offender restricted zones” include schools other than high schools, day cares, parks, playgrounds, and other places “where children are the primary users.” MRS. §17-A-261.
  - ❖ Halloween/ Holiday Restrictions: None
  - ❖ Civil Commitment: No
  - ❖ Travel regulations: Visiting Registrants are placed on state’s website and temporary residence can be verified by police. May be subject to local residency laws. One resource states registration required if staying for 14+ consecutive days or 30+ days in calendar year.
  - ❖ Parental Rights: Courts can consider the registry status of the parent or anyone living in the household of the parent in parental rights cases; rights of Registered Persons are denied when a child was conceived by rape unless the victim objects and can show the activity was consensual. It is presumed a Registered Person is a danger to a child if that child is a prior victim of the Registered Person. MRS §19-A-1653; §19-A-1658; §22-4055
  - ❖ ID Card Law: None
  - ❖ Castration: None
  - ❖ Relief from SO Legal Restrictions:
    - No provision for early termination.
    - Pardon/vacatur/set aside/reversal provide relief from registration obligations. § 11285(9)(B). However, by policy, pardon will not be granted solely for removal from registry. <http://www.maine.gov/corrections/adult/pardon/>

- Registration not required for charge dismissed following completion of deferred disposition under MRS §17-A-1348-A. See MRS §34-A-11272(1).
- No registration for juvenile adjudications. MRS §34-A-11272(1).

## MARYLAND

Comment: The Maryland Court of Appeals (MD's highest court) has determined the state's registry scheme constitutes punishment. See *Rogers v. State*, No. C-02-CV-17-000296 (Md. 2020)

- ❖ Date Registry Established: 10/1/1995 (For offenses against children); 7/1/1997 (for all other offenses)
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Commission of Offense
- ❖ Online since: 2002
- ❖ Statutes: Md. Code of Criminal Procedure §11-701 through §11-721
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local Police/ Sheriff
- ❖ When to register: 3 days for initial registration and updates for permanent or temporary residents, those who habitually live, students, transients, and those employed in the state. "Employment" means 14 consecutive days or an aggregate of more than 30 days in a calendar year. MCCP §11-705. "Transient" means a non-resident who is present in state for a period exceeding 14 days or an aggregate period for 30 day in a calendar year, for a purpose other than employment or education. MCCP §11-701(r). "Habitually live" means "any place where a person visits for longer than 5 hours per visit more than 5 times within a 30-day period." MCCP §11-701(d)(2).
- ❖ Frequency/ Length of registration: §11-705, 11-707.
  - Tier I – Biannually for 15 years
  - Tier II – Biannually for 25 years
  - Tier III – Quarterly for Life
  - Homeless Registrants: weekly.
  - Registration is required for "up to 5 years" if a person: (1) is at least 18 years old; (2) was adjudicated for an act that if committed by an adult would violate listed statutes; (3) was at least 13 years old at the time of the act; and (4) 90 days before juvenile court jurisdiction terminates, the court, upon request from the State's Attorney or Department of Juvenile Services, finds by clear and convincing evidence "that the person is at significant risk of committing a sexually violent offense or an offense for which registration as a Tier II sex offender or Tier III sex offender is required." MCCP §11-704(c), §11-707(a)(4)(iv). In addition, juvenile registration (accessible only by law enforcement) is required until termination of juvenile court's jurisdiction, if a person is adjudicated for an act that if committed by an adult would violate listed statutes, and was at least age 14 at the time of act. MCCP §11-704.1.
  - Out of state offenses, see MCCP §11-704 (a)(4) (as long as required by other jurisdiction).
- ❖ Registry fees: None
- ❖ Community Notification: Residents can go online to send a mail request for Registrant info. Victims or the parents of a victim who is a minor can get automatic alerts.
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None

- ❖ Employment restriction: No
- ❖ Presence restriction: May not knowingly enter school grounds or property containing a child care home or child care institution, with exceptions. MCCP §11-705, §11-722.
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: “Habitually lives” means any place where a person lives, sleeps, or visits with any regularity, including where a homeless person is stationed during the day or sleeps at night; and where a person visits for longer than 5 hours per visit more than 5 times within a 30-day period. Visiting Registrants are placed on state’s website and not removed, police may verify temporary address.
- ❖ Parental Rights: No parental rights for a Registered Person if child was conceived by rape but may be compelled to pay child support. Md. Fam. Law Code §5-1402
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Registration period of Tier I offender may be reduced to 10 years upon petition after 10 years. MCCP §11-707(c).
  - Pardon/vacatur/set aside/reversal relieves registration obligation. MCCP §11-704(b).
  - Persons subject to registration for "up to 5 years" due to a juvenile offense, may petition the juvenile court for reduction of the term of registration. MCCP §11-707(a)(4)(iv)
  - Tier I offenders: No sex offense/felony conviction in prior 10 years. MCCP §11-707(c)(1), (2). Must successfully complete any period of supervised release/parole/probation and treatment program. MCCP §11-707(c)(3), (4).

## **MASSACHUSETTS**

Comment: Homeless Registrants On Paper are required to wear GPS “administered by the commissioner of probation.” MGL §178F3/4. Under MGL § 178N, using the registry to engage in harassment is a crime punishable by up to 2.5 years in prison. MA is one of the birthplaces of the Anti-Registry Movement, as the organization known today as NARSOL began as an online petition on the late 1990s.

- ❖ Date Registry Established: Unsure
- ❖ Registry Retroactive? To 8/1/1982
- ❖ Qualifying event: Release Date
- ❖ Online since: 8/1/2004
- ❖ Statutes: A.L.M. G.L. Ch. 6, §178C through 178Q
- ❖ Substantially AWA Compliant: No
- ❖ Where to register:
- ❖ When to register: 2 days for initial reg. by mail if moving to the state; 10 days for change of residence or employment address within the state. Those residing elsewhere but employed in the state must register w/in 2 days by mail. Those planning to work or attend college in must register 10 days before commencement by mail.

- ❖ Frequency/ Length of registration: 20 years to life. MGL §178G. Updates based on Tier: MGL §178E; §178F1/2
  - Unclassified and Tier I – Annually by mail
  - Tier II and Tier III – annually in person.
  - Those classified as SVP register every 45 days.
  - Homeless Registrants and those living at shelters must register monthly and wear EM device.
  - Court may waive registration if not sentenced to immediate confinement, unless recidivist/serious offender. MGL §178E(f).
- ❖ Registry fees: \$75 Initial; \$75 annually; can be waived for indigence (MGL §178Q.)
- ❖ Community Notification:
  - Level 1: Registration by mail with the Board; No dissemination to the public except where an inquiry is made on a specific individual to the local police.
  - Level 2: Registration in person at the local police station; some dissemination to the public and internet dissemination for offenders classified after July 12, 2013.
  - Level 3: Registration in person at the local police station; Extensive dissemination to the public, including internet dissemination.
- ❖ Residence restriction: None, and due to Doe v. City of Lynn , 472 Mass. 521 (2015), it appears that local ordinances are unconstitutional.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: May not engage in ice cream truck vending. MGL c.265, § 48
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (MGL §123A)
- ❖ Travel regulations: Law requires registration of “secondary addresses,” defined as place of residence for 14 or more aggregate days in a calendar year, or a place routinely resided in for 4 or more consecutive or non-consecutive days per month. MGL §178C. Visiting Registrants are placed on state’s website and not removed, and police may verify temporary address.
- ❖ Parental Rights: Registered Persons have no parental rights for a child conceived by rape, but visitation rights may be granted if the child is old enough and agrees to visitation. MGL§ 209C.3
- ❖ ID Card Law: Registrar of Motor Vehicles can suspend or reject renewal of valid State ID/DL if the SO Registry Board determines you are not complying with registration laws (MGL. Ch. 90, §22(j)).
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - 20 year Registrants may petition the Sex Offender Registry Board for termination after 10 years. MGL § 178G, 178L. Judicial review of board decisions. MGL §178M.
  - Pardon may relieve registration obligation but no authority on point. See MGL ch. 127, §152.
  - Sealing does not provide relief. See MGL ch. 276, §100A(6), ch. 6, §172(b).
  - No relief provisions specific to juveniles/youthful offenders.
  - 20 year Registrants: No subsequent sex offense conviction within the 10 years preceding the petition. Clear and convicting evidence that the person is not likely to pose a danger to the safety of others. MGL §178G.

## MICHIGAN

Comment: Michigan is a state in registry limbo. The 6th Circuit ruled Michigan's registry law changes made in 2006 (including residency/ presence restrictions) and 2011 (including placing Registrants no longer required to re-register after new conviction for non-sex crime) cannot be applied retroactively (See Doe, et al. v. Snyder, et al., 834 F.3d 696 (6th Cir. 2016), cert. denied 138 S.Ct. 55 (2017)). While this case only applied to the defendants in that case, it opened the door for a class action challenge (known as "Does v Snyder II; in a rare move, MI's Attorney General has written a brief AGAINST the MI registry.) In 2020, the federal courts made an ultimatum to change the registry laws or face possibly losing the ability to register anyone before 2011. This ultimatum was delayed by COVID-19; all in-person registration was suspended by the judge until the lifting of the COVID-19 stay-at-home order. The laws as written are below but not all conditions below may apply due to the ongoing legal battle. MI's ruling has come too late for Thomas Pauli, who died from hypothermia in 2009 after being denied shelter due to the state's residency restriction law.

- ❖ Date Registry Established: 10/1/1995
- ❖ Registry Retroactive? No (Some offenses where conviction/ time served was completed before 9/1/1999 are not required to register. And due to Does v Snyder, the registry has been temporarily blocked from enforcing the registry for anyone convicted before 2011)
- ❖ Qualifying event: Conviction
- ❖ Online since: 1999
- ❖ Statutes: M.C.L. §28.721 through §28.736
- ❖ Substantially AWA Compliant: Yes (although recent court rulings may bring them out of compliance as it did to PA)
- ❖ Where to register: Sheriff's Office
- ❖ When to register: Initial reg. and updates are required "immediately," including disclosure of any "temporary lodging information," defined as a residence for more than 7 days. §§28.724- 28.725. A "residence" is any place where "has a regular place of lodging." MCL §28.722(p). 21 day notice before international travel.
- ❖ Frequency/ Length of registration: MCL §28.725
  - Tier I – annually for 15 years (Birthday month)
  - Tier II – Biannually for 25 years (birthday month and 6 months after birthday month)
  - Tier III – Quarterly for life (every 3 months after birthday month)
  - Under MI's old laws (pre-2011), Registrants were required to register for either 25 years or life, with no possibility for removal.
- ❖ Registry fees: (MCL §28.725a) \$50 Annually. If declared indigent, fee is waived only for 90 days. (MCL §28.725b) Failure to pay is considered an FTR. (Note, MI's FAQ pages claim the fee is one time but the statutes specifically state this is an annual fee.)
- ❖ Community Notification: Email alerts – can be based on location or can track a single Registrant. Juveniles and some Tier 1s with a single conviction (with the exception of certain crimes involving minors) are not listed publicly.
- ❖ Residence restriction: 1,000 feet of "student safety zone," i.e., a school, with certain exceptions found at MCL §28.735 and MCL §28.736. Those convicted when residing in a student safety zone have 90 days to relocate. §28.735(4).

- ❖ Anti-Clustering: None
- ❖ Employment restriction: Cannot work within 1000 feet of a “student safety zone” (school property) unless the job was established before 1/1/2006 unless you fall under the list of exemptions found at MCL §28.734 and MCL §28.736
- ❖ Presence restriction: Cannot loiter within 1,000 feet of “student safety zone,” (school property), with certain exceptions. (Loiter means to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors.) MCL §28.734, §28.736.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: “Temporary lodging information” for purposes of “immediate” registration defined as a residence for more than 7 days. MCL §28.724- 28.725. Visiting Registrants are placed on state’s website may pay registry fees, may be subject to residency restrictions, and police may verify temporary address.
- ❖ Parental Rights: Courts are not required (but can) make reasonable efforts to reunite a child with a parent who is a Registered Person, and can impose visitation restrictions. Registered Persons are denied parental rights if the child was conceived by rape. MCL, §712A.13a; §712A.18f; §712A.19a; §722.25; §722.1445
- ❖ ID Card Law: Must maintain a current state ID/DL (Mich. Comp. Laws S 28.725a(7))
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I Registrants may petition the court for relief after 10 years. MCL §28.728c(12).
  - Any Registrant who was registered before July 1, 2011 for an offense that required registration but for which registration is not required after July 1, 2011, must be terminated upon petition. MCL §28.728c(3), (15)(b).
  - Set aside/expungement does not provide relief. MCL §28.722(b)(1); see MCL §28.728(10).
  - Pardon may relieve registration requirement but no authority on point. See *People v. Van Heck*, 651 N.W.2d 174, 179 (Mich. App. 2002).
  - Certain consensual youthful offenders may petition for termination at any time. MCL §28.728c(3), (14). Termination is mandatory if eligible based on details of offense. *Id.*
  - Tier III based on juvenile adjudication may petition after 25 years. MCL §28.728c(2), (13).
  - Registration of juvenile offender under 14 at the time of offense must be terminated upon petition. MCL §28.728c(3), (15)(a).
  - Tier I/Juvenile Tier III: No sex offense/felony conviction during preceding 10/25 years. MCL §28.728c(12), (13).
  - Tier I/Juvenile Tier III: Court must determine that the individual is not a continuing threat to the public upon consideration of factors including severity of offense, prior record, and victim impact statement. MCL §28.728c(11). Must successfully complete supervised release/parole/probation and treatment program. MCL §28.728c(12), (13).

## MINNESOTA

Comment: Minnesota is perhaps best known for the civil commitment program that had not released a single “patient” for nearly 20 years until forced into a handful of releases through a court order.

- ❖ Date Registry Established: 7/1/1991
- ❖ Registry Retroactive? No
- ❖ Qualifying event:
- ❖ Online since: 1/1/1997
- ❖ Statutes: Minn. Stat. §243.166
- ❖ Substantially AWA Compliant: No
- ❖ Where to register:
- ❖ When to register: 5 days for initial registration and updates. Registrants without a primary address must register within 24 hours of entering a new jurisdiction, and shall provide updates in-person weekly.
- ❖ Frequency/ Length of registration:
  - 10 years (or end of probation period, whichever is longer) for most Registrants;
  - Lifetime reporting if an SVP/ recidivist/ aggravated offender or from a state where a Registrant had lifetime reporting.
  - Updates for all Registrants required annually; weekly updates are required for those lacking a permanent residence. Civilly committed Registrants or out-of-state Registrants with frequent reporting requirements report quarterly in MN. MS §243.166.
  - If you are a 10 Registrant convicted for an FTR, your time starts over plus and extra 5 years added to total registration length.
  - Out of state offenses, see MS §243.166(1b)(b)(3), (6)(4)(e) (Registration for period required by MN law unless longer period in jurisdiction of conviction).
- ❖ Registry fees: None
- ❖ Community Notification:
  - Level I: Law Enforcement agencies, the victim, and those living in the immediate household.
  - Level II: Add agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender to list of Level I notifications.
  - Level III: MN registry shows only those classified as Level III publicly (FTR cases may also be publicized regardless of Level). Access to information about Level 3 Registrants is only available through the public registry website and upon request to law enforcement, via community meetings.
- ❖ Residence restriction:
  - None statewide, but some municipalities have passed local ordinances. According to a 2/13/2020 Star Tribune article, about 90 counties/ cities have adopted ordinances with various degrees of restrictions.
  - Level IIIs released under supervision: MS §244.052(4a)
    - (a) When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the

proximity of the offender's residence to that of other level III offenders and proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level III offenders and concentration of level III offenders near schools.

- (b) If the owner or property manager of a hotel, motel, lodging establishment, or apartment building has an agreement with an agency that arranges or provides shelter for victims of domestic abuse, the owner or property manager may not knowingly rent rooms to both level III offenders and victims of domestic abuse at the same time. If the owner or property manager has an agreement with an agency to provide housing to domestic abuse victims and discovers or is informed that a tenant is a level III offender after signing a lease or otherwise renting to the offender, the owner or property manager may evict the offender.
- ❖ Anti-Clustering: Only those on Level III On Paper may face restrictions from living around other Level IIIs under supervision. See MS §244.052(4a)
- ❖ Employment restriction: None
- ❖ Presence restriction: None unless made a condition of supervision; local ordinances may exist
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (MS §253B.001 to §253B.24)
- ❖ Travel regulations: presence in state for more than 14 days triggers obligation to register, probably within 5 days of entering state. MS §243.166(1b). May pay registry fees and police may verify temporary address.
- ❖ Parental Rights: Parental rights can be terminated if Registered Person committed an offense against any child in the household (even if that child was not the victim) or if Registered Person is classified as a “predatory offender.” Suspension of parenting time rights and/or transfer of custody to the non-custodial parent shall be granted by family court if person is convicted of a variety of serious offenses including many sex offenses. MS §631.52; §260C.503
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination.
  - Pardon may relieve obligation to register but no authority on point. See MS §638.02(2). Sealing probably does not relieve registration duty.
  - Sex offenses may not be expunged under statutory expungement pursuant to MS §609A.02, but inherent authority expungement may be available in limited circumstances. See *State v. S.L.H.*, 755 N.W.2d 271 (Minn. 2008) (elaborating on standard recognized in *State v. C.A.*, 304 N.W.2d 353 (Minn. 1981)). However, inherent authority expungement has limited benefits, as it only affects judicial records and not executive branch records. See *State v. M.D.T.*, 831 N.W.2d 276 (Minn. 2013).
  - No relief provisions specific to juveniles/youthful offenders.

## MISSISSIPPI

Comment: During the COVID-19 pandemic, Registrants were unable to register with local authorities; instead, they were required to register at one of only nine state Highway troop stations, meaning some Registrants had to travel great distances to register, even as other essential functions were shut down. Mississippi's State ID/ DL laws and 3000 foot restrictions make Mississippi onerous for Registrants. Misuse or sale of registry info is a misdemeanor. § 45-33-51.

- ❖ Date Registry Established: 1994
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 1997
- ❖ Statutes: Miss. Code Ann. §45-33-21 through §45-33-61
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Both Sheriff's Office AND Department of Public Safety for both initial and updates and to renew license every time you register.
- ❖ When to register: 3 business days to register with law enforcement, and 10 days to register at the "Driver's License station." Also must notify law enforcement within 10 days of first residing in or returning to state, or changes to address; 3 business days for most other changes. MCA §45-33-29. Under MCA §45-33-28, Registrants seeking emergency shelter during a disaster must notify the manager of the shelter, the Sheriff, and the Chief of Police (if inside a municipality) of Registrant's status.
- ❖ Frequency/ Length of registration:
- ❖ Frequency: Updates are required quarterly, in person at the Drivers' License station to obtain a new "sex offender card." Registrants who are electronically monitored must reregister annually. MCA §45-33-31. The DPS does NOT send out any notices for re-registration.
  - Tier I: 15 years
  - Tier II: 25 years
  - Tier III: Life.
- ❖ Registry fees: MCA §45-33-57 -- The Department of Public Safety may adopt regulations to establish fees to be charged to Registrants for registration and reregistration, and verification or change of address. (Note: As of May 2017, the Miss. Dept. of Public Safety was charging an \$11 "Compliant Sex Offender" fee.)
- ❖ Community Notification: Local jurisdictions receiving notification and that have the ability may notify residents when a Registrant begins residing, lodges, becomes employed, volunteers or attends school or intends to reside, lodge, work, attend school or volunteer in the area by using a website, social media, print media, e-mail or may provide a link to the Department of Public Safety website. Info is automatically sent to child agencies, prosecutor's offices, police agencies, and background check services. § 45-33-36
- ❖ Residence restriction: Registrants shall not reside within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school, a child care facility, a residential child-caring agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years. Does not apply only in limited circumstances. MCA §45-33-25(4)

- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - Registrants must disclose their status if volunteering with a program offering services to children which would include direct, unsupervised contact. MCA §45-33-32
  - Registrants must disclose registry status to employer if job will bring Registrant into close proximity with children. MCA §45-33-59
- ❖ Presence restriction: May not loiter within 500 ft. of school, and may not enter school without permission; exceptions apply to both. MCA §45-33-26
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Registration required for visits of 4 days in a month, whether or not consecutive, and 14 or more days in a calendar year. MCA §45-33-27. Visiting Registrants are placed on state's website and not removed, may be subject to residency restrictions, and police may verify temporary address.
- ❖ Parental Rights: Registered Persons have no parental rights if the child was conceived by rape. If the child is a victim of the Registered Person, the Registered Person may win some parental rights back only after treatment for both Registered Person and victim is completed, and the courts determine the Registered Person poses no danger to the child. MCA §93-15-119; §97-5-42
- ❖ ID Card Law: Registrants ages six and above (MCA §45-35-3) must report to the Drivers' License station quarterly to obtain a new "sex offender card" (MCA §45-33-31; §63-1-35). Based on news articles, it appears "sex offender" is written on the card.
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I may petition the circuit court for relief after 15 years; Tier II after 25 years. MCA §45-33-47(2)(b), (c). Relief not available for offenses against persons younger than 15 if over age 21 at time of offense. MCA §45-33-47(2)(f).
  - Pardon/set aside/dismissal relieves registration obligations. MCA §45-33-47(4).
  - Expungement/sealing (except for juvenile sealing) not available for sex offenses. MCA §45-33-55.
  - First time juvenile offender 14 years or older adjudicated for rape pursuant to MCA §96-3-65 or a registrable sexual battery pursuant to MCA §97-3-95 may petition for relief after 25 years. MCA §45-33-47(2)(g).
  - Tier I/II/Juveniles: Relief not available for certain recidivists. MCA §45-33-47(2)(e),(g). Court considers prior and subsequent criminal behavior. MCA §45-33-47(3). Must show that "future registration... will not serve the purposes of [the law] and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety." MCA §45-33-47(3).

## MISSOURI

Comment: Missouri switched from mandatory lifetime registration to a Tiered registry in 2018.

- ❖ Date Registry Established: 7/1/1979
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction
- ❖ Online since: 6/18/2004
- ❖ Statutes: R.S. Mo. §43.650; R.S. Mo. §566.145 through 566.155; R.S. Mo. §§589.400 through 589.426
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local Police/ County Sheriff
- ❖ When to register: 3 days for initial registration and updates.
- ❖ Frequency/ Length of registration: (RSM §589.400) 2 years to life. Updates based on Tier.
  - Tier I: 15-year registration requirement and shall report to the Chief Law Enforcement Officer (CLEO) in person in the month of the offender's birth.
  - Tier II: 25-year registration requirement and shall report to the CLEO in person semiannually in the month of the offender's birth and 6 months thereafter.
  - Tier III: life time registration requirement and shall report to the CLEO in person every 90-days. Tier III offenders are not eligible to file petition for removal from the registry, unless the requirement to register results from an adjudicated delinquent (juvenile) adjudication, after 25 years, and the clean record removal is met. (RSM §589.401)
- ❖ Registry fees: A sheriff can charge a Registrant up to \$10 for processing an initial registration and \$5 to process an update. See RS Mo. §589.400(6,7).
- ❖ Community Notification: Can view all Registrants within a certain distance online or monitor a specific Registrant using an email alert system. Citizens can also call a special number from the Highway Patrol, and Sheriff's Departments are allowed to have registry info published in newspapers.
- ❖ Residence restriction: Certain offenders may not reside w/in 1,000 ft. of school, child care center, or victim's residence. RSM §566.147.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: Certain sexual offenders are prohibited from knowingly serving as an athletic coach, manager, or trainer for any sports team in which a child younger than 17 years of age is a member. (RSM §566.155)
- ❖ Presence restriction:
  - Certain sexual offenders are prohibited from knowingly being physically present in or loitering within 500 feet of or approaching, contacting, or communicating with any child younger than 18 years of age in any child care facility building or the real property comprising any child care facility when children younger than 18 years of age are present in the building or on the grounds unless the offender is the parent, guardian, or custodian of the child in the building or on the grounds. (RSM §566.148)
  - Certain sexual offenders are prohibited from knowingly being present in or loitering within 500 feet of any real property comprising any public park with playground equipment or a public swimming pool. (RSM §566.150)

- ❖ Halloween/ Holiday Restriction: (Enacted 28 Aug. 2008) Under RSM §859.426, all SOs in the state are banned from contact with children on Halloween; they must remain at home except for good cause (work, emergencies), post a sign stating "No Candy at this residence," and leave outdoor lights off from 5pm-10:30pm.
- ❖ Civil Commitment: Yes (RSM §632.480 to §632.513)
- ❖ Travel regulations: Must register "temporary residence" (present for more than 7 days in a 12-month period). RS Mo. §589.400. Visiting Registrants are placed on state's website, may have to pay fees and abide by residency laws, and police may verify temporary address.
- ❖ Parental Rights: Registered Persons have no parental rights if the child was conceived by rape or if the Registered Person abused a child under the Registered Person's care. If the Registered Person is a child and a sibling of the victim or a child living in the same household at the time of the offense, the prohibition on living in close proximity of the victim does not apply. RSM §211.038; §211.447
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I may petition the court for 5 year reduction of term after 10 years with a "clean record." RSM §589.400(5).
  - Anyone registered or who otherwise would be required to register for felonious restraint or kidnapping of a nonsexual nature when the person was the parent or guardian and the victim was the child, or nonsexual child abuse, shall be removed from the registry. RS Mo. §589.400(8).
  - In addition, § 589.400(9) authorizes a person to petition to remove the registration requirement for certain types of conduct and offenses, by filing a petition under § 589.400, but that section imposes waiting periods of 10 years for Tier I, 25 years for Tier II, and 25 years for Tier III juvenile adjudications. RSM §589.401(4).
  - Vacatur/set aside/ reversal provides relief. RS Mo. §589.400(3) (previously included pardon).
  - Tier III based on juvenile adjudication may be reduced to 25 years after 25 years with a "clean record." RSM §589.400(5).
  - Tier I/Tier III juvenile relief: no sex offense/felony conviction during preceding 10/25 years, and no pending sex offense/felony charges. RSM §589.400(5), §589.401(11). Must successfully complete any period of supervised release/parole/probation and treatment program, and court must find that the person "is not a current or potential threat to public safety." RSM §589.400(5), §589.401(11).

## MONTANA

Comment: Montana places both sexual offenses and non-sexual violent offenses on the public registry.

- ❖ Date Registry Established: 7/1/1989
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Sentencing Date
- ❖ Online since: 2001
- ❖ Statutes: Mont. Code Ann. §46-23-504 through §46-23-520.
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local Police/ Sheriff's office

- ❖ When to register: 3 business days for initial registration and updates; transients shall register within 3 business days of entering state.
- ❖ Frequency/ Length of registration: MT Code § 46-23-506(1): Lifetime. Updates based on Tier:
  - Level 1 – annual by mail, can petition for relief after 10 years
  - Level 2 – every 180 days by mail, can petition for relief after 25 years
  - Level 3 – every 90 days by mail for life
  - Transients must appear in person every 30 days. MT Code §46-23-504, §56-23-506
  - Out of state offenses, any offender who is convicted in another state, territory or tribe of an offense “reasonably equivalent” to a Montana-registerable offense and thus required to register. MT Code §46-23-502(9)(b). Level 0 is a special classification for Registrants from outside MT with no easily comparable conviction. Annually by mail.
- ❖ Registry fees: None; but if required to wear EM while On Paper, may be charged up to \$4000 annually
- ❖ Community Notification: Under MT Code §46-23-520, the state provides a Sexual Or Violent Offender Community Education Curriculum. Under MT Code §46-23-508, “Dissemination to the public of information allowed or required by this section may be done by newspaper, paper flyers, the internet, or any other media determined by the disseminating entity. In determining the method of dissemination, the disseminating entity should consider the level of risk posed by the offender to the public.”
- ❖ Residence restriction: A high-risk sexual offender as provided in this section may not establish a residence within 300 feet of a school, day-care center, playground, developed or improved park, athletic field or facility that primarily serves minors, or business or facility having a principal purpose of caring for, educating, or entertaining minors; does not apply if the residence was established on or before May 5, 2015. MT Code §45-5-513
- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - A ‘high risk’ offender cannot accept, maintain, or carry on regular employment at or within 300 feet of a school, day-care center, playground, developed or improved park, athletic field or facility that primarily serves minors, or business or facility having a principal purpose of caring for, educating, or entertaining minors. MT Code §45-5-513(e)
  - A judge sentencing can impose, as a condition to probation, parole, or deferment or suspension of sentence, reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant. MT Code §46-18-255(1)
- ❖ Presence restriction:
  - A judge sentencing a person convicted of a sexual offense involving a minor and designated as a Level 3 offender under MT Code §46-23-509 shall, as a condition to probation, parole, or deferment or suspension of sentence, impose on the defendant restrictions on the defendant's residency in the proximity of a private or public elementary or high school, preschool as defined in MT Code §20-5-402, licensed day-care center, church, or park maintained by a city, town, or county. MT Code §46-18-255
  - If requested by a victim of a sexual offense committed by the defendant, or if requested by an immediate family member of the victim, the judge sentencing a person convicted of a sexual offense shall, as a condition to probation, parole, or deferment or suspension of sentence, impose

on the defendant a restriction prohibiting the defendant from directly or indirectly contacting the victim or the immediate family member of the victim. If the victim is a minor, a parent or guardian of the victim may make the request on the victim's behalf. MT Code §46-18-255

- “High Risk” Registrants cannot be present within 300 feet of victim without permission from victim or victim’s guardian, or knowingly make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim or a member of the victim's immediate family. MT Code §45-5-513
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Must register within 3 business days of entering the state for a temporary residence of 10 days or more, or for an aggregate period of 30 days in calendar year. MT Code §46-23-504, §46-23-505. Visiting Registrants are placed on state’s website and not removed, temporary address may be verified by police, and may be subject to residency restrictions.
- ❖ Parental Rights: Registered Persons have no parental rights if child was conceived by rape, but may be compelled to pay child support and offer inheritance. Under 45-5-513, a “high risk” offender cannot establish a residence or any other living accommodation in a place where a minor resides, except that the offender may reside with a minor if the offender is the parent, grandparent, or stepparent of the minor unless his parental rights are terminated or the Registrant was convicted for abusing a child in the home. MT Code §40-6-1001; §41-3-609; §45-5-503
- ❖ ID Card Law: None
- ❖ Chemical Castration: (MT Code §45-5-212) Courts may impose chemical castration on first conviction for certain sex crimes and for subsequent convictions for certain other sex crimes. Those not mandated can opt to voluntarily take chemical castration drugs at state expense.
- ❖ Relief from SO Legal Restrictions:
  - Less serious level 1 sex offenders may petition court for relief after 10 years; level 2 offenders after 25 years. MT Code §46-23-506(3)(b), (5). Not available for SVPs. MT Code §46-23-506(5)(d).
  - Pardon may relieve registration obligation, but no authority on point. See MT Code §46-23-301(1)(b).
  - First-time juvenile sex offense adjudication except from registration, unless the juvenile court finds that "registration is necessary for protection of the public and that registration is in the public's best interest." MT Code §41-5-1513(1)(d).
  - 10/25 year relief: No subsequent sex offenses. MT Code §46-23-506(5)(c). Person must have "remained a law abiding citizen." MT Code §46-23-506(3)(b)(i). Court must find that continued registration is "not necessary for public protection and that relief from registration is in the best interests of society." MT Code §46-23-506(3)(b)(ii).
  - Juvenile: No prior sex offenses. MT Code §41-5-1513(1)(d)(i). Similar criteria as 10/25 year relief, see MT Code §41-5-1513(1)(d).

## NEBRASKA

Comment: The Nebraska State Supreme Court ruled registering internet identifiers is unconstitutional. On the downside, Nebraska's registry information is accessible by Google and other search engines, making it easier for vigilantes to find the information.

- ❖ Date Registry Established: 1/1/1997
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction (or incarcerated when law passed)
- ❖ Online since: 6/18/2004
- ❖ Statutes: N.R.S. Art. 40, §§29-4001 through 29-4013.
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: City police/ county sheriff, may have to initially register with state police.
- ❖ When to register: 3 working days for initial reg. and updates before changes;
- ❖ Frequency/ Length of registration: §29-4004, §29-4006.
  - Tier I – annually for 15 years
  - Tier II – biannually for 25 years
  - Tier III – quarterly for life
  - Nebraska stopped classifying certain Registrants with the SVP designation on 12/31/2009. Those still classified SVP register for life.
  - Homeless report monthly regardless of Tier.
  - Out-of-state Registrants: Must register if NE has comparable offense; does honor a pardon from another state. (NRS §29-4003)
- ❖ Registry fees: None
- ❖ Community Notification: As of 1/1/2010, only option for community notification is signing up for email alerts.
- ❖ Residence restriction: Nebraska has a statute allowing local residency restrictions from schools and daycares except in certain narrow circumstances (e.g., 500 ft. exclusion zones applicable to SVPs). NRS §29-4017. The only known city to have such a restriction at this time is Omaha.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (NRS §71-1201 to §71-1226)
- ❖ Travel regulations: Visitors: Presence in the state for 3 calendar days triggers an obligation to register within 3 business days. Temporary employment lasting 14 days or an aggregate of 30 days in a calendar year. §29-4001.01, §4004. May be placed on public registry, and police may verify temporary address. May be subjected to local residency restrictions.
- ❖ Parental Rights: Registered Persons are assumed threats and custody can only be won if there is a determination that the Registrant is not a danger to the child. In custody matters, allowing a Registered Person unsupervised time with your children is considered “prima facie evidence” for determining risk. No parental rights are granted if the child was conceived by rape. NRS §43-292; §43-292.02; §43-2933
- ❖ ID Card Laws: None

- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - 15 year period may be reduced to 10 years upon petition to the Nebraska State Patrol after 10 years. NRS §29-4005(2).
  - Pardon relieves registration obligation. See 2002 Op. Att'y Gen. No. 02025, [http://ago.nebraska.gov/ag\\_opinion\\_view?oid=4011](http://ago.nebraska.gov/ag_opinion_view?oid=4011) ("It is our conclusion that because the registration requirements of the NSORA are a legal consequence of a conviction, a sex offender who has been pardoned would not be required to register as a sex offender").
  - Out-of-state pardon also given effect. NRS §4003(1)(a)(ii).
  - Probationer set aside does not provide relief from registration obligation, NRS §29-2264(5)(j), nor does any other "comparable procedure" from another jurisdiction "to nullify a conviction other than by a pardon." NRS §4003(1)(a)(ii).
  - Juveniles not subject to SORA unless prosecuted in adult court. Same rule applies to out of state juvenile offenders. See [http://journalstar.com/news/local/judge-bars-state-from-adding-boy-to-state-s-sex/article\\_d0d21ddd-f912-532c-89b4-b0544e6de6f0.html](http://journalstar.com/news/local/judge-bars-state-from-adding-boy-to-state-s-sex/article_d0d21ddd-f912-532c-89b4-b0544e6de6f0.html).
  - 15 year reduction: No sex offense/felony convictions during registration period. NRS §29-4005(2)(a), (b). Must successfully complete period of supervision/probation/parole and treatment program. §29-4005(2)(c), (d).

## NEVADA

Comment: Nevada was actually the second state to adopt the AWA but over a decade of litigation delayed enforcement. However, the AWA has now been enforced in the state. There may be further litigation similar to suits filed in Ohio, Michigan, Pennsylvania, and Colorado, where the AWA was determined to violate ex post facto. Furthermore, Nevada is in the 9th Circuit, where courts may be more open to a favorable ruling for Registered Persons. Using the registry to commit a crime is a misdemeanor or gross misdemeanor, depending on crime committed (NRS §179B.285)

- ❖ Date Registry Established: 1/1/1998
- ❖ Registry Retroactive? To 7/1/1956
- ❖ Qualifying event: Conviction
- ❖ Online since: 5/1/2004
- ❖ Statutes: NRS §179B and §179D (Effective Oct. 1, 2018)
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local Police (Sheriff's Office if in unincorporated area)
- ❖ When to register: 48 hours for initial register and updates; updates may be in person. NRS §179D.460, §479D.480.
- ❖ Frequency/ Length of registration: (NRS §179D.490) Standard AWA Tier system
  - Tier I – annually for 15 years
  - Tier II – biannually for 25 years
  - Tier III – quarterly for life
  - Homeless: Monthly regardless of Tier
  - Nevada sentences certain offenses to lifetime supervision. For list of conditions for lifetime supervision, see NRS §176A.410

- Out-of-state offenses: If offense you committed is substantially similar to a Nevada offense that requires registration, you may have to register even if not required to register in another state. §NRS 179D.097
- For now, the old law is no longer valid. In the event the courts also rule the AWA in Nevada violates ex post facto, the old law requirements BEFORE 07/01/2008 were Lifetime registration for all offenders; All offenders eligible to petition for early release (except those subject to lifetime supervision or community notification) after 15 years of registration; If petition denied, cannot re-apply for another 5 years.
- ❖ Registry fees: None
- ❖ Residence restriction: None
- ❖ Community Notification: Notices go out to background check companies, schools, and other agencies working directly with children; if Registrant is a Tier III, notices go out to the general public. NRS §179D.475. Tier I offenses not involving “a crime against a child” (under age 18) are not listed publicly.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: Businesses are generally barred from using info from the registry with exceptions. NRS §179B.270
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: “If the offender or sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender or sex offender shall be deemed a resident offender or sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.” NRS §179D.460
- ❖ Parental Rights: (NRS §125C.210; §128.105; §432B.393): No parental rights if the child is conceived by rape. No reasonable reunification efforts by child services will be made to a Registered Person.
- ❖ ID Card Law: Does not mark State ID/DLs, but all State ID/DL/CDL must be renewed annually. (NRS §483.283; §483.861; §483.929)
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I offender may petition the court for 5 year reduction of term after 10 years. NRS §179D.490(3), (4).
  - Pardon does not provide relief from registration requirement, which is regulatory. See Nev. Op. Atty Gen. 14 (Nov. 18, 2003), <http://pardons.nv.gov/uploadedFiles/pardonsnv.gov/content/About/PardonInformalOpinion.pdf>.
  - Sealing of adult convictions not available for sex offenses. NRS §179.245(5).
  - Juveniles: the juvenile court may not terminate jurisdiction until the court has either relieved the person from, or ordered the person to be subject to, requirements for registration and community notification. NRS §62F.310. A hearing must be held to make this determination around the date that the person reaches 21 years of age. NRS §62F.340.

- A person adjudicated for a non-aggravated sexual offense may move the juvenile court to be exempted from community notification or placement on the community notification website. NRS §62F.320.
- Tier III juvenile adjudication offense may petition for relief after 25 years. NRS §179D.490(3), (4)
- Tier I/Tier III juvenile relief: No sex offense/felony conviction during preceding 25/10 years. NRS §179D.490(3). Tier I/Tier III juvenile relief: Must successfully complete period of supervised release/probation/parole and treatment program. NRS §179D.490(3).
- Juvenile age 21 hearing/community notification relief: court may consider entire criminal history. NRS §62F.320(3)(a), §62F.340(5)(a).
- Juvenile age 21 hearing: to relieve from registration and community notification requirements, the court must find, considering several enumerated factors, "by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others." NRS §62F.340.
- Juvenile community notification relief: the court, considering enumerated factors, must find "by clear and convincing evidence that the child is not likely to pose a threat to the safety of others." NRS §62F.320.

## **NEW HAMPSHIRE**

Comment: There has been an effort in recent years to ban residency restrictions in this state.

- ❖ Date Registry Established: 1993
- ❖ Registry Retroactive? To 1/1/1988
- ❖ Qualifying event:
- ❖ Online since: 2001
- ❖ Statutes: N.H.R.S.A. §651-B:1 through 651-B:12; Admin. Code Saf-C 5501.01 through 5506.7
- ❖ Substantially AWA Compliant: No
- ❖ Where to register:
- ❖ When to register: 5 business days for initial registration and updates. §§651-B:4, B:5
- ❖ Frequency/ Length of registration: NHRSA §651-B:6(I), (II); §651-B:1(VIII)-(X)
  - Tier I -- Biannually for 10 years
  - Tier II – Biannually for Life  
Tier II – Quarterly for Life (mail is sent to current address and returned in person within 10 days)
  - The juvenile court at disposition may "order the minor to register as a sexual offender or offender against children pursuant to NHRSA 651-B until the juvenile reaches the age of 18 if the court finds that the minor presents a risk to public safety." NHRSA §169-B:19(k); §651-B:1(XI). Out of state juvenile adjudications based on requirements of that jurisdiction. §651-B:1(XI)(a)(4).
  - NH does NOT place Registrants no longer required to register back on the registry if convicted for a subsequent non-sexual offense.
  - Does NOT have to notify if traveling internationally IF staying at one location longer than four days and staying at a second location longer than 4 days.

- ❖ Registry fees: An offender shall pay a fee of \$50 to the department within 10 days of the registration that occurs within the month of the anniversary of his or her birth. NHRSA §651-B:11
- ❖ Community Notification: NH maintains separate registries for offenses against children/ reoffenses and one for all other offenses. Does not appear to offer any notification outside inclusion on the public registry.
- ❖ Residence restriction: None statewide. The state has tried in recent years to prohibit municipal restrictions but failed to push the bill through the Senate. While a few municipalities have reportedly passed restrictions as much as 2500 feet from schools and daycares, municipal restrictions in Dover and Franklin were struck down by courts.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Travel regulations: Visitors: “Residence” defined as more than a total of 5 days during a one-month period. §651-B:1(XIII). Visiting Registrants are placed on state’s website, police may check temporary address.
- ❖ Civil Commitment: Yes (NHRSA Ch. 135-E)
- ❖ Parental Rights: No parental rights if the child was conceived by rape. NHRSA §170-C:5-a
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier II offender may petition the superior court for relief after 15 years; Tier I offenders after 5 years. NHRSA §651-B:6(III)(a).
  - Pardon may relieve registration requirement but no authority on point. Doe v. State, 114 N.H. 714 (1974) (pardon "completely eliminat[es] all consequences of the conviction").
  - Juvenile registration terminates at 17 years, unless the juvenile court retains jurisdiction under NHRSA §169-B:4, V, in which case registration terminates jurisdiction is terminated. NHRSA §651-B:6(IV).
  - 15/5 year relief: No convictions for sex offense/felony/class A misdemeanor/offense against child. § 651-B:6(III)(a). Must successfully complete period of supervised release/probation/parole and treatment program, and a risk assessment at the person's expense. § 651-B:6(III)(a). Court must find that removal from the registration requirements will assist the individual in the individual's rehabilitation and will be consistent with the public welfare. NHRSA §651-B:6(III)(b).
  - This means that Tier 2 and Tier 3 offenders who were convicted prior to January 1, 1993 can file a petition to be relieved of the registration requirements of the NH Sex Offender Registry. (Per SB 468 (2016))

## NEW JERSEY

Comment: New Jersey was the state where Megan Kanka was murdered, and the state's law named in her honor was used when the national law bearing her name was passed as an amendment to the Jacob Wetterling Act.

- ❖ Date Registry Established: 10/31/1994
  - ❖ Registry Retroactive? No
  - ❖ Qualifying event: Conviction (or serving time when law passed)
  - ❖ Online since: 2/21/2002
  - ❖ Statutes: N.J. Stat. §2C:7-1 through §2C:7-23
  - ❖ Substantially AWA Compliant: No
  - ❖ Where to register:
  - ❖ When to register: 10 days for initial reg.; updates to address due 10 days prior to move; updates to employment and school enrollment within 5 days. Statute only applies to residents, students, and nonresident employees. NJS §2C:7-2.
  - ❖ Frequency/ Length of registration:
    - Lifetime for all, though some Registrants can apply for removal after 15 years. Updates for “compulsive or repeat” offenders are quarterly; all other update annually. NJS §2C:7-2
    - Out of state offenses, see N.J. Stat. NJS §2C:7-2(b)(3).
  - ❖ Registry fees: None
  - ❖ Community Notification: Depending on Tier/Risk Level:
    - Tier 1: Law enforcement agencies are notified.
    - Tier 2: in addition to law enforcement agencies, schools, licensed day care centers, summer camps, and registered community organizations are notified.
    - Tier 3: in addition to law enforcement agencies, schools, licensed day care centers, summer camps, registered community organizations, and members of the public are notified.
    - Those selling homes are NOT obligated to disclose nearby Registrants.
  - ❖ Residence restriction: There are currently no statewide restrictions. Per G.H. v. Township of Galloway, 199 N.J. 135, 971 A.2d 401 (2009), local ordinances are precluded by state law, meaning they cannot be passed unless the legislature grants legislative authority for local authorities to pass their own regulations.
  - ❖ Anti-Clustering: None
  - ❖ Employment restriction: Cannot hold a position or otherwise participate, in a paid or unpaid capacity, in a youth serving organization. N.J. Stat. NJS §2C:7-23
  - ❖ Presence restriction: None
  - ❖ Halloween/ Holiday Restrictions: None
- Civil Commitment: Yes (NJS §30:4-27.24 to §30:4-31.)
- ❖ Travel regulations: “Residence” is apparently established by presence in the state for 10 days. NJS §2C:7-2. May have to abide by local residency restriction ordinance.
  - ❖ Parental Rights: Registered Persons convicted of NJS §2C:14-2 (Sexual Assault), NJS §2C:14-3 (Criminal Sexual Contact) or NJS §2C:14-4 (Lewdness) can only be awarded custody or visitation if proven by clear and convincing evidence it is in the child's best interest to stay with the Registered

Person. (This also covers child conceived by rape). The courts can keep child's location confidential and victim is not required to go to court in person. NJS §9:2-4.1

- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - May petition the superior court for relief 15 years from later of conviction/release. NJS §2C:7-2(f). Certain persons ineligible. NJS §2C:7-2(g).
  - Pardon may or may not relieve obligation to register, but wording of relevant statute suggests it does not. See NJS §2A:167-5.
  - No relief provisions specific to juveniles/youthful offenders.
  - 15-year relief: Must not have "committed an offense within 15 years following conviction or release." NJS §2C:7-2(f). Recidivist sex offenders not eligible. NJS §2C:7-2(g). Requires proof that offender "is not likely to pose a threat to the safety of others." NJS §2C:7-2(f).

## NEW MEXICO

Comment: The state does not have authority to require an Indian who was convicted of a sex offense in a court other than a New Mexico state court, is an Indian living in Indian country, and is not attending school or employed outside of Indian country, to comply with the requirements of Sex Offender Registration and Notification Act. *State v. Atcitty*, 2009-NMCA-086, 146 N.M. 781, 215 P.3d 90, cert. quashed, 2010-NMCERT-010, 149 N.M. 64, 243 P.3d 1146. Local rules for registration cannot generally be more restrictive than state law under NM Stat § 29-11A-9 but that law is not absolute (see *ACLU v. City of Albuquerque*, 2006-NMCA-078, 139 N.M. 761, 137 P.3d 1215). Registry offices were granted the option of telephone registration during the COVID-19 pandemic.

- ❖ Date Registry Established: 7/1/1995
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction
- ❖ Online since: 7/1/2000
- ❖ Statutes: N.M. Stat. Ann. §29-11A-1 through §29-11A-10; N.M.A.C. §1.18.790.157
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: County Sheriff's Office
- ❖ When to register: 5 business days for initial registration and updates. NMS §29-11A-4. State law requires "sex offenders" to register, which includes one who: (1) establishes a residence [not defined] in NM; (2) "stays in multiple locations in NM," or (3) is enrolled in a NM school, or (4) is employed in NM for more than 14 days or an aggregate period exceeding 30 days in a calendar year. §29-11A-3. Must give 30 day notice if moving out of state. NMS §29-11A-4.1
- ❖ Frequency/ Length of registration: (NMS § 29-11A-4(L), §29-11A-5(D), (E), (F)).
  - 10 years to life. Updates are every 6 mo. or every 90 days depending on offense. NMS §29-11A-4
  - Out of state offenses, see NMS §29-11A-4(L)(3) (duration of time from convicting jurisdiction or NM, whichever is longer).
- ❖ Registry fees: None

- ❖ Community Notification: The county sheriff shall contact every licensed daycare center, elementary school, middle school and high school within a one-mile radius of RC's residence; The public can also obtain information by reviewing the SORNA website or by contacting the County Sheriff.
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: New Mexico State Police reported to ACSOL, "You will need to register if you were convicted prior to July 1, 2013 and are going to be in the state of New Mexico for longer than ten (10) days. You will need to register within five (5) days if you were convicted after July 1, 2013." Visiting Registrants are placed on state's website, and police may verify temporary address. May be subjected to residency restrictions,
- ❖ Parental Rights: Consent for relinquishing parental rights is not required if the child was conceived by rape. NMS §32A-5-19
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No provision for early termination.
  - Registration is required while under deferred sentence, but not after a conditional discharge under NMS §31-20-13. See NMS §29-11A-3(B).
  - By policy, people convicted of sex offenses are not ordinarily granted pardons, but are not precluded from applying. See N.M. Pardon Guidelines, [https://www.governor.state.nm.us/wp-content/uploads/2019/05/Executive-Clemency-Guidelines\\_Final.pdf](https://www.governor.state.nm.us/wp-content/uploads/2019/05/Executive-Clemency-Guidelines_Final.pdf).
  - Not clear if pardons relieve registration requirement.
  - No registration for juvenile adjudications.

## **NEW YORK**

Comment: While NYS as a whole isn't among the worst state for RCs, Long Island, particularly Suffolk County, is particularly onerous. Suffolk County is the home for the group "Parents For Megan's Law", an influential victim advocacy group that became the only private business in America contracted to conduct Registrant address verification checks on behalf of law enforcement. They are also pushing to require Level I Registrants to register a minimum for 30 years and allow municipalities to pass residency restriction laws, which has previously been struck as violating state preemption of local laws. Under Suffolk Co. Leg. Code Sec. 745-12, Registrants are required to state their status when entering emergency shelters. There is also a push to ban certain Registrants from NYC subways.

- ❖ Date Registry Established: 1/21/1996
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction or was On Paper/ in prison at time law passed.
- ❖ Online since: 5/11/2000
- ❖ Statutes: N.Y. C.L.S. Corrections Law §168

- ❖ Substantially AWA Compliant: No
- ❖ Where to register: New York State Division of Criminal Justice Services
- ❖ When to register:
  - 10 calendar days for initial reg. and updates. NY Corr. Law, §168-f, §168-k.
  - In-state workers required to register if present for more than 14 consecutive days or an aggregate period exceeding 30 days in a calendar year. NY Corr. Law §168-a.
- ❖ Frequency/ Length of registration: (NY Corr. Law §168-h.)
  - LI – Annually for 20 years
  - LII- Annually for life
  - LIII, sexual predator, sexually violent offender, or predicate sex offender (If classified after 3/11/2002)– Annually for life
- ❖ Registry fees: None
- ❖ Community Notification: Local police may notify schools and other “entities with vulnerable populations” about the presence of a level 1, 2 or 3 offender if the offender poses a threat to public safety. New York does not notify jurisdictions about changes in employment. New York DCJS allows individuals to sign up to receive alerts whenever a Level 2 or Level 3 on the public registry website moves into or out of a chosen community or location. Complete registry info is available on those classified Tier II or higher (note that Parents For Megan’s Law, a private business, lists info on Level 1 Registrants living in Nassau and Suffolk Counties.)
- ❖ Residence restriction: No statewide restrictions; municipal/ county governments currently not allowed by court ruling to pass residency restriction ordinances. Also, if on probation/ parole, Registrant could be banned 1,000 feet of a school or other facility caring for children.
- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - Cannot drive a school bus. 3 See NYS Vehicle and Traffic Law §509-cc (4)(a) and(4)(b).
  - Prohibition of employment on motor vehicles engaged in retail sales of frozen desserts (i.e., Ice Cream Trucks). NY Corr. Law §168-V.
  - Only Level 2 and 3 offenders have an obligation to provide the address of their employer.
  - No application for employment or license can be rejected due to criminal background UNLESS the job/ license is directly related to the job (i.e., Registrants can’t work with kids) or if employing the Registrant “involves an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.” NY Corr. Law Art. 23-A §752
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes (NY Mental Hygiene Law Article 10)
- ❖ Travel regulations: No specific regulation for visiting but note that law enforcement may view the provisions mentioned above on “When to register” as applicable to visitors. One resource states registration required if staying 14+ days, and check-in whereabouts if staying under 14 days.
- ❖ Parental Rights: Registry records are used in family court to determine if it is appropriate to place a child in the home. It is assumed it is not in the best interests of the child to be placed in the home of a Registered Person if the child was conceived by rape but can be challenged. N.Y. Dom. Rel. §240; NY Fam. Ct. Act §651
- ❖ ID Card Law: None

- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Person classified as level 2 offender and not designated sexual predator/sexually violent offender/predicate sex offender may petition the sentencing court (or the court that determined duration) for termination after 30 years. NY Corr. Law §168-o(1).
  - Person classified as level 2/3 offender may petition for reclassification to a lower level. NY Corr. Law §168-o(2).
  - Pardon relieves registration obligations. NY Corr. Law §168-f(4).
  - Conviction that has been "set aside" not subject to registration. NY Corr. Law §168-a(1).
  - No registration for juvenile adjudications.
  - Level 2 termination: Must prove by clear and convincing evidence that his or her risk of repeat offense and threat to public safety is such that registration or verification is no longer necessary. NY Corr. Law §168-o(1).

## NORTH CAROLINA

Comment: NC is considered one of the most onerous states for Registered Persons. In *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016), the Court found NC's presence restrictions were "unconstitutionally vague and thus violated the Due Process Clause." (The 300 ft presence ban was preventing Registrants from attending town council meetings, going to church, visiting government offices, and observing their children's recreational or educational activities.) A few months later, SCOTUS struck down NC's social media ban in the landmark case of *Packingham v. North Carolina*, 582 U.S. \_ (2017). A case challenging other NC registration law changes is ongoing.

Prohibited from obtaining name change (N.C. Gen. Stat. § 14-202.6).

- ❖ Date Registry Established: 1/1/1996
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Some offenses have different Effective dates to determine whether a particular conviction and whether the criteria is conviction, date of offense, or other. A list of registerable offenses and effective dates can be found at <https://docs.ncsbi.gov/Sex-Offender/SexOffenderRegPrograms.aspx>
- ❖ Online since: 5/11/2000
- ❖ Statutes: N.C. Gen. Stat., Art. 27A, §14-208.5 through §14-208.45
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: County Sheriff
- ❖ When to register:
  - 3 business days for initial registration and updates; 10 days to report internet IDs. NCGS §14-207, §14-208.9
  - New residents: Within 3 business days of establishing residence, or whenever present in the state for 15 days, whichever comes first ("residence" not defined). NCGS §14-208.7. An offender's mere presence at a location does not establish a residence, but a residence is established when certain "activities of life" occur at the location. *State v. Abshire*, 363 N.C. 322, 332, 677 S.E.2d 444, 451 (2009).

- “Employed” means more than 14 days or more than 30 days in a calendar year. NCGS §14-208.6.
- ❖ Frequency/ Length of registration: NCGS § 14-208.30, §14-208.7A, §14-209A.
  - Tier III/ aggravated offenders/ recidivists/ SVPs update every 90 days for life.
  - Regular Offenders registered before 12/1/2008: Registered biannually for life following the date of initial county registration unless the offender successfully petitions the superior court to shorten their registration period under NCGS §14-208.12A. Offender first eligible to petition ten (10) years after the date of initial county registration in NC.
  - Regular Offenders registered on or after 12/1/2008): Registered biannually for 30 years following the date of initial county registration unless the offender successfully petitions the superior court to shorten their registration period under NCGS §14-208.12A. Offender first eligible to petition 10 years after the date of initial county registration in the state.
  - Out of state offenses, See NCGS §14-208.23.
  - Juveniles: earlier of 18 years old or termination of juvenile court's jurisdiction. NCGS §14-208.30.
  - Letters by mail are sent out to Registrant’s address when time to register; upon receipt of letter, Registrant has 3 days to complete enclosed form and return it to the Sheriff. NCGS § 14-208.9A, §14-208.11(a)(3), §14-208.24
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up email alerts when a Registrant moves within 1,3, or 5 miles of them.
- ❖ Residence restriction:
  - 1,000 ft. of school or child care center, with exceptions. (Does not include home schools or colleges/ universities.) These residency restrictions do not apply to an offender who established residency at the registered address prior to August 16, 2006 [2013 S.L. 28] NCGS §14-206.16
  - Residency restrictions surrounding the Boys and Girls Clubs of America does not apply to a person who established residence prior to June 19, 2014 [2014 S.L. 21]
- ❖ Anti-Clustering: None.
- ❖ Employment restriction:
  - Offender’s residence may not be used to care for a child. NCGS §14-208.17(b)
  - No instruction, supervision, or care for minors. NCGS §14-208.17(a)
  - Cannot use residence for babysitting service. NCGS §14-321.1
  - Cannot obtain CDL for endorsements P (passenger vehicle) or S (school bus). NCGS § 14-208.19, §20-17.9, §20-27.1, §20-37.14A
  - Cannot obtain/ renew Emergency Services credentials. NCGS §131E-159
  - Those convicted of a sex offense against a minor cannot receive a Funeral services license. NCGS §90-210.25B
- ❖ Presence restriction: For offenses involving a victim under 16 have the following restrictions:
  - Prohibited from entering the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds;
  - Cannot knowingly be within 300 feet of any location intended primarily for the use care or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in the

preceding paragraph that are located in malls, shopping centers, or other property open to the public.

- Any place where minors frequently congregate, including, but not limited to, libraries, arcades, amusement parks, recreation parks, and swimming pools, when minors are present.
- On the State Fairgrounds during the State Fair, Western N.C. Agricultural Center during the N.C. Mountain State Fair and any other fairgrounds during an agricultural fair.
- Various exceptions for parents on school business, in need of medical care, or other emergency situations. NCGS §14-208.18.
- Exception applies if in prohibited area for voting; if location is a school, principal must be notified. NCGS §163-§165
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Registration is apparently required if present in the state for 15 days (NCGS §14-208.7(a)). Visiting Registrants are placed on state's website and not removed. May be subjected to residency restrictions. Police may verify temporary address.
- ❖ Parental Rights: The court may terminate parental rights if the child is conceived by rape. NCGS §7B-1111; §14-27.21; §14-27.22; §14-27.23; §50-13.1
- ❖ ID Card Law: Will not issue a State ID/DL unless Registrant has proven registration has been completed within the state (NCGS §20-9; §20-37.7). Does not mark State ID/DLs nor require annual renewals.
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Reversal/vacatur/set aside/unconditional pardon for innocence relieves registration obligation. § 14-208.6C.
  - Implication that ordinary pardon does not relieve registration duty. Sex offenses not eligible for expungement. See NCGS §15A-145.4(a)(3), §145.5(a)(3).
  - No relief provisions specific to juveniles/youthful offenders.
  - 30 year Registrants (and regular Registrants under old law): May petition the superior court for termination after 10 years. NCGS §14-208.12A.No subsequent sex offense convictions/arrests. NCGS§14-208.12A(a), (a1)(1). Court must be satisfied that the petitioner is not a current or potential threat to public safety. NCGS §14-208.12A(a1)(3). Relief must comply with standards upon which federal funding is conditioned. NCGS §14-208.12A(a1)(2). If denied, may petition again after one year. NCGS §14-208.12A(a1)(3).

## **NORTH DAKOTA**

Comment: The AG's Office told law enforcement agencies in a letter dated 3/18/20 the state would accept registration forms not signed by offenders if offices were closed to the public due to COVID-19. "The registration forms still need to be completed, but the process can be accomplished over the phone with the offender," the letter said, adding that agencies can work with offenders to get an updated photo if needed.

- ❖ Date Registry Established: 1991
- ❖ Registry Retroactive? To 7/31/1985
- ❖ Qualifying event: Conviction

- ❖ Online since: 11/1/2001
- ❖ Statutes: N.D. Century Code §§12.1-20-25, 12.1-32.15, 12.1-34-06
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local police (or county sheriff if in unincorporated area)
- ❖ When to register: 3 days for initial reg. of “residence” (not defined). NDCC §12.1-32.15(1)(h), (2). Time period for updates vary depending on information.
- ❖ Frequency/ Length of registration: NDCC §12.1-32.15
  - Low Risk: Annually for 15 years
  - Moderate Risk: Biannually for 25 years
  - High Risk: Quarterly for life
  - Homeless Registrants must update every 3 days. NDCC §12.1-32.15(2).
- ❖ Registry fees: None
- ❖ Community Notification: While all Registrants are listed online, only “high risk” and “delinquent offenders” are shown with full details and photographs. Law Enforcement Agencies have some discretion regarding other methods of community notification, including use of news media, public meetings, or personal notification.
- ❖ Residence restriction: North Dakota law does not prohibit low or moderate risk Registrants from living near schools, parks, or daycare facilities unless a condition of probation prohibits it. A high risk Registrant may not reside within 500 feet of a public or nonpublic preschool, elementary, middle or high school.
- ❖ Anti-Clustering: None.
- ❖ Employment restriction: Prohibited from providing early childhood services (such as daycare) to any child, other than a child who is a member of that individual's household, and any person who provides such early childhood services is prohibited from allowing a registered offender to be in the presence of a child receiving the services. NDCC §50-11.1-13.1
- ❖ Presence restriction: May not knowingly enter school without permission, subject to exceptions. §12.1-20-25.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (NDCC §25-03.3-01 to §25-03.3-24)
- ❖ Travel regulations: 3 days for reg. of “temporary domicile,” defined as being physically present in state for more than 10 consecutive days, present in state for more than 30 days in a calendar year, or at a location for longer than 10 consecutive days. NDCC §12.1-32.15(1)(h), (2). May be subjected to residency restrictions.
- ❖ Parental Rights: Parental rights can be terminated if the child was conceived by rape or if probable cause exists that the Registered Person committed an offense against the child and presents a danger to the child. NDCC §27-20-17; §27-20-44
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination.
  - Registration required for deferred adjudication. See NDCC §12.1-32-15(1)(e), (8).
  - Pardon may relieve registration but no authority on point, See NDCC §12-55.1-01(4) (pardon removes "punishment or custody imposed upon a person for the commission of an offense").
  - No relief provisions specific to juveniles/youthful offenders.

## **NORTHERN MARIANA ISLANDS (US TERRITORY)**

Comment: The Commonwealth of the NMI is a chain of 14 islands just north of Guam in the Pacific (only three of which are inhabited), nearly 2000 miles from the Asian continent.

- ❖ Date Registry Established: N/A
- ❖ Registry Retroactive? N/A
- ❖ Qualifying event: N/A
- ❖ Online since: N/A
- ❖ Statutes: the Commonwealth Code, Title 6, Div. 1, Part 1, Ch. 3, Article 4, “CNMI-SORA” (6 CMC §1360-§1380)
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: SORA-Office/DPS
- ❖ When to register:
  - Within 3 Days for initial registration if moving, attending school, or working
  - Only requires 3 day notice if traveling internationally
  - Must give notice if away from home 72+ hours
  - “Recapture” provision to add person released for non-sex offense if offender had a past sex crime conviction § 1368
  - Sec. 1369 (b): Natural disaster. The occurrence of a natural disaster or other event requiring evacuation of residences shall not relieve a SO of the duty to register or any other duty imposed by this article.
- ❖ Frequency/ Length of registration: Standard AWA Tier system
  - Tier I – annually for 15 years
  - Tier II – biannually for 25 years
  - Tier III – quarterly for life
- ❖ Registry fees: 6 CMC §1380 establishes a “Sex Offender Revolving Fund” but no info can be found regarding a fee.
- ❖ Community Notification: Email notice is available to the general public to notify them when a SO commences residence, employment, or school attendance with the Commonwealth, within a specified zip code, or within a certain geographic radius.
- ❖ Residence restriction: 6 CMC §1366 – Registrants cannot:
  - Reside in or have contact with a residence while minors are present
  - (d) Reside or maintain an address for residential purposes at any location within 1000 feet of a playground, school, school bus stop, community center, or other location which is established or designated specifically for the use by or enjoyment of minors and such location is commonly used by minors.
- ❖ Anti-Clustering: No
- ❖ Employment restriction: No
- ❖ Presence restriction: 6 CMC §1366 – Registrants cannot:
  - Enter onto or walk by or park a vehicle within 1000 feet of a school, bus stop, or playground while minors are present;
  - Attend events held primarily for minors;

- Have contact with a residence while minors are present
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: None
- ❖ Travel regulations: Must register if visiting for 24 hours or longer. 6 CMC §1361
- ❖ Parental Rights: Provision that Registrants cannot live with minors has no apparent exceptions to Registrant parents
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: 6 CMC §1371: Tier 1s can apply for registration reduction after 10 years with a clean record; Tier 3s can apply for reduction to 25 years with a clean record.

## OHIO

Comment: Ohio both was the first state to adopt the AWA and first state to declare AWA punitive and thus cannot be applied retroactively. Residency restriction laws were also declared as punishment and thus cannot be applied retroactively. This means the laws you abide by depend on your date of conviction. Ohio has also tried (unsuccessfully thus far) passing a law requiring Registrants to buy special green license plates for their vehicles. (Ohio already has a DUI car tag law.)

- ❖ Date Registry Established: July 1, 1997
- ❖ Registry Retroactive? No
- ❖ Qualifying event:
- ❖ Online since: January 1, 2001
- ❖ Statutes: O.R.C. Ann. §2950.01 through §2950.99
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: County Sheriff's Office
- ❖ When to register: 3 days for initial reg. of residence or "temporary domicile" if in state for more than 3 days. Those employed for more than 3 days or more than 14 aggregate days in a calendar year shall register w/in 3 days. ORC §2950.04.
- ❖ Frequency/ Length of registration: Ohio utilizes a Three Tiered System; your registration requirements differ depending on whether your conviction date is before or after January 1, 2008 (the date OH implemented their version of the AWA sometimes referred to as SB10).
  - For people convicted before January 1, 2008, Tier levels were assigned due to risk assessments, or the equivalent Tier level from the state you moved from:
    - Tier 1 ("Pre-AWA Sexually oriented" or "child-victim" offender) – Annually for 10 years
    - Tier 2 ("Pre-AWA Habitual SO") – Biannually for 20 years
    - Tier 3 ("Pre-AWA Sexual Predator") – Quarterly for life
  - For those convicted after January 1, 2008, Tier Levels are assigned by offense charged in accordance with AWA rules.
    - Tier 1 – Annually for 15 years
    - Tier 2 – Biannually for 25 years
    - Tier 3 – Quarterly for life
  - Juveniles: Life (Tier III/public registry-qualified offender)/20 years (Tier II)/10 years (Tier I). ORC §2950.07(B). See ORC §2950.07(A) for duration details.

- Out of state offenses, see ORC §2950.07(E) (may apply for credit for time already spent in another jurisdiction).
- ❖ Registry fees: ORC §311.171-172 gives Sheriffs the authority to charge up to \$100 annually (Many do not charge, however, and most take indigence into account.) Under ORC §2950.012, fees can be mandatory while on a “community control sanction.”
- ❖ Community Notification: For Tier III/ Pre-AWA Sexual Predators, neighbors within 1200 feet are notified by mail.
- ❖ Residence restriction: 1,000 ft. from school, preschool, or child day-care premises. ORC §2950.034. This only applies to those convicted after July 31, 2003. (Unlike most states, there is no criminal penalty for violating this law, but you can be forced to move by civil law, i.e., municipal authority files an eviction in civil court.) Some municipalities may have restrictions beyond state levels.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None; some prohibitions may be added as a condition of supervision.
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: You must register if staying at a non-home location for 3 days or longer. May be subjected to residency restrictions and registry fees.
- ❖ Parental Rights: No parental rights if the child was conceived by rape; Ohio notes that mothers can also be convicted of rape and extends this prohibition to females convicted of rape. Sex offense convictions are considered in child custody hearings if the child was the victim. ORC §3109.04; §3109.042; §3109.501 to §3109.507
- ❖ ID Card Law: None
- ❖ Castration Law: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I offender may petition court of common pleas for termination after 10 years; ORC §2950.15(C)(1).
  - Pardon may relieve registration, but no authority on point. See ORC §2967.04(B) (Unconditional pardon "relieves the person to whom it is granted of all disabilities arising out of the conviction").
  - Public registry-qualified juvenile offender Registrants may petition for termination after 25 years. ORC §2950.15(C)(2). Other juvenile offenders may petition for reclassification/declassification three years after completion of disposition. ORC §2152.85.
  - Tier I offenders/registry qualified juveniles: No subsequent conviction/guilty plea/adjudication for any offense other than minor traffic offenses. ORC §2950.15(D)(4). Court considers enumerated factors including evidence of rehabilitation/ employment/ financial responsibility. ORC §2950.15(G). Must complete sex/child-victim offender treatment program. ORC §2950.15(D)(3).
  - Other juvenile offenders: Court considers enumerated factors including nature of offense/criminal history/public interest and safety. ORC §2152.85(C).

## OKLAHOMA

Comment: Oklahoma is one of the more onerous states for Registered Persons. In 2006, local news media reported that OK's 2000 foot residency restriction eliminated 84% of potential housing in Oklahoma City and 94% of potential housing in Tulsa. The state required in-person registration during the COVID-19 pandemic.

- ❖ Date Registry Established: 11/1/1989
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Commission of offense
- ❖ Online since: 1/29/2005
- ❖ Statutes: 21 Okl. Stat. §1125; 57 Okl. Stat. §581 through §590.2
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register:
- ❖ When to register: 3 days for initial reg. of residence or after entering jurisdiction with intent to reside for 7 consecutive days or 14 days in a 60-day period. 3 business days for change of address or other updates. Shorter registration periods apply to out-of-state Registrants with spouses residing in state.
- ❖ Frequency/ Length of registration: OS §57-583(C)
  - Tier 1 – Annually for 15 years
  - Tier 2 – Biannually for 25 years
  - Tier 3 – Quarterly for life
- ❖ Registry fees: None
- ❖ Community Notification: In addition to the website, registry info can be released to public and private elementary schools, state licensed child care facilities and providers, and entities that provide services to children.
- ❖ Residence restriction: 2,000 ft. from their victims, school, “educational institution,” campsite used for children, parks, and day care facilities. OS §57-590.
- ❖ Anti-Clustering: Registrants are banned from living in the same dwelling together. (Does not apply to properly zoned and established boarding house where Registrants are separated into individual dwellings.) OS §57-590.1.
- ❖ Employment restriction: Cannot work at a school or a business providing services to children; cannot certified by the Council on Law Enforcement Education and Training (CLEET) as a peace officer, private investigator, or security guard, and cannot be employed as a criminal investigator. OS §57-589
- ❖ Presence restriction: May not loiter within 500 ft. of school, child care center, playground, or park if convicted for offense involving a minor. “Habitual or aggravated sex offenders” may not enter park. OS §21-1125. Certain exceptions exist to loitering restriction.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: See When to Register. May be subjected to residency restrictions, and police may verify temporary address.
- ❖ Parental Rights: Registered Persons have no parental rights if the child was conceived by rape or if the child is the victim; Households with a Registered Person residing cannot foster or adopt; parental guardianship affidavits contain provisions barring leaving children alone with Registered Persons; It

is assumed allowing child to live in the household of a Registered Person or convicted of failing to report abuse is not in the best interests of the child; children cannot be placed in households where Registered Persons reside without a court order. Registered Persons cannot live in households where minors are present unless the Registered Person is the parent, grandparent, or stepparent of the minor, the minor must not be the victim, and Registered Persons must report to the statewide centralized hotline of the Department of Human Services the name and date of birth of any and all minor children residing in the same household and the offenses for which the person is required to register pursuant to the Sex Offenders Registration Act within three (3) days of intent to reside with a minor child. OS §10A-1-4-705; §10A-1-4-904; §30-2-117; §43-112.2; §43-112.5; §43-150.8; §10-7505-6.3; §57-584; §57-590

- ❖ ID Card laws: State ID/DL cards of Registered Persons will be marked with the words “Sex Offender” (OS §47-6-111). Must be renewed annually, which costs the same as a regular license. OS §47-6-105.3; §47-6-115
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Persons assigned level 1 may petition the district court for termination after 10 arrest and conviction-free years. OS §57-583(E).
  - Pardon may relieve registration requirement but no authority on point. Sex offenses ineligible for deferred adjudication/ expungement under OS §22-991c.
  - Out of state offenses: Registration not required for expunged out-of-state conviction. OS §57-582(E) (SORA shall not apply to anyone "who has received a criminal history records expungement for a conviction in another state for a crime or attempted crime which, if committed or attempted in this state, would be a crime").
  - Youthful offenders convicted of certain rape offenses who were not more than 4 years older than victim, who was 14-17 years old, may petition for relief at sentencing or any time thereafter. OS §57-590.2.
  - Youthful offenders: No other conviction for offenses to which relief applies. OS §57-590.2(a)(1). Relief must not conflict with federal law. OS §57-590.2(B), (C).
  - Level 1: No arrest or conviction for any felony or misdemeanor within preceding 10 years. OS §57-583(E).

## **OREGON**

Comment: Currently, Oregon only lists between 2%-5% of Registered Persons publicly. Oregon is slowly reclassifying in-state Registrants from a two-level scheme to a three-level scheme. (The state has until 12/31/2026 to finish this process.) Until this transition is complete, it is hard to determine how many Registrants will be listed publicly under the new law. Oregon State Police limited registration to telephone registration during the COVID-19 lockdowns. What is listed below has been taken from a variety of Oregon gov’t sources in addition to the laws but the law is a mess during this transition. Oregon was also the birthplace of SOHopeful, a legal defense fund which evolved to become the first nationwide Anti-Registry group in America.

- ❖ Date Registry Established: 10/3/1989
- ❖ Registry Retroactive? No

- ❖ Qualifying event: Unclear
- ❖ Online since: 6/29/2006
- ❖ Statutes: O.R.S. § 163.476; §163A.005 through §163A.235; §181.800 to §181.845; O.A.R. §257-070-0005 through §257-070-0040, §291-202-0040
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Police agency with jurisdiction over the residence (City PD, county sheriff, Or State Police.)
- ❖ When to register: 10 days for initial registration and updates; 10 days for a move into the state. ORS §163A.010 through §163A.020. Starting 1/1/2021, RCs must report name changes within 10 days and Int'l travel 21 days prior to leaving.
- ❖ Frequency/ Length of registration:
  - Under old law (prior to 1/1/2014), Annually for Lifetime (more frequent registration if deemed “Predatory” or “Sexually Violent Dangerous Offender,” the latter of which also had lifetime supervision)
  - New law (1/1/2014 and after): Registrants are classified as Level 1 (low risk), Level 2 (medium risk) or Level 3 (high risk). State law is unless but registry still appears to be for life unless relief from the registry is granted.
- ❖ Registry fees: \$70/ year (However, the penalty is only civil in nature; you are not arrested for failure to pay; instead, your tax returns may be garnished.) (ORS §181.598)
- ❖ Community Notification: Who is notified depends on your classification:
  - Level I (low): A person that lives with the Registrant.
  - Level II (moderate): A person whom the Registrant is in a relationship with Residential Neighbors and churches, Community parks, schools, and child care centers, Convenience stores and businesses, Other places that children or other potential victims may frequent, Long term and residential care facilities
  - Level III (high): All Items under Level II plus Local or regional media sources, Anyone who visits the Oregon State Police Sex Offender Registry Website
- ❖ Residence restriction: “Sexually violent dangerous” offenders and “predatory sex offenders” may not reside “near locations where children are the primary occupants or users.” OAR §291-202-0040.
- ❖ Anti-Clustering: May not live in the same building with another Registrant while On Paper unless authorized or staying in a transitional home. See ORS §144.102
- ❖ Employment restriction: None
- ❖ Presence restriction: Beginning Jan. 1, 2019, neither “Sexually violent dangerous offenders” nor Tier III offenders may enter a “premises where persons under 18 years of age regularly congregate,” including schools, childcare centers, and playgrounds. ORS §163.476
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Does not have provisions for travel or a definition of establishing residence in the state statutes. One resource states registration triggered if staying 14+ days.
- ❖ Parental Rights: No parental rights if child was conceived by rape but may be compelled to pay child support; past pattern of sexual abuse is considered during custody hearings. ORS §107.137; §419B.510
- ❖ ID Card Laws: None

- ❖ Castration Laws apparently repealed: It has been reported that Oregon's castration laws were repealed around 2001. Statutes once associated with Oregon's laws were ORS §144.625 (2001), ORS §144.627 (2001), ORS §144.629 (2001), ORS §144.631 (2001). Based on the Charles and Scott 2003 report (See Reference Note 2), it appears the Oregon statutes were in regards a "pilot program of 40-50 sex offenders per year."
- ❖ Relief from SO Legal Restrictions:
  - Not eligible for relief if: (1) classified as a sexually violent dangerous offender; (2) found guilty or convicted of listed serious offenses; or (3) classified as level 3 sex offender under § 708.7 (2)(b) (2013). ORS §163A.115.
  - Misdemeanor/class C felony offenders may petition circuit court for relief 10 years after termination of supervision/probation. Not available for predatory SOs. ORS §163A.120(1)(a).
  - Level 1 offender: May petition court for relief after 5 years at level one classification. ORS §163A.125(1)(a), (1)(c). Level 2 and Level 3 offenders may petition court for reclassification at a lower offense level after 10 years, ORS §163A.125(2), and ultimately for relief as Level 1.
  - Out of state offense, see ORS §163A.125(1)(d) (may not petition for relief unless law in jurisdiction of conviction would permit it).
  - Pardon/vacatur/reversal relieves registration obligation. ORS §163A.806(3)(d). Set aside under § 137.225 does not provide relief.
  - Certain juvenile offenders may petition for termination 2 years after jurisdiction of juvenile court/Psychiatric Security Review Board terminates, for Class A/B felony sex offense; 30 days for Class C felony sex offense. ORS §163A.130(2), §163A.135(2).
  - Certain offenders less than 5 years older than victim that could not consent because of age may be exempted by court upon conviction/adjudication, and may petition for relief any time thereafter. See ORS §163A.140, §163A.145, §163A.150. Misdemeanor/class C felony: No prior/subsequent sex offense. ORS §163A.120(1)(a)(A). Court considers entire criminal history. ORS §163A.120(2)(d).
  - Certain offenders less than 5 years older than victim: No other sex offense conviction/adjudication. ORS §163A.140(2)(d). Must meet eligibility requirements at ORS §163A.140. For determination made upon conviction/adjudication, state bears burden of proving ineligibility. ORS §163A.145(2), (3). Thereafter, offender bears burden of proving eligibility. ORS §163A.150(6).
- ❖ Level 1 offender: No subsequent conviction for person felony/person class A misdemeanor. ORS §163A.125(3)(a). Court considers all past criminal conduct. ORS §163A.125(5)(i). Clear and convincing evidence that petitioner is statistically unlikely to reoffend and does not pose a threat to the safety of the public. ORS §163A.125(4)(a). Board considers enumerated factors at ORS §163A.125(5).
- ❖ Juvenile: Court may consider entire criminal history. ORS §163A.130(4)(h).
- ❖ Misdemeanor/class C felony/juvenile: Clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public. ORS §163A.120(3), §163A.130(4).

## PENNSYLVANIA

Comment: PA is currently a battleground state. Commonwealth v. Muniz, 164 A.3d 1189 (2017) declared parts of PA's registry scheme was punitive and could not be applied retroactively (i.e., adopting the AWA on Dec. 20, 2012); the state has passed an amended version of SORNA in 2018; in Commonwealth v. Lacombe et al., No. 35 MAP 2018 (Pa. 2020), the courts held the new SORNA law was non-punitive and thus could be constitutionally applied retroactively without violating the Ex Post Facto clause (and additionally found that Pennsylvania's state Post Conviction Relief Act was not the exclusive means through which the constitutionality of sex offense registration may be challenged). The Court undertook similar analysis that it did in Muniz, but decided that the changes to the law — primarily the reduction in the number of times a person subject to SORNA must appear in person to register, as well as a reduction in the number of registrable offenses — rendered it non-punitive.. In-person reporting was suspended during the COVID-19 lockdowns; Registrants registered by mail-in forms.

- ❖ Date Registry Established: 4/21/1996
- ❖ Registry Retroactive? Yes; Those who are convicted of enumerated offenses that occurred between April 22, 1996 and December 20, 2012, and those who were required to register under a prior registration law are required to register but have different rules than those who register under the current SORNA law. See 42 Pa.C.S. § 9799.51- §9799.52.
- ❖ Qualifying event: All (For determining if offender falls under AWA, qualifier is date of offense)
- ❖ Online since: 11/24/2004
- ❖ Statutes: 42 Pa.C.S. §9791 to §9799.9 (all expired); §9799.10 to §9799.75
- ❖ Substantially AWA Compliant: No (was once considered AWA compliant until court rulings declared some aspects of the law could not be applied)
- ❖ Where to register: State Police
- ❖ When to register: 3 business days of establishing residence, temporary lodging, becoming transient, becoming employed, or attending school. 3 business days for updates. 42 Pa. CS §9799.14. "Residence" means place where domiciled for 30 days or more w/in a calendar year. "Temporary lodging" means place where staying for seven days or more. 42 Pa. CS §9799.12. Only those whose offense occurred before 12/20/2012 have the option to report non-scheduled changes of information by mail. Natural disasters do not alter duty to report.
- ❖ Frequency/ Length of registration:
  - For AWA Registrants (offense committed 12/20/2012 and after)
    - Tier I– annually for 15 years
    - Tier II – semiannually for 25 years
    - Tier III/SVP – quarterly for life
    - Transient – monthly regardless of level
  - For Pre-AWA Registrants (Offense committed before 12/20/2012)
    - 10 Year - Annually
    - Lifetime – Annually (quarterly if Sexually Violent Predator/ SVP or Sexually Violent Delinquent Child/SVDC)
  - Out of state offenses, see 42 Pa. CS §9799.15(a)(7) ("period of time equal to the time for which the individual was required to register in another jurisdiction or foreign country"); id. at (4.1)
  - Per In re: J.B., No.87 MAP 2014, Juveniles only register in PA if classified as a SVDC

- ❖ Registry fees: None
- ❖ Community Notification:
  - For SVP/SVDCs: Notices sent persons who live or work within 250 feet of SVP/SPDC's residence or the 25 most immediate residences and places of employment in proximity to offender's residence, whichever is greater. If SVP/SVDC is, notice is given to those persons who live or work within 250 feet of the location or the 25 most immediate residences and places of employment in proximity to the transient's location, whichever is greater. Notices also sent to nearby schools, colleges, day cares, and youth centers.
  - All other Registrants: Only passive notification by Internet website or by signing up for email alerts.
  - Real estate agents are not required to give out registry info to prospective buyers. 42 Pa. CS §9799.71
- ❖ Residence restriction: No statewide restrictions exist, and the PA Supreme Court and a US District Court ruling determined state law preempts any local laws. See *Fross v County of Allegheny*, 848 F.Supp.2d 547 (2012)
- ❖ Anti-Clustering: 42 Pa.CS §9799.25(f) and §9799.55(d) state that no more than five SVPs may live in a group-based home at any one time
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: Yes (Pa. CS §6401 to §6409)
- ❖ Travel regulations: 3 business days of establishing temporary lodging. §9799.14. "Temporary lodging" means place where staying for seven days or more. 42 Pa. CS §9799.12.
- ❖ Parental Rights: Court considers many offenses during custody hearings; knowingly leaving a child unattended with a RC classified Tier II or above is considered child abuse; No parental rights if child was conceived by rape but may be compelled to pay child support; parental rights of Registered Persons could be terminated based on inclusion on registry, including for out-of-state offenses. Pa. CS §23-2511; §23-4321; §23-5329
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No early termination of registration requirements available for adult offenses, other than pardon. 42 Pa. CS §9799.23(b)(2).
  - A pardon is grounds for expungement, which removes all collateral consequences including registration requirements. See *Commonwealth v. C.S.*, 534 A.2d 1053 (Pa. 1987).
  - Certain people with juvenile offenses may petition for termination after 25 years. 42 Pa. CS §9799.17(a)(1).
  - Not available for sexually violent delinquent child, sexually violent offender required to register for life/15/25 years, SVP. 42 Pa. CS §9799.17(e).
  - Juvenile offenses: No subsequent conviction for sexually violent offense/felony/2nd degree or higher misdemeanor. 42 Pa. CS §9799.17(a)(2). Clear and convincing evidence that allowing the petitioner to terminate the obligation to register is not likely to pose a threat to the safety of any other person. 42 Pa. CS §9799.17(b)(2). Must successfully complete court-ordered supervision/treatment program. 42 Pa. CS §9799.17(a)(3), (4). \*Lifetime registration for juvenile

offenses was struck down by the PA Supreme Court in 2014. See In re: J.B., 107 A.3d 1 (P.A. 2014).

## **PUERTO RICO**

Comment: This is the only US Territory not substantially AWA compliant.

- ❖ Date Registry Established: 7/1/1997
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction or incarcerated at time act was established
- ❖ Online since: Est. 2004
- ❖ Statutes: 4 L.P.R.A. §536 through §536h
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Police Headquarters of residence jurisdiction
- ❖ When to register: 3 business days for initial registration and updates. 4 LPRA §536c. Residence defined as “the location of a person’s home or the place where the person habitually lives.” 4 LPRA §536(13). Those convicted in other jurisdictions “in Puerto Rico by reasons of work or study” required to register w/in 3 calendar days after arrival, “even if such offender does not intend to establish a residence.” 4 LPRA §536c.
- ❖ Frequency/ Length of registration: Uses a standard 3-Tier System-
  - Tier 1 – Annually for 15 Years
  - Tier 2 – Biannually for 25 years
  - Tier 3 (And those deemed “Dangerous Sexual Offender”) – Quarterly for life
- ❖ Registry fees: None
- ❖ Community Notification: Only online or by in-person request. 4 LPRA § 536e
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None noted
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: None
- ❖ Travel regulations: No specific provision for visitors
- ❖ Parental Rights: N/A
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: A Tier I Registrant can petition for removal from the registry after 10 years. 4 LPRA §536c

## **RHODE ISLAND**

Comment: Residency restrictions were not enforced due to litigation, but some reports state residency restrictions may be enforced when the revisions to the registry laws take effect on 7/1/2020.

- ❖ Date Registry Established: 1992
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 4/13/2005
- ❖ Statutes: R.I. Gen. Laws §11-37.1-1 through §11- 37.1-20
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local Police
- ❖ When to register: 24 hours for initial registration and updates for all Registrants who are moving to state, working in state, or are students. RIGL §11-37.1-4.
- ❖ Frequency/ Length of registration: Applies to before and after 7/1/2020:
  - SVP/ recidivist/ aggravated offenders– Register annually for life, verify address quarterly for life
  - All others – Register annually for 10 years, verify address quarterly for first 2 years
  - Juveniles: 15 years for SVP/aggravated crimes/10 years. RIGL §11-37.1-4(j).
- ❖ Registry fees: None
- ❖ Community Notification:
  - Only Level II and Level III Registrants are listed on the public registry website.
  - If risk of re-offense is low, law enforcement agencies and any individuals identified in accordance with the parole board guidelines shall be notified;
  - If risk of re-offense is moderate, organizations in the community likely to encounter the person registered shall be notified in accordance with the parole board's guidelines, in addition to the notice required by subsection (b)(1);
  - If risk of re-offense is high, the members of the public likely to encounter the person registered shall be notified through means in accordance with the parole board's guidelines designed to reach members of the public likely to encounter the person registered, in addition to the notice required by subsections (b)(1) and (b)(2).
- ❖ Residence restriction: RIGL §11-37.1-10
  - Level III cannot knowingly reside within 1,000 ft. of any public or private school
  - All others cannot reside within 300 ft. of any public or private school.
- ❖ Employment restriction: N/A
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Statutes make no provision for visitors. Rolfe survey states that visitors have 14 days to register. Contact registration officials in Rhode Island to confirm requirements prior to visiting: <http://www.paroleboard.ri.gov/>
- ❖ Parental Rights: No parental rights if child was conceived by rape; if the child is the victim, visitation rights can be regained only if the Registered Person engages in counseling and the court determines visitation is in the best interest of the child. RIGL §15-5-16
- ❖ ID Card Law: None

- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination.
  - Tier II/III subject to community notification may seek review of assessed notification level/manner of notification ordered. RIGL §11-37.1-13. In case of a juvenile, "the court shall assess the totality of the circumstances of the offense and if the court makes a finding that the conduct of the parties is criminal only because of the age of the victim, the court may have discretion to order the juvenile to register as a sex offender as long as the court deems it appropriate to protect the community and to rehabilitate the juvenile offender." RIGL §11-37-1-4(j).
  - Community notification: "Preponderance of the evidence that the determination on either the level of notification or the manner in which it is proposed to be accomplished is not in compliance" with law governing registration/notification. RIGL §11-37.1-16

## **SOUTH CAROLINA**

Comment: Under 23-3-510, using the registry as the basis for vigilante activity is a sentence enhancement of up to 6 months if a misdemeanor and up to 5 years for a felony.

- ❖ Date Registry Established: 7/1/1994
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction/ Not Guilty-Insanity
- ❖ Online since: 9/1/1998
- ❖ Statutes: S.C. Code Ann. §23-3-400 through §23-3-550
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: County Sheriff's Office
- ❖ When to register: 3 business days for initial reg. and updates for "residence." Residence/ temporary residence means one's home, or any place where one "habitually resides" or resides for a period of 10 consecutive days or more. Staying in the state for 30 or more days during a 12-month period also establishes a residence.
- ❖ Frequency/ Length of registration: Lifetime regardless of classification. SCC §23-3-460.
  - Tier I/II – Biannually
  - Tier III and SVP – Quarterly
- ❖ Registry fees: None
- ❖ Community Notification:
  - Members of the public can make written requests for further info; sheriffs can release registry info to newspapers/ publications. SCC §23-3-490.
  - Real estate brokers are allowed to disseminate info. SCC §23-3-525.
- ❖ Residence restriction:
  - For certain offenses against minors, may not reside within 1,000 ft. of school, day care center, "children's recreational facility," park, or playground. SCC §23-3-535. Does not apply if Registrant established residence before restricted zone established or before offense was committed, if in an approved shelter/ assisted living/ nursing home.

- While On Paper, you may be banned from residing within 1000 feet from schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or any place minors (under 18) congregate.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: No statewide law; while On Paper, you are prohibited from working within 1000 feet schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or other places children congregate; the same rules apply to businesses that sell sexually explicit materials.
- ❖ Presence restriction: No statewide law; while On Paper, you are prohibited from entering or loitering within 1000 feet schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or other places children congregate; the same rules apply to businesses that sell sexually explicit materials.
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes (SCC §44-48-10 to §44-48-170)
- ❖ Travel regulations: Registration required if you are planning to visit for 10 days or more. Visiting Registrants are placed on state's website and not removed. May also be required to pay a fee and have police verify temporary residence. May be subjected to residency restrictions.
- ❖ Parental Rights: Parental rights can be terminated if the child was conceived by rape or any child in the household was abused by the Registered Person; no adoption or foster considerations for households with Registered Persons over age 18, except if the offense is pardoned and the court decides there is no danger to the child. SCC §63-7-1640; §63-7-2350; §63-7-2570
- ❖ ID Card Law: None
- ❖ Castration Law: None
- ❖ Relief from SO Legal Restrictions:
  - No provision for early termination. Pardon does not result in removal from registry unless granted for innocence ("based on a finding of not guilty specifically stated"). SCC §23-3-430(F).
  - No relief provisions specific to juveniles/youthful offenders.

## **SOUTH DAKOTA**

Comment: Both the state and every Indigenous Nation within the state are substantially AWA compliant.

- ❖ Date Registry Established: 1994
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 2006
- ❖ Statutes: SDCL §22-24B-1 through §22-24B-36
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Sheriff's Office
- ❖ When to register: 3 business days for initial reg. and updates
- ❖ Frequency/ Length of registration: SDCL §22-24B-2.1; SDCL §22-24B-7– All Registrants report biannually
  - Tier 1 – 10 years Minimum

- Tier 2 – 25 Years Minimum
- Tier 3 – Lifetime
- Annual verification form mailed to Registrants. §SDCL 22-24B-5. Annual at home verification required by SDCL §22-24B-8.1
- ❖ Registry fees: None
- ❖ Community Notification: SD’s community notification provisions deviate from SORNA requirements in that updates to Registrant’s employment or school enrollment information are not automatically shared with the general public via email from the state’s registry website. As described in Section IX, this information is available at the police station of the municipality where the Registrant resides, temporarily domiciles, attends school or works.
- ❖ Residence restriction: 500 ft. from school, park, public playground, or public pool. Some exceptions apply, see SDCL §22-24B-23.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: (SDCL §12-1-32 to §12-1-34) No Registrant may circulate any petition, either on the Registrant's own behalf or on the behalf of, or in the employ of, another person in any place frequented by the public or door to door on private property; exception if Registrant is working under immediate supervision of another, and in no contact with children, or if the Registrant is circulating any nominating petitions on his or her own behalf for election to any federal, state, or local office for which the registered sex offender is otherwise qualified.
- ❖ Presence restriction: May not “loiter” within 500 ft. from school, park, public playground, public pool, or library unless Registrant committed offense as a minor and was not convicted as an adult or if court grants an exception to this rule. SDCL §22-24B-24. Petitions for exemption possible.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Visitors also subject to 3 business day registration requirement. SDCL §22-24B-2. Per Rolfe Survey, visiting Registrants are placed on state’s website and not removed; fees may be required; temporary address may be verified by LEO; may be subjected to residency restrictions.
- ❖ Parental Rights: Assumed parental rights for child conceived by rape is not in best interest of the child but allows for challenge; allowing a Registered Person to spend unsupervised time with a child can affect custody rights; Courts are not compelled to reunify child with parent on the registry. SDLR § 25-4A-20; §25-4A-24; §26-8A-21
- ❖ ID Card Laws: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Certain Tier I offenders convicted of statutory rape and related crimes may petition circuit court of residence for removal after 5 years. SDCL §22-24B-17, 19. Certain Tier II offenders convicted of incest/bestiality may petition court for removal after 25 years. SDCL §22-24B-19.1.
  - Registrants of any Tier may petition for exemption from community safety zone restrictions only after 10 years. SDCL §22-24B-27. Not available for offense against child under 13. SDCL §22-24B-27(5).
  - Registration terminates upon dismissal following deferred adjudication under SDCL §23A-27-14. SDCL §22-24B-2.
  - Tier I juvenile and youthful offenders convicted of certain age-based offenses may petition for termination after 5 years. SDCL §22-24B-19.

- Registration terminates upon dismissal following suspended adjudication under SDCL §26-8C-4, §22-24B-2.
- All relief (other than deferred adjudication): Not available for recidivist sex offenders. SDCL §22-24B-19(4), §22-24B-19.1(4), §22-24B-27(2). Court considers full criminal record. SDCL §22-24B-18(4), §22-24B-26(4).
- 25 year Tier II/Tier I juvenile or youthful offender: Must demonstrate that petitioner does not pose a risk or danger to the community. SDCL §22-24B-19(6), §22-24B-19.1(6).
- Community safety zone restrictions: Can apply after 10 years of living in the state (not counting time in prison/ mental institution); Crime cannot have involved anyone under age 13. Court must find that petitioner is not likely to offend again. §22-24B-27, §22-24B-28.
- Pardon may relieve registration obligation, per specific provisions in pardon regulations. See <http://doc.sd.gov/documents/forms/clemency/ExecutiveClemencyInstructions.pdf>
- Pardon: Board may require psychosexual evaluation. Executive Clemency Application Information and Instructions, SD Board of Pardons and Paroles 3, <http://doc.sd.gov/documents/forms/clemency/ExecutiveClemencyInstructions.pdf>.
- Eligibility for removal from registry of Registrant who has committed out-of-state offense: (SDCL §22-24B-33) No Registrant, who has committed a registerable offense in some other state is eligible to petition to request removal from the registry unless the Registrant is also eligible to petition, under substantially equivalent provisions, to request removal from the registry in the state in which the registerable offense occurred.

## TENNESSEE

Comment: In recent years, there has been a push to make Tennessee laws similar to Alabama laws. Both states have similar restrictions, including parental rights laws banning Registered Persons from living with minors under most circumstances.

- ❖ Date Registry Established: 1/1/1995
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 7/1/1997
- ❖ Statutes: Tenn. Code Ann. §§40-39-201 to 40-39-306
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Local police, or Sheriff's office in unincorporated community
- ❖ When to register: 48 hours for initial registration and updates, but "48 hours" does not include weekends and holidays. TCA §40-39-202(32). "Primary residence" established after 5 consecutive days. "Secondary residence" means any residence for 14 or more aggregate days in a calendar year, or 4 or more days in a month. "Residence" means physical presence. TCA §40-39-202, §40-39-203.
- ❖ Frequency/ Length of registration:
  - Violent (incl. Juvenile) SOs: report in person every March, June, Sept., and Dec. for life.
  - Once a year, all sexual offenders shall report in person, no earlier than seven (7) calendar days before and no later than seven (7) calendar days after the offender's date of birth.
  - Homeless register monthly.

- “Sexual offenders” may file a request for termination of registration requirements with TBI Headquarters in Nashville ten years after the date the offender expires his/her sentence. Offenders convicted of certain offenses of statutory rape before July 1, 2006, may apply for termination from the registry immediately. If it is determined that the offender has not been convicted of any additional sexual offenses during the ten year period, and the offender has substantially complied with the registration requirements, the TBI shall remove the offender’s name from the Registry and shall notify the offender that he/she is no longer required to register. (Implies non-violent Registrants register for life until this request is granted.)
- ❖ Registry fees: \$150 Annually; local agencies can charge up to \$50 more to pay for local community notification laws; failure to pay is FTR unless declared indigent. TCA §40-39-201, §208, §217
- ❖ Community Notification:
  - Tennessee Internet Criminal Information Center Hotline allows info on specific offender info requested by phone. TCA §40-39-206
  - City/ County governments have the option to pass notification law ordinances and require \$50 annual fee, which can include notification to residence within proximity of a Registrant, fliers by mail or hand delivered, newspaper posts, and other methods. TCA §40-39-217
- ❖ Residence restriction: TCA §40-39-211
  - 1,000 ft. from school, day care center, child care facility, public park, playground, recreation center or athletic field, or the offender’s victim or victim’s family. Exception applies if residence established before prohibited area established.
  - Violent offenders and those with convictions against minors may not reside in on-campus housing of any institution of higher education. (passed Apr. 4, 2016)
- ❖ Anti-Clustering: “While mandated to comply with the requirements of this part, it is an offense for three (3) or more sexual offenders, as defined in TCA §40-39-202, or violent sexual offenders, as defined in TCA §40-39-202, or a combination thereof, to establish a primary or secondary residence together or inhabit the same primary or secondary residence at the same time (unless property zones for other than residential use).” TCA §40-39-211 (h)(1)(A)
- ❖ Employment restriction:
  - Cannot “knowingly accept employment within one thousand feet (1,000’) of the property line of any public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center, or public athletic field available for use by the general public.” TCA §40-39-211(a)(1) Exception if job created before prohibited area established.
  - Registrants whose victims were minors (TCA §40-39-215):
    - Cannot pretend to be, dress as, impersonate or otherwise assume the identity of a real or fictional person or character or a member of a profession, vocation or occupation while in the presence of a minor or with the intent to attract or entice a minor to be in the presence of the offender;
    - Cannot engage in employment, a profession, occupation or vocation, regardless of whether compensation is received, that the offender knows or should know will cause the offender to be in direct and unsupervised contact with a minor
    - Cannot operate, whether authorized to do so or not, any vehicle or specific type of vehicle, including, but not limited to, an ice cream truck or emergency vehicle, for the purpose of attracting or enticing a minor to be in the presence of the offender.
- ❖ Presence restriction:

- 1,000 ft. from school, day care center, child care facility, public park, playground, recreation center or athletic field, with exceptions. TCA §40-39-211
- Can be banned from public libraries at the discretion of the library board/ administrator. See TCA §40-39-216
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Visitors must register within “48 hours” of entering state. TCA §40-39-202, §40-39-203. Police may verify temporary address; may be subjected to residency restrictions.
- ❖ Parental Rights: No parental rights if child conceived by rape; Registered Persons with minor victims cannot live with any child that is not their biological child, or any child if the victim was their own child, under age 12, or considered a violent offense; if a parent is trying to receive temporary or permanent custody of a child, a Registered Person cannot be around the child or be in the household; any criminal conviction can be used to determine whether there is a risk to the child. TCA §36-1-113; §36-6-102; §36-6-406; §40-39-211
- ❖ ID Card Laws: State ID/DLs are marked with a special mark known only to law enforcement (TCA §55-50-353), and Registrants must carry this marked State ID/DL at all times (TCA §40-39-213).
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Registrants with non-violent offenses may petition Tenn. Bureau of Investigation for termination after 10 years if victim was not 12 or younger / Registrants with an offense of sexual contact with inmates may petition after 3 years. TCA §40-39-207(a)(1), (3). Judicial review of TBI denials. TCA §40-39-207(g).
  - Out-of-state offenses, see TCA §40-39-207(i)(4) (may apply for relief to TBI the later of 10 years after supervision or 5 years after being added to TN registry).
  - Aggravated prostitution relief: A person required to register solely due to a conviction for aggravated prostitution may petition the sentencing court any time after a verdict or finding of guilty, for termination of the registration requirements based on the person's status as a victim of human trafficking offense, a sexual offense, or domestic abuse. TCA §40-39-207(a)(4), §40-39-218. Must only be required based on aggravated prostitution and not have any sex offense conviction during registration. TCA §40-39-218(c). Court must determine petitioner has been a victim of human trafficking, a sexual offense, or domestic abuse, and that "the person should not be required to comply" with the registration requirements. TCA §40-39-218(c)(4).
  - If the person is required to register due to a diversionary plea taken under § 40-35-313, they may file a request for termination of registration upon successful completion of a term of judicial diversion and dismissal of charges. TCA §40-39-207(a)(1).
  - Expungement provides relief, TCA §40-39-207(a)(2), but sex offenses may not be expunged following diversion, TCA §40-32-101(a)(1)(D); see also TCA §40-32-101(g) (ineligible for conviction expungement are: (1) any felony or misdemeanor sex offense requiring registration, committed prior to November 1, 1989; (2) any felonies committed on or after November 1, 1989, except listed class E felonies; and listed misdemeanors committed on or after November 1, 1989).
  - Pardon may relieve registration requirement but no authority on point.
  - Certain violent juvenile offenders may petition for relief at age 25 if victim was not 12 or younger. TCA §40-39-207(j)(3).

- Juvenile/youthful sex offenses are ineligible for expungement, TCA §37-1-153(f)(1)(A).
- Non-violent offenders: No prior/subsequent sex offense adjudication/conviction. § 40-39-207(c), (g), (j)(1)-(2).
- Violent juvenile offender: No subsequent sex offense conviction. TCA §40-39-207(j)(3).
- Successful completion of diversion: The person is removed from the registry and is no longer required to register if it is determined that they have successfully completed diversion. TCA §40-39-207(a)(1).

## **TEXAS**

Comment: Texas is the largest state that has been penalized for rejecting the AWA; however, Texas determined it would cost the state about \$38 million to implement the AWA as opposed to \$2 million to reject the AWA, so it chose not to spend \$38 million. During the COVID-19 pandemic, DMV stations were closed, and many Registrants could not renew their annual licenses.

- ❖ Date Registry Established: 9/1/1991
- ❖ Registry Retroactive? To 9/1/1970
- ❖ Qualifying event: Conviction/ Adjudication
- ❖ Online since: 1/1/1998
- ❖ Statutes: Tex. Code Crim. Proc. §62.001 through §62.408
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local Police (or County Sheriff if in unincorporated area)
- ❖ When to register:
  - Registration required for residence of “more than 7 days,” and must register by the 7th day. Updates after 7 days. TCCP §62.051, §62.055.
  - Transient Registrants must report every 30 days. TCCP §62.051.
- ❖ Frequency/ Length of registration:
  - Texas has two registration Tiers for adults:
    - Regular Offenders: Annually for 10 years minimum
    - Those convicted of “sexually violent offenses”, obscenity, trafficking, CP offenses, and similar crimes for life. Those convicted of multiple offenses report quarterly; those civilly committed perform monthly verifications. Some lifetime Registrants register only annually.
  - Juveniles (including those tried in criminal court): 10 years. TCCP §62.101(b), (c)(1).
  - Registration time does not begin until release from incarceration or from community supervision.
  - At any time a registering agency may mail a verification form to a Registrant and upon receipt of the form, the Registrant is required to complete and return the form to the registering agency within 21 days after receipt.
- ❖ Registry fees: None
- ❖ Community Notification: Besides the public website, Texas utilizes Postcard Notification of Civilly Committed and High-Risk Offenders, newspaper announcements, school notices, and discretionary notices from certain agencies.
- ❖ Residence restriction:
  - Campus restrictions: A Registrant may not reside on the campus of a public or private institution of higher education unless the Registrant is assigned a low risk based on an assessment conducted

- using the screening tool developed or selected under TCCP §62.007; and the institution approves the person to reside on the institution's campus.
- No other statewide restrictions, but municipalities are allowed to create their own restrictions
  - ❖ Anti-Clustering:
  - ❖ Employment restriction:
    - TCCP §62.063: On or after September 1, 2013 a person who has a reportable conviction for a sexually violent offense may not:
      - Operate or offer to operate a bus,
      - Provide or offer to provide a taxicab or limousine transportation service,
      - Provide or offer to provide any type of service in the residence unless the provision of service will be supervised, or
      - Operate or offer to operate any amusement ride.
    - State law regulating a particular trade, occupation or profession may bar Registrants from certain trades, professions or occupations. Consult the laws on restrictions for the particular job.
  - ❖ Presence restriction: None statewide; Texas community supervision and parole laws, as well as city ordinances (allowed by TX Local Gov't Code §341.906), allows the establishment of "child safety zone." A "child safety zone" prohibits certain individuals from going in, on, or within a specified distance (maximum 1000 feet) of a premise where children commonly gather (i.e. school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church). A violation of the "child safety zone" can result in the revocation of the offender's probation or parole, or a citation.
  - ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
  - ❖ Civil Commitment: Yes; Texas has a community-based commitment program (meaning treatment done on an outpatient rather than inpatient basis; most civilly committed are not detained inside institutions. TCCP §62.202)
  - ❖ Travel regulations: Registration required for 3 or more visits of 48 consecutive hours' duration to TX municipality or county other than place of permanent registration, or for 7 consecutive days. TCCP §62.051, §62.055, §62.059. May be subjected to local residency restrictions; visitors may be placed on website.
  - ❖ Parental Rights: Parental rights may be terminated if the offense was an offense where injury was caused to the child, or if the child was conceived by rape. If the other parent marries or cohabits the Registered Person whose child together was conceived by rape within 2 years after the birth of the child, the parental rights can be terminated. TX Fam. Code 161.001; 161.007
  - ❖ ID Card Law: State ID/ DLs must be renewed annually. TCCP §62.060
  - ❖ Surgical Castration Law: Under TX Gov't Code § 501.061, A physician employed or retained by the department may perform an orchiectomy on an inmate only if: (1) the inmate has been convicted of an offense under Penal Code §21.02 , §21.11, §22.011(a)(2) , or §22.021(a)(2)(B), and has previously been convicted under one or more of those sections; (2) the inmate is 21 years of age or older; (3) the inmate requests the procedure in writing; (4) the inmate signs a statement admitting the inmate committed the offense described by Subsection (a)(1) for which the inmate has been convicted; (5) a psychiatrist and a psychologist who are appointed by the department and have experience in the treatment of sex offenders: (A) evaluate the inmate and determine that the inmate is a suitable

candidate for the procedure; and (B) counsel the inmate before the inmate undergoes the procedure; (6) the physician obtains the inmate's informed, written consent to undergo the procedure; (7) the inmate has not previously requested that the department perform the procedure and subsequently withdraw the request; and (8) the inmate consults with a monitor as provided by Subsection (f)

- ❖ Relief from SO Legal Restrictions:
  - May petition sentencing court for early termination after completion of minimum federal registration period (see Texas Offenses Tiered Under the Federal Adam Walsh Act at <https://records.txdps.state.tx.us/SexOffender/>). TCCP §62.404, §62.405. Does not apply to registration as condition of parole, mandatory supervision, or community supervision. TCCP §62.408.
  - Pardon relieves obligation to register only if granted for innocence. §62.002(c). Sex offenses are ineligible for sealing following deferred adjudication. Tex. Gov't Code §411.0735(c-1).
  - Certain youthful offenders may petition for relief at sentencing or any time thereafter. TCCP §62.301(b).
  - Juvenile offenders may move for relief at any time. TCCP §62.352, §62.354. Juvenile records may not be sealed until obligation to register is terminated. TX Fam. Code §58.256(d)(2). Court must determine that protection of the public would not be increased by registration, or increase in public protection is clearly outweighed by anticipated substantial harm to offender or their family. TCCP §62.352(a).
  - Youthful offenders: No prior/subsequent registerable offense. TCCP §62.301(b)(1). Court must find by preponderance of evidence that exemption does not threaten public safety/ conduct was consensual/ exemption is in the best interest of victim and justice. TCCP §62.301(d).
  - Termination after minimum federal period: Court has discretion. TCCP §62.405. Determination based on individual risk assessment. See TCCP §62.403. Must prove that offense qualifies under federal schedule. TCCP §62.405.

### **US VIRGIN ISLANDS (Territory)**

Comment: This US territory in the Caribbean is also AWA compliant.

- ❖ Date Registry Established: 10/31/1997
- ❖ Registry Retroactive? N/A
- ❖ Qualifying event: Conviction
- ❖ Online since: N/A
- ❖ Statutes: 14 V.I.C. Title 14, §1721 through §1733
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: Department of Justice
- ❖ When to register: 3 business days for initial registration and updates. VIC §1724. "Reside" means place where one habitually lives or sleeps for more than 30 days/yr. VIC §1721(j).
- ❖ Frequency/ Length of registration: USVI uses the standard AWA scheme.
  - Tier I offenders, annually for 15 years.
  - Tier II offenders, biannually for 25 years.
  - Tier III offenders, quarterly for life.
  - Homeless: Monthly regardless of Tier Level.

- Has a “retroactive registration” clause if person previously convicted for sex offense is reconvicted for any crime. VIC §1732
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up for email alerts, VIC §1726; schools/ child care facilities within 1 mile are notified, and the police are given discretion to use other notification methods. VIC §1727
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: Cannot operate or work at any school, day-care centers, schools, after-school programs, summer programs/ camps, or any other place deemed a ‘child care facility.’ VIC §1729
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: None
- ❖ Travel regulations: All visitors and individuals who are required to register pursuant to this chapter and who will be present in the territory for less than 30 days in any given year, must contact the Department of Justice in order to notify the Department of his or her presence in the territory as well as all arrival and departure information. VIC §1721(j).
- ❖ Parental Rights: Cannot act as a foster or adoptive home. 14 VIC § 1729 (2019)
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: VIC §1724
  - (e) A sex offender may have their period of registration reduced as follows:
    - (1) A “Tier 1” may have his or her period of registration reduced to 10 years only after he or she has maintained a clean record for 10 consecutive years and the SO Registry Board has made a favorable determination regarding the risk of re-offense and the degree of dangerousness the sex offender poses to the community.
    - (2) A Tier 3 may have his or her period of registration reduced to 25 years only if he or she was adjudicated delinquent of an offense as a juvenile that required Tier 3 registration and he or she has maintained a clean record for 25 consecutive years and the Sex Offender Registry Board has made a favorable determination regarding the risk of re-offense and the degree of dangerousness the sex offender poses to the community.
  - (f) For the purposes of this chapter, a sex offender has a clean record which would allow for the reduction of his or her period of registration if:
    - (1) The sex offender has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
    - (2) The sex offender has not been convicted of any sex offense;
    - (3) The sex offender has successfully completed, without revocation, any period of supervised release, probation, or parole; and
    - (4) The sex offender has successfully completed an appropriate certified sex offender treatment program.

## UTAH

Comment: Utah made headlines in 2020 for threatening to place a woman on the public registry for going topless in her own home. In 2006, the Utah Supreme Court had overturned a case of a 13 year old girl who was considered both a victim and offender of the same offense for engaging in mutual relation with a 12 year old boy (both were charged with sex with a minor under 14); one of the justices compared the case to the act of “dueling.”

- ❖ Date Registry Established: 3/30/1983
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Release Date
- ❖ Online since: 7/1/1998
- ❖ Statutes: Utah Code Ann. §77-41-101 to §77-41-112; Utah. Code Ann. §77-27-21.7 to §77-27-21.9; U.A.C. §R251-110-1 to §R251-110-5
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local police (or county Sheriff if not in incorporated area)
- ❖ When to register: All must register “within 10 days of entering the state, regardless of the offender’s length of stay.” UC §77-41-105. Updates required w/in 3 business days. UC §77-41-105.
- ❖ Frequency/ Length of registration:
  - 10 years (or lifetime if offenses are listed in UC §77-41-106). Updates biannually both during the month of the offender's birth and six months after the offenders' birth month UC §77-41-105.
  - Juveniles: 10 years. UC §77-41-105(3)(a), (c).
  - Out of state offenses, see UC §77-41-105(3)(b) (must register for time required by convicting jurisdiction, either biannually or quarterly if convicting state requires it)
- ❖ Registry fees: \$100 Annually; \$25 more can be charged if the registering agency is other than the DOC. Does not mention exceptions made for indigence. UC §77-27-21.5
- ❖ Community Notification: UT residents can sign up for email alerts.
- ❖ Residence restriction: Cannot reside within 1,000 ft. of victim, with exceptions. UC §77-27-21.7.
- ❖ Anti-Clustering: No
- ❖ Employment restriction: No explicit restrictions but see prohibited areas under presence restrictions.
- ❖ Presence restriction:
  - “Sex Offender in Presence of Child Law:” Registrants w/ convictions involving minors under 14 years old cannot invite the minor to accompany him or her absent parental consent, with exceptions. UC §77-27-21.8.
  - Special restriction on soliciting children to accompany a Registrant with a conviction involving minors. UC §77-27-21.8.
  - May not be on premises of a day care or preschool, public swimming pool, school, Community Park open to the public, playground that is open to the public. Exceptions for access to schools when carrying out “necessary parental responsibilities” and day care center or preschool when in building for other purposes.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No

- ❖ Travel regulations: All must register “within 10 days of entering the state, regardless of the offender’s length of stay.” UC §77-41-105. Visiting Registrants are placed on state’s website and not removed; may be subjected to residency restrictions.
- ❖ Parental Rights: No parental rights if the child was conceived by rape without agreement by both the victim and court agree or both parents cohabit and create a home together with the child; Child support can still be required; Reunification services are denied to Registered Persons. UC §76-5-414; §78A-6-312
- ❖ ID Card Laws: Requires Registrant to keep state ID/DL current (UC §53-3-806.5); no special mark is placed on the card nor is it required to be renewed annually.
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - 10 year Registrants convicted of less serious offenses may petition sentencing court 5 years after completion of sentence UC §77-41-112(1)(a), UC §77-41-105(3)(c)(ii).
  - A provision enacted in 2019 authorizes 10 year Registrants to petition the court for relief from registration 10 years after sentence to probation or release on parole, if certain conditions relating to other convictions are met. UC §77-41-112(1)(b).
  - Expungement does not provide relief. § 77-41-109. Pardon may relieve registration requirement but no authority on point. See UC §77-27-1(12).
  - No relief provisions specific to juveniles/youthful offenders.
  - 5 year relief for 10 year Registrants: No conviction for any crime other than traffic offenses. UC §77-41-112(1)(a). Court must determine that removal is not contrary to the interests of the public. UC §77-41-112(6)(b). Must complete all ordered treatment, registration requirements, and restitution. UC §77-41-112(1)(a).
  - 10 year relief for 10 year Registrants: no conviction for a class A misdemeanor or felony within the most recent 10-year period. UC §77-41-112(b)(iii); must complete all ordered treatment, registration requirements, and restitution. UC §77-41-112(1)(b).

## **VERMONT**

Comment: Vermont’s claim to fame is a relatively successful treatment program largely utilizing the Circles of Support and Accountability.

- ❖ Date Registry Established: 9/1/1996
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction or incarceration; for out-of-state cases, anyone convicted/ released from prison on/ after 7/1/1986
- ❖ Online since: 10/1/2009
- ❖ Statutes: 13 V.S.A. §5401 through §5414; C.V.R. §28-050-002
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: State Police
- ❖ When to register:
  - Initial registration within 10 days of establishing residency, which means 10 or more consecutive days in the state. Updates within 3 days. 13 VSA §5407

- Within 10 days of their birthday Registrants receive an annual letter from VCIC verifying their current address. They must complete the form and return it to VCIC within 10 days.
- ❖ Frequency/ Length of registration:
  - SVPs, those with multiple convictions, and those convicted of Sexual Assault/ Aggravated Sexual Assault update quarterly for life;
  - Regular Offenders register annually for 10 years. §5407.
  - Out of state offenses, see 13 VSA §5407(a)(1).
  - “Noncompliant high-risk sex offenders” (individuals convicted of lewd and lascivious conduct with a child, sexual assault, aggravated sexual assault (or any attempt to commit one of these offenses), who are designated as a high-risk SO, AND noncompliant with treatment as defined by DOC) must register monthly and make immediate updates, get pictures updated annually, plus be subjected to periodic visits from registration officer.
- ❖ Registry fees: None
- ❖ Community Notification:
  - No specific mandate by statute; law enforcement may be allowed to conduct broader community notification beyond persons who are likely to encounter a sex offender but only under circumstances which constitute a compelling risk to public safety and only after consultation with VCIC and the Department of Corrections.
  - Two levels of notification:
    - Normal Notification: information regarding an offender can be released to a member of the public if the caller can articulate a public safety concern regarding themselves or another person
    - Heightened Notification: It is NOT necessary for the caller to have a public safety concern for requesting information. In these cases additional information about a Registrant will also be released. Applies to any Registrant deemed high risk, including recidivists, FTR cases, those convicted for (aggravated) sexual assault. And SVPs
- ❖ Residence restriction: None
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Visitors intending to reside for 10 consecutive days or 30 days in a calendar year must register w/in 10 days of arrival. C.V.R. §28-050-002, 3.8. Visiting Registrants are placed on state’s website and not removed.
- ❖ Parental Rights: Courts can terminate parental rights if the child was conceived by rape or if the Registered Person was convicted for sex trafficking with the non-Registered parent as the victim, but child support can be compelled. 15 VSA §665
- ❖ ID Card laws: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - No general provision for early termination.
  - Registration obligation terminates after completion of deferred sentence agreement. 13 VSA §5401(15).

- Expungement terminates registration obligation. CVR §28-050-002, 3.11(d). Registration obligations may not be relieved under Uniform Collateral Consequences of Conviction Act. 13 VSA §8012(a)(1). Pardon may relieve registration requirement but no authority on point.
- Termination of website posting upon expungement or pardon. CVR §28-050-002, 4.7.
- A person whose conviction is reversed and dismissed is not required to register and the information in the registry is removed and destroyed. 13 VSA §5413.
- No registration for juvenile adjudications.

## **VIRGINIA**

Comment: In 2019, Governor Ralph Northam vetoed HB 2303, which would have required Registrants to disclose their registry status and allow shelters to deny a Registrant's entry. Under Code of Va., § 46.2-725, a Registered Person cannot buy a state-issued vanity license plate sold to benefit any child-focused charities or organizations.

- ❖ Date Registry Established: 7/1/1994
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction
- ❖ Online since: 7/1/1999
- ❖ Statutes: Va. Code Ann. §9.1-900 through §9.1-923 and §18.2-472.1; Va. Code. Ann. §18.2-370.2 through §18.2-370.5.
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: State Police
- ❖ When to register: VCA §9.1-905.
  - Initial registration and updates for residents, in-state employees, and students within 3 days.
  - Those employed in state for more than 14 days or more than 30 days in a calendar year must register w/in 3 days of arrival.
  - Must notify state 10 days before moving to a new state
  - Must update changes to online info within 30 minutes either in person or email to [sor.electronic@vsp.virginia.gov](mailto:sor.electronic@vsp.virginia.gov)
  - Must provide new picture biennially
  - Must provide 21 day notice if traveling internationally
- ❖ Frequency/ Length of registration: VCA §9.1-904, §9.1-910,
  - Some offenders register biannually for life with eligibility for removal after 15 years
  - Some offenders register biannually for life with eligibility for removal after 25 years
  - Those seemed "Sexually Violent" are required to register quarterly for life
  - Registration forms are sent in the mail and must be returned in-person
  - Out of state offenses, see VCA §9.1-902(5)-(6)
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up for email alerts, or receive alerts by mail for a fee.
- ❖ Residence restriction: Certain adult offenders with convictions involving minors sustained after July 2006 may not reside w/in 500 ft. of a school or parks adjacent to schools. §18.2-370.3.
- ❖ Anti-Clustering: None
- ❖ Employment restriction:

- Prohibited from working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property. (VCA §18.2-370.4)
- Can obtain a CDL but must have special prohibition against driving a children's school bus (VCA §46.2-341.9)
- ❖ Presence restriction: Certain adult offenders with convictions involving minors sustained after July 2006 may not loiter w/in 100 ft. of school, day care center, playground, athletic field or facility, or gym. SVPs may not enter school grounds or school bus, with exceptions. VCA §18.2-370.2 to §18.2-370.5
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween, and those On Paper may face restrictions.
- ❖ Civil Commitment: Yes (VCA §37.2-900 to VCA §37.2-921)
- ❖ Travel regulations: Those on "an extended visit" of "30 days or more" must register w/in 3 days of arrival; visiting Registrants are placed on state's website and not removed. May be subjected to residency restrictions, and temporary addresses may be verified by police.
- ❖ Parental Rights: Leaving the child in the presence of a Registered Person who is not the parent of the child is considered an act of child abuse/ neglect; it is not considered to be in the best interest of the child to give parental rights to Registered Person if the child was conceived by rape. VCA §16.1-228; §20-124.1; §63.2-100
- ❖ ID Card Laws:
  - State ID/DLs can be issued up to 8 years for the general public, but those issued to RCs expire at the state minimum of 5 years. (VCA §46.2-330)
  - Places special CDL restriction "Q" under Endorsements that prevents RCs from driving school buses, VCA §46.2-341.9
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Certain Registrants may petition the court for termination after 15/25 years (from later of conviction/release), depending on offense. VCA §9.1-910.
  - Registrants with a qualifying physical disability (including those ineligible to petition after 15/25 years) may petition for termination at any time. VCA §9.1-909(b). Obligation to register may be reinstated if the disability no longer exists. Id.
  - Records are removed from the registry for a person who has been pardoned or their conviction has been reversed. VCA §9.1-915.
  - No relief provisions specific to juveniles/youthful offenders.
  - 15/25 year relief: Not available for recidivists. VCA §9.1-910. Court considers complete criminal history. VCA §9.1-91
  - 15/25 year relief: Court must be "satisfied that such person no longer poses a risk to public safety." VCA §9.1-910(a).
  - Physical disability: Clear and convincing evidence that due to his physical condition the person (i) no longer poses a menace to the health and safety of others and (ii) is incapable of reregistering. VCA §9.1-909(b).

## **WASHINGTON**

Comment: Washington was not the first state to have a registry but it was the first state to pass a community notification law (in 1990). Since 2003, there have been at least 16 murders directly attributed to the public registry. The state is also known for McNeil Island's Civil Commitment Program.

- ❖ Date Registry Established: 2/28/1990
- ❖ Registry Retroactive? Yes (See RCW 9A.44.148)
- ❖ Qualifying event: All (See RCW 9A.44.148)
- ❖ Online since: 3/1/2005
- ❖ Statutes: Rev. Code Wash. §4.24.550; §9A.44.128 through §9A.44.145.
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: County Sheriff's office
- ❖ When to register: Initial reg. for permanent residents, students, and in-state workers is 3 business days from arrival; updates w/in 3 business days. RCW §9A.44.130(4). Transient Registrants must re-register weekly, and report any movement to a new county for 24 hours must register w/in 3 business days. RCW §9A.44.130(4). Must notify state 21 days in advance if traveling internationally.
- ❖ Frequency/ Length of registration: RCW §9A.44.140.
  - Length of registration is determined by offense type, NOT by risk assessment level
    - Convicted of Class C Felony/ Misdemeanor: 10 years
    - Convicted of Class B Felony: 15 years
    - Convicted of Class A Felony: "Indefinitely."
    - SVPs: Lifetime
    - Out of state offense, see RCW §9A.44.140(4) ("shall continue indefinitely," unless relief is granted under RCW §9A.44.142).
  - Frequency of Registration is determined by risk level:
    - Level I—Face-to-Face Address Verification annually
    - Level II—Face-to-Face Address Verification biannually
    - Level III—Face-to-Face Address Verification quarterly
  - You must register weekly, and report any movement to a new county for 24 hours must register within 3 business days
  - Mail verifications are sent out annually and must be signed and returned within 5 days
- ❖ Registry fees: None
- ❖ Community Notification: Risk Levels determine level of community notification.
  - Level I: Agencies must notify school districts and school principals if the offender is, or will be, attending their school; they are required to share information with other appropriate law enforcement agencies; they may disclose information upon request to any victim or witness to the offense and any individual community member who lives near the offender's residence or where the offender expects to reside or is regularly found, and any individual who requests information regarding a specific offender RCW §9A.44.130, RCW §4.24.550(3). Level I info not posted on public registry.
  - Level II: Follow level I guidelines PLUS the agency is authorized to release relevant, necessary, and accurate information to public and private schools, child day care centers, family day care

- providers, libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside or is regularly found. RCW §4.24.550(3)
- Level III: follow level II notification guidelines PLUS the agency is authorized to release relevant, necessary, and accurate information to the public at large. This may include publishing information in a legal newspaper with general circulation in the area of the registered address.
  - Homeless/ Transient: The agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient (including Level Is). This is usually done by posting the information on the public registered sex offender website. RCW §4.24.550.
  - Local registry officers are allowed (and encouraged) to create “Community Notification Forums” (i.e., public meetings
  - If Registrant is attending a school, under RCW §9A.44.138:
    - LII/ LIII: Principal shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;
    - LI: Principal or department shall provide the information received only to personnel who, in the judgment of the principal or department, for security purposes should be aware of the student's record.
- ❖ Residence restriction: Certain L2 and L3 offenders on supervision may not reside w/in 880 ft. of a school. Some municipalities may have restrictions exceeding state law. RCW §9.94A.030(6)
  - ❖ Anti-Clustering: None
  - ❖ Employment restriction: None
  - ❖ Presence restriction: None
  - ❖ Halloween/ Holiday Restrictions: None
  - ❖ Civil Commitment: Yes (See RCW 71.09)
  - ❖ Travel regulations: Visitors who intend to reside or be present in the state for 10 days or more must register with county sheriff within 3 business days of arrival. RCW §9A.44.130(4)(a)(iv). May be subjected to residency restrictions.
  - ❖ Parental Rights: Washington’s laws are long, repetitive, and confusing. It is a misdemeanor to leave a child in the care of a Registered Person convicted for an offense involving a child unless it is part of a court reunification plan; Registered Persons are ineligible for house arrest under parenting programs; courts may terminate parental rights if the child was conceived by rape, the Registered Person was convicted for sex trafficking, or was classified as a sexual predator; while all Registered Persons are considered a danger to children, this assumption can be challenged, and parental rights may be awarded to a Registered Person under limited circumstances if offense did not involve the child, treatment has been completed, a psychosexual evaluation has been completed, and courts rule the Registered Person is not a danger to the child, but the implication is these rulings are difficult to obtain. RCW §9A.42.110; §9.94A.6551; §13.34.132; §26.10.160, set for repeal on 1/1/2021; §26.26.760
  - ❖ ID Card Laws: None
  - ❖ Castration Laws: None
  - ❖ Relief from SO Legal Restrictions:

- Registration: a Registrant with a WA offense may petition the court for full relief after 10 years, or with an out of state offense after 15 years, but such relief is not available for sexually violent predators/certain class A felonies. RCW §9A.44.142(1)(b), (1)(c), (2)(a). In addition, registration terminates if "a court in the person's state of conviction has made an individualized determination that the person should not be required to register." RCW §9A.44.141(3)(a).
- Notification: May petition for termination of community notification requirements after 15 years without a subsequent disqualifying conviction. RCW §9A.44.142(2)(b). Certificate of discharge under RCW §9.94A.637 does not provide relief. RCW §9A.44.140(7).
- Sex offenses are ineligible for misdemeanor vacation. RCW §9.96.060(2)(e).
- Pardon may relieve registration requirement but no authority on point. See RCW §9.94A.030(11)(b), §9.94A.640 (1), (3).
- Registration/notification: No subsequent conviction for disqualifying offense during waiting period. RCW §9A.44.142(1)(b), (c), (2)(a), (b). Clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from registry. RCW §9A.44.142(4)(a).
- Juveniles: People with juvenile offenses (including out of state offenses) may petition for full relief after 60/24 months, depending on offense. RCW §9A.44.143, §9A.44.142(1)(a). No subsequent conviction for disqualifying offense/failure to register. RCW §9A.44.143(2)(a), (b), (3)(a), (b). Preponderance of evidence that the petitioner is sufficiently rehabilitated to warrant removal. RCW §9A.44.143(2)(c), (3)(c).

## WEST VIRGINIA

Comment: WV does utilize polygraphs as part of their treatment programming (WV Code §62-11D-1). The Child Protection Act of 2006 established mandatory post-release supervision for those released from WV prisons for up to 50 years in addition to registration requirements.

- ❖ Date Registry Established: 1993
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All
- ❖ Online since: 9/1/1998
- ❖ Statutes: W. Va. Code §15-12-1 through §15-12-10; W. Va. Code §62-12-26; W. Va. C.S.R. §81-14-20
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: State Police
- ❖ When to register: Statute does not disclose initial registration deadline. Moving into the state, or updates to registry info required within 10 business days (WVC §15-12-3). Incarcerated persons must register w/in 3 business days of release. WVC §15-12-2
- ❖ Frequency/ Length of registration:
  - Life for anyone convicted of a sexual offense involving a minor (under the age of 18); 1 or more prior sexual convictions; judge determines there were multiple victims or multiple counts for a qualifying offense; any sexually violent offense, has been court determined to be a sexual violent predator: 10 years for any one time non-violent sexual offense involving an adult.

- 10 years from date of release from incarceration or from the date of placement on supervision; or life if considered an SVP, have multiple convictions, or if offense involved a minor. WVC §15-12-4.
- SVPs update quarterly; all others annually. WVC §15-12-10
- Out of state offenses, see WVC §15-12-2(b), §15-12-9(c).
- ❖ Registry fees: None
- ❖ Community Notification: All lifetime registered sex offenders are available to the public on the Internet. A quarterly mailing is available upon request. Information on those registered for 10 years is not available to the public without a court order.
- ❖ Residence restriction: Certain Registrants on supervised release for 10 years or longer may not reside within or loiter w/in 1,000 ft. of school, child care facility, victim, or victim's family, with exceptions. WVC §62-12-26.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None
- ❖ Presence restriction: None
- ❖ Halloween/ Holiday Restrictions: None, though the state failed to pass a Halloween restriction in 2019.
- ❖ Civil Commitment: No. A task force had been created in response to the passage of the Child Protection Act of 2006 (WVC §62-11E-1, repealed in 2015), but concluded civil commitment was costly and inefficient. See <https://pds.wv.gov/about/Reports/Documents/WV%20SVP%20Mgt%20TF%20Rpt.pdf>
- ❖ Travel regulations: Probation officers who supervise an out-of-state Registrant in W.Va. must collect registry information for anyone who "is a visitor in this state for more than fifteen continuous days," or is employed, attends school, or habitually visits property owned or leased in WVC §15-12-9. Temporary address may be verified by police.
- ❖ Parental Rights: Parental rights can be terminated if a child was conceived by rape, but may be compelled to pay child support; court is not obligated to preserve the family if one parent is a Registered Person. WVC §48-9-209; §48-9-209a; §49-4-602
- ❖ ID Card Laws: Those considered SVPs have must have a special mark on State ID/DL cards. (WVC §17B-2-3) According to the DMV, the mark is a "U" designation (for "Sexual Deviant") under the "License Restrictions" section. (See page 12 of the WV DMV Driver's manual, [https://transportation.wv.gov/DMV/DMVFormSearch/Drivers\\_Licensing\\_Handbook\\_web.pdf](https://transportation.wv.gov/DMV/DMVFormSearch/Drivers_Licensing_Handbook_web.pdf))
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - No provision for early termination of registration obligations. Pardon may relieve registration requirement but no authority on point. No registration for juvenile adjudications.
  - Under WVC §15-12-3a you can petition for relief from SVP designation through the court of conviction.

## WISCONSIN

Comment: Some Wisconsin communities have local residency restrictions, though many of these ordinances are being scaled back in response to Hoffman, et al. v. Village of Pleasant Prairie, Case No. 16-CV 697-JPS (E.D. Wis., 4/17/2017), which ruled the ordinance violated ex post facto and equal protection clauses. (The ordinance made 90% of the town off-limits and most of the remaining land was non-residential property. Under WS 301.47, Registrants are not allowed to change their legal names. Registrants cannot photograph, film, or videotape a minor without parental written consent. [WS §948.14]

- ❖ Date Registry Established: 12/25/1993
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction/ Adjudication/ Commitment, or was incarcerated when law passed.
- ❖ Online since: 6/1/2001
- ❖ Statutes: Wis. Stat. §301.45 through §301.49
- ❖ Substantially AWA Compliant: No
- ❖ Where to register: Local police (County Sheriff if in unincorporated area)
- ❖ When to register: 10 days for initial registration after entering state, and for updates. Employment defined as a period exceeding 14 days or 30 days in a calendar year. WS §301.45(3).
- ❖ Frequency/ Length of registration: In-state Registrants are on a two-Tier system.
  - Regular Offenders: Verify annually for 15 years after parole/ supervision period ends
  - SVPs: Quarterly for life.
  - Some lifetime Registrants after 1/1/2008 may be subject to lifetime EM (See WS §301.48)
  - Out of state offenses, see WS §301.45(5m) (life/15/10 years).
- ❖ Registry fees: \$100 annually (WS §301.45(10))
- ❖ Community Notification: There are three levels of notification assigned by risk –
  - Level 1: Notification about the offender is disseminated to law enforcement only.
  - Level 2: Notification about the offender is provided to specific individuals and groups, based on the particular facts in the case.
  - Level 3: Notification is community wide notification where upon information is disseminated through media and community meetings.
- ❖ Residence restriction:
  - No statewide restriction; however, many municipalities have imposed restrictions of up to 2000 feet. As of 2017, over 150 municipalities have passed some form of residency restriction.
  - Those On Paper cannot establish a residence until registering beforehand.
  - Supervision: Those On Paper can be banned from residing in certain locations by courts. Those On Paper classified as SVPs cannot be placed within 1500 feet of school premises, child care facility, public park, place of worship, or youth center, nursing homes/ assisted living centers, and next door to a child's residence; must be released only in the county of conviction.
- ❖ Anti-Clustering: None
- ❖ Employment restriction:
  - Cannot provide paid martial arts instruction to a minor.
  - Cannot work for transportation network company, such as Uber. WS §440.03 (17) (a) 1. a. and (b), and §440.445 (2) (a) 2. and 3.

- Offender convicted of a “serious child sex offense” cannot hold a job or volunteer position that requires the offender to work or interact primarily and directly with children under 16. WS §948.13 (2) (a)
- State law also makes offenders who committed certain offenses ineligible to receive many types of occupational licenses. For instance, Registrants are ineligible for a license to operate a child care center or to drive a school bus if they commit sexual assault, child enticement, possession of child pornography, or other specified crimes. [WS §48.65 (1), §48.685 (1) (c) and (2) (ar), and §343.12 (7) (c), Stats. and s. Trans §112.15 (1), Wis. Adm. Code.]
- Ineligible to receive other individual occupational licenses if that offender’s crime is determined to be “substantially related” to the work of the occupation, or if that offender’s crime is a felony and a felony conviction makes a person ineligible for a particular license.
- ❖ Presence restriction:
  - Registrants must provide notice before going on school grounds; otherwise, are banned from premises. WS §301.475.
  - Those on probation, extended supervision, parole, conditional release, supervised release, or lifetime supervision areas can be banned from being present from areas children congregate, with perimeters of 100 to 250 feet. (See WS §301.48(3c))
  - Municipalities may impose anti-loitering rules beyond state laws.
- ❖ Halloween/ Holiday Restrictions: No statewide but noted for having some local ordinances and/ or compliance check operations specific to Halloween.
- ❖ Travel regulations: 10 day visit triggers registration. Visiting Registrants are placed on state’s website and not removed. May have to pay a fee. May be subjected to local residency restrictions.
- ❖ Civil Commitment: Yes (WS §980.01-§980.14)
- ❖ Parental Rights: Parental rights can be terminated if child was received by rape. WS §48-415
- ❖ ID Card Laws: None
- ❖ Chemical Castration Law: “The parole commission may deny presumptive mandatory release to an inmate only on one or more of the following Grounds... Refusal by the inmate to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (1q) (a). The parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in a rehabilitation program under WS §301.047.” WS §302.11(1)(b)2
- ❖ Relief from SO Legal Restrictions:
  - No provision for relief from lifetime registration if mandated by WS §301.45(5)(b) or (5m)(b). Lifetime registration based on court-ordered lifetime supervision order under WS §939.615:
  - May petition the court for termination of supervision after 15 years. WS §939.615(6).
  - Upon termination of supervision, the court may order relief from registration obligations. WS §301.45(5)(am)(2).
  - Certain court-ordered registration based on depiction of nudity without consent terminates upon completion of sentence/satisfaction of court order. WS §301.45(1p)(b).
  - Pardon may relieve registration requirement but no authority on point.
  - Certain youthful offenders (where offense did not involve intercourse through violence/threat of violence) may petition for relief at any time. WS §301.45(1m). Expungement of certain invasion of privacy convictions/adjudications upon completion of dispositional order relieves registration

obligations. § 301.45(1p)(a). Available only to juveniles/offenders under 25. See WS §938.355 (juveniles), WS §973.015 (persons under 25) for eligibility criteria.

- Lifetime supervision order: No criminal conviction while under supervision. WS §939.615(6)(b)(1). Lifetime supervision order: Court must find "that lifetime supervision is no longer necessary to protect the public," WS §939.615(6)(g), and may also order that the person is no longer required to register. WS §939.615(6)(i).
- Court considers mandatory evaluation of physician/psychologist. WS §939.615(6)(e). Youthful offenders: Court must determine "it is not necessary, in the interest of public protection, to require the person to comply with the reporting requirements." WS §301.45(1m)(a)(3).

## **WYOMING**

Comment: If you are planning a trip to Yellowstone, better make it a short trip, as registration requirements (and fees) apply if you stay in the state three business days.

- ❖ Date Registry Established: 1994
- ❖ Registry Retroactive? To 1/1/1985 for adults; 7/1/2001 for juveniles adjudicated delinquent
- ❖ Qualifying event: Sentencing
- ❖ Online since: N/A
- ❖ Statutes: Wyo. Stat. §7-19-301 through §7-19-300
- ❖ Substantially AWA Compliant: Yes
- ❖ Where to register: In-person at Sheriff's Office
- ❖ When to register: 3 business days for initial reg. and updates, including temporary trips and vacations WY Stat. §7-19-302.
- ❖ Frequency/ Length of registration: Lifetime for all Registrants. Wyoming has a Tier System but it only impacts frequency, not duration, of registration: Tier I offenders appear annually, Tier II offenders appear biannually, and Tier III offenders appear quarterly
- ❖ Registry fees: WY Stat. §7-19-302: Can be charged with FTR if cannot pay unless declared indigent
  - Initial Registration: Up to \$125 state plus 25% county (\$31.35 max);
  - Registration update: Up to \$25 state plus 25% county (\$6.25 max)
- ❖ Community Notification: Notification of certain offenders with acts against minors shall be provided by mail, personally or by any other means reasonably calculated to ensure delivery of the notice to residential neighbors within at least seven hundred fifty (750) feet of the offender's residence, organizations in the community, including schools, religious and youth organizations by the sheriff or his designee. In addition, notification regarding an offender employed by or attending school at any educational institution shall be provided upon request by the educational institution to a member of the institution's campus community. WY Stat §7-19-303(c-ii)
- ❖ Residence restriction: 1000 feet from a school unless property was owned by Registrant before 7/1/2010. Adult Registrants may not enter school grounds if s/he "has reason to believe children ... are present and are involved in school activity or when children are presents within 30 minutes before or after scheduled school activity." Various exceptions apply such as voting, making a delivery, or residing in a nursing home or approved homeless shelter. WY Stat. §6- 2-320.
- ❖ Anti-Clustering: None
- ❖ Employment restriction: None

- ❖ Presence restriction: 1,000 ft. from schools. WY Stat. §6-2-320.
- ❖ Halloween/ Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Visitors must register after 3 business days. WY Stat. §7-19-302. May be subjected to residency restrictions. Visitors may be placed on state registry website.
- ❖ Parental Rights: Parental rights of Registered Person can be terminated if child was conceived by rape unless the parent seeking termination was married to or cohabiting with the offender resulting in the birth of the child for 2+ years immediately after the birth of the child; courts are not required to make reasonable efforts to reunify child to a parent who is a Registered Person. WY Stat. §14-2-309
- ❖ ID Card Law: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - May petition the court in district where registered for relief after 25/10 years for less serious offenses. WY Stat. §7-19-304(a). Registration not required when charges dismissed following first offender deferred adjudication under §7-13-301. WY Stat. §7-19-301(a)(iii)
  - Sex offenses ineligible for felony expungement. WY Stat. §7-13-1502(a)(iv)(T).
  - Pardon may relieve registration requirement but no authority on point.
  - Juvenile adjudication: May petition for relief after 10 years for certain offenses. WY Stat. §7-19-304(a)(i). No sex offense/felony conviction for 10/25 years prior to petition. WY Stat. §7-19-304(d). Must complete period of supervision/ordered treatment. §7-19-304(d).

### **FEDERAL REGISTRANT NOTES**

Comment: There is technically no “federal registry” or federal registry office; you will register at the law enforcement agency as you would a state/ territory Registrant. Most states will register you for their state equivalent of whatever Tier Level the feds classify you. And, you are subject to state restrictions. Below are a few laws pertaining specifically to federal Registrants:

- ❖ Frequency/ Length of Registration: The federal system classifies federal Registrants according to the Adam Walsh Act, meaning a 3-Tiered system classified according to your offense rather than any risk assessments. See 34 USC §20915(a)
  - Tier 1 – Annually for 15 years
  - Tier 2 – Biannually for 25 years
  - Tier 3 – Quarterly for life
- ❖ Civil Commitment: Under 18 USC §4248, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined... The court shall order a hearing to determine whether the person is a sexually dangerous person. If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume

such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until— (1) such a State will assume such responsibility; or (2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment; whichever is earlier.

- ❖ Relief from Federal Registration:
  - Five-year reduction for Tier I offenders after 10 "clean" years. 34 USC §20915(b)(2),
  - Tier III sex offender adjudicated delinquent may be reduced to 25 years after 25 clean years. 34 USC §20915(b)
  - During "clean" period," no conviction for any crime for which imprisonment of more than a year may be imposed; no sex offense. 34 USC §20915(b)
  - "Clean record" means: (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed; (B) not being convicted of any sex offense; (C) successfully completing any periods of supervised release, probation, and parole; and (D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. 34 USC §20915(b)
- ❖ Housing Issues: Those required to register for life are automatically excluded from housing under 42 USC §13663

### **AMERICAN INDIAN/ NATIVE AMERICAN TRIBES/ NATIONS**

There are over 500 federally recognized Native American tribes in America and it would take a herculean effort to cover every one of them. (I have discussed moving to tribal lands in the Housing chapter.) Below is a list of Tribes that have been determined to be "Substantially AWA Compliant"; this does not imply that Tribes not AWA compliant lack a registry but simply lack compliance with the federal law as of May 13, 2020 according to the SMART Office:.

- ❖ Absentee-Shawnee Tribe of Oklahoma
- ❖ Ak-Chin Indian Community
- ❖ Alabama-Coushatta Tribe
- ❖ Bay Mills Indian Community
- ❖ Blackfeet Nation
- ❖ Bois Forte Band of Chippewa
- ❖ Caddo Nation of Oklahoma
- ❖ Cherokee Nation
- ❖ Cheyenne and Arapaho Tribes
- ❖ Cheyenne River Sioux Tribe
- ❖ Chickasaw Nation
- ❖ Chippewa Cree Tribe of the Rocky Boy's Indian Reservation
- ❖ Chitimacha Tribe of Louisiana
- ❖ Citizen Potawatomi Nation
- ❖ Cocopah Indian Tribe
- ❖ Coeur d'Alene Tribe
- ❖ Colorado River Indian Tribe
- ❖ Comanche Nation

- ❖ Confederated Tribes and Bands of the Yakama Nation
- ❖ Confederated Tribes of Colville Reservation
- ❖ Confederated Tribes of the Umatilla Indian Reservation
- ❖ Confederated Tribes of Warm Springs
- ❖ Crow Creek Sioux
- ❖ Crow Tribe
- ❖ Delaware Nation
- ❖ Eastern Band of Cherokee Indians
- ❖ Eastern Shawnee Tribe of Oklahoma
- ❖ Eastern Shoshone Tribe of the Wind River Reservation
- ❖ Ely Shoshone Tribe
- ❖ Flandreau Santee Sioux Tribe
- ❖ Fort McDowell Yavapai Tribal Council
- ❖ Fort Mojave Indian Tribe
- ❖ Fort Peck Assiniboine and Sioux Tribes
- ❖ Gila River Indian Community
- ❖ Grand Traverse Band of Ottawa and Chippewa Indians
- ❖ Hannahville Indian Community
- ❖ Havasupai Tribe
- ❖ Hopi Tribe
- ❖ Hualapai Tribe
- ❖ Iowa Tribe of Kansas and Nebraska
- ❖ Iowa Tribe of Oklahoma
- ❖ Jicarilla Apache Nation
- ❖ Kaibab Paiute Tribe
- ❖ Kalispel Tribe of Indians
- ❖ Kaw Nation
- ❖ Kewa Pueblo
- ❖ Keweenaw Bay Indian Community
- ❖ Kickapoo Tribe of Oklahoma
- ❖ Kootenai Tribe of Idaho
- ❖ Lac Vieux Desert Band
- ❖ Little River Band of Ottawa Indians
- ❖ Little Traverse Bay Bands of Odawa Indians
- ❖ Lower Brule Sioux Tribe
- ❖ Lower Elwha Klallam Tribe
- ❖ Lummi Nation
- ❖ Makah Tribe
- ❖ Mashantucket Pequot Tribal Nation
- ❖ Match-e-be-nash-she-wish Band of Pottawatomi Indians (Gun Lake Tribe)
- ❖ Menominee Indian Tribe of Wisconsin
- ❖ Mescalero Apache Tribe
- ❖ Miami Tribe of Oklahoma
- ❖ Miccosukee Tribe of Indians of Florida

- ❖ Mississippi Band of Choctaw Indians
- ❖ Modoc Tribe of Oklahoma
- ❖ Muscogee (Creek) Nation
- ❖ Navajo Nation
- ❖ Nooksack Indian Tribe
- ❖ Northern Arapaho Tribe of the Wind River Reservation
- ❖ Nottawaseppi Huron Band of the Potawatomi
- ❖ Oglala Sioux Tribe
- ❖ Ohkay Owingeh
- ❖ Omaha Tribe of Nebraska
- ❖ Oneida Indian Nation
- ❖ Osage Nation
- ❖ Otoe-Missouria Tribe of Oklahoma
- ❖ Ottawa Tribe of Oklahoma
- ❖ Pascua Yaqui Tribe
- ❖ Pawnee Nation of Oklahoma
- ❖ Peoria Tribe of Indians of Oklahoma
- ❖ Poarch Band of Creek Indians
- ❖ Pokagon Band of Potawatomi Indians
- ❖ Port Gamble S'Klallam Tribe
- ❖ Prairie Band Potawatomi Nation
- ❖ Pueblo de San Ildefonso
- ❖ Pueblo of Acoma
- ❖ Pueblo of Isleta
- ❖ Pueblo of Jemez
- ❖ Pueblo of Laguna
- ❖ Pueblo of Santa Ana
- ❖ Pueblo of Zuni
- ❖ Puyallup Indian Tribe
- ❖ Pyramid Lake
- ❖ Quapaw Tribe of Oklahoma
- ❖ Quinault Indian Nation
- ❖ Red Lake Band of Chippewa Indians
- ❖ Reno Sparks Indian Colony
- ❖ Rosebud Sioux Tribe
- ❖ Sac and Fox of the Mississippi in Iowa (Meskwaki)
- ❖ Sac and Fox Nation
- ❖ Saginaw Chippewa Indian Tribe of Michigan
- ❖ Salt River Pima-Maricopa Indian Community
- ❖ San Carlos Apache Tribe
- ❖ Santee Sioux Nation
- ❖ Sault Ste. Marie Tribe of Chippewa Indians of Michigan
- ❖ Seminole Nation of Oklahoma
- ❖ Seminole Tribe of Florida

- ❖ Seneca-Cayuga Tribe of Oklahoma
- ❖ Shoalwater Bay Indian Tribe
- ❖ Shoshone-Bannock Tribes
- ❖ Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
- ❖ Sisseton Wahpeton Oyate of the Lake Traverse Reservation
- ❖ Skokomish Indian Tribe
- ❖ Southern Ute Indian Tribe
- ❖ Spirit Lake Tribe
- ❖ Spokane Tribe
- ❖ Squaxin Island Tribe
- ❖ Standing Rock Sioux Tribe
- ❖ Suquamish Tribe
- ❖ Te-Moak Tribe of Western Shoshone
- ❖ Three Affiliated Tribes
- ❖ Tohono O'odham Nation
- ❖ Tonkawa Tribe
- ❖ Tonto Apache Tribe
- ❖ Tulalip Tribes of Washington
- ❖ Turtle Mountain Band of Chippewa Indians
- ❖ United Keetoowah Band of Cherokee Indians in Oklahoma
- ❖ Upper Skagit Indian Tribe
- ❖ Ute Indian Tribe of the Uintah and Ouray Reservation
- ❖ Washoe Tribe of Nevada and California
- ❖ White Mountain Apache Tribe
- ❖ Winnebago Tribe of Nebraska
- ❖ Wyandotte Nation
- ❖ Yankton Sioux Tribe
- ❖ Yavapai-Apache Nation
- ❖ Yavapai Prescott Indian Tribe

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