

Your Life on the List by OnceFallen.com, FOURTH EDITION

**YOUR LIFE ON "THE LIST" 4th Edition**



**Derek W. Logue, OnceFallen.com**

**YOUR LIFE ON “THE LIST”: 4TH EDITION**

A Survival Guide for those Forced to Register Upon Release

(c) 2024 Derek W. Logue of OnceFallen.com

This Version Updated December 2024

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
Introduction and Disclaimers	3
Terms and Abbreviations Used In This Guide	8
Chapter 1—Understanding Sex Offense Laws	14
Chapter 2—Being “On Paper”: Supervised Release, Probation, and Parole	22
Chapter 3—Finding Housing	33
Chapter 4—Finding a Job	38
Chapter 5—Obtaining Welfare and Financial Assistance	44
Chapter 6—Dealing with Visits from Police and CPS	47
Chapter 7—Traveling as a Registered Person	50
Chapter 8—Dealing with Scams and Harassment	56
Chapter 9—Prepping for Disasters and Homelessness	64
Chapter 10—Living Your Life	68
Chapter 11—Relief from the Registry	81
<b>FINAL THOUGHTS</b>	<b>90</b>
APPENDIX 1—Additional Resources: Treatment, Support, Research, and Activism	94
APPENDIX 2: Summary of State/Territory Sex Offense Laws	98
APPENDIX 3: Changes from the Third Edition of Your Life on The List	199

## INTRODUCTION AND DISCLAIMERS

### COPYRIGHT STATEMENT AND FAIR USE OF THIS GUIDE

Most of the materials in this guide (YOUR LIFE ON “THE LIST”: A Survival Guide for those Forced to Register Upon Release” by Derek W. Logue, Free PDF Edition) were extrapolated from previously published materials from OnceFallen.com and the Informational Corrlinks Newsletter (ICoN); both are the claimed copyright of Derek W. Logue of OnceFallen.com. Sections that were extrapolated from the original sources, which were reprinted here under the US Fair Use exceptions of 17 USC §107 for a non-profit, educational/informational use, are the express intellectual properties of the original authors.

Portions or the entirety of the PDF version of this guide can be reprinted and distributed without my permission ONLY under the following circumstances:

1. You are printing this on behalf of a person incarcerated or committed in a prison, group home, civil commitment center, or other facility that does not allow books to be shipped through Amazon.com, the distributor of the book version.
2. You are using it in an educational setting such as a classroom, book club, or an offline discussion group.
3. You are using the material verbatim or summarized for use in legislative testimony, legal brief, or law journal report.

When using this guide in your own articles, you must give me full credit for my work and/or credit due to the original authors noted in the book. You must provide references to the OnceFallen.com website (including a link to my website page offering the PDF). You must request permission to post the PDF on your website. (In other words, don't claim this work as your own and don't post the PDF on your site without permission.)

This guide is NOT to be resold for commercial use/profit, or any reason not listed above, without my expressed written consent. We encourage prisoners who have purchased this copy to prepare for release to leave your copy behind for others when leaving so that others may benefit, since a digital/PDF copy can be freely accessed through OnceFallen.com. This book was created not to make a profit, and therefore the publisher of the book has agreed to sell the book for minimal profit. As part of the commitment to providing information with minimal cost, OnceFallen.com receives no direct monetary benefit from this book. Your donation to OnceFallen.com, while not tax-deductible, is greatly helpful. To contact the author of this guide with questions, report grammar errors or legal inaccuracies in this report, if you want to send a donation, or if you want to send a thank you for the work put into this guide:

Mail - Derek Logue, 2211 County Road 400, Tobias, NE 68453  
Email – iamthefallen1@yahoo.com  
Phone – (513) 238-2873 (No collect calls)  
Website – <http://oncefallen.com/>  
(Make checks/Money Orders out to Derek Logue)

**ABOUT “YOUR LIFE ON THE LIST”**

*“To understand the sheer complexity of the rules, you need a PhD.”* – “Liam”, a Person Forced to Register, from the book, *“From Rage to Reason: Why We Need Sex Crime Laws Based on Facts, Not Fear”* (2023) by Emily Horowitz, page 125.

“This is a football.” The legendary Green Bay Packers football coach Vince Lombardi, fresh off a close championship game loss where his team was just a few yards shy of winning, returned to the basic fundamentals of football. When the players returned to camp, Lombardi began with the most elemental statement of all. “Gentlemen,” he said, holding a pigskin in his right hand, “this is a football.” Lombardi had the players return to page 1 of the playbook and reviewed basic blocking and tackling. At the end of the next season, the Packers shut out the New York Giants 37-0 to win the NFL championship. Lombardi would lead the Packers to five championship titles, including the first two Super Bowls.

Life, like football, is complex and full of many methods by which you can succeed or fail, some being more elaborate or complex than others. In addition, the game is always changing. If you have been convicted of a sex offense, you’ll find the game of life to be more perilous. Many of you will have to return to the basics, i.e., re-learn life from the very beginning.

“Your Life on The List” is your “football” and “playbook”, a “how-to” book, a practical guide covering a variety of the most common concerns and issues you may face while on the registry. Most of the knowledge contained within is general advice and not every subject will be directly relevant to you. As with any advice of this nature, “your mileage may vary.” Laws can vary state-by-state and or even city-by-city within the same county. It is impossible to keep up with every law in every city and state in the world’s third largest nation, but much of the information contained within is regularly updated.

This book is intended to be a basic and general guide based upon the various experiences of persons forced to register, legal reviews, and research papers. It is NOT a substitute for legal advice. I cannot guarantee the accuracy of this guide because of the ever-changing nature of sex offense laws. If you are unclear about the rules that you must follow, I advise you to speak with your local registration office for clarification. Until the registry laws are successfully repealed, your local registration office is the final authority on the enforcement of these “regulations”.

This guide covers a variety of relevant topics specific to those forced to register, including housing, jobs, social support (like advocacy groups), and financial support (such as welfare). I will cover some common statutes for all 50 states using the information from various resources covering the basics of each state’s sex offense laws. While I provide much information as possible, some statutes within this guide could change dramatically; they might only apply to people convicted of certain sexual offenses; they might only apply to those convicted after a specific date; or, they might become obsolete by the time the next legislative sessions for your state of interest draws to a close. Other factors that can complicate efforts to settle into a new location include local ordinances and interpretation of the law by local law enforcement. The local registry office is the final authority regarding when and how you register, and in some cases, where you can live, work, or visit.

This is NOT a legal guide for fighting the registry laws or appealing your case, nor is it a treatise on the legality or ethics of post-release sex offense measures. (Upcoming books, as well as various articles from my website [oncefallen.com](http://oncefallen.com), will address these topics.) While I believe that the myriad of registry-related laws are confusing, unethical, unnecessary, and unconstitutional, you and I, a fellow Person Forced to Register, must 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. There are some legal citations here to verify the many claims contained within this book, but no advice here should be construed as legal advice or anything more than constructive commentary. If your needs involve the courts, you should consult an attorney.

The information contained in this book were derived primarily features from [oncefallen.com](http://oncefallen.com) articles and/or articles from the Informational Corrlinks Newsletter (ICoN, a project by [oncefallen.com](http://oncefallen.com), ended on Dec. 2024 due to the new Corrlinks limitations banning mass emails). 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.

I must repeat, YOUR MILEAGE MAY VARY. Other than the fact you WILL register (otherwise you would not be a “Registered Person” and thus not need this book), you may or may not experience some of the issues discussed in this book, and you may experience issues not covered here. Some have thrived in terrible states like Alabama or Florida, while others struggled in states I’d consider less onerous. You may experience harassment, denial of housing, employment problems, vigilante violence, or some other issue. These issues could be related to the laws or not. Or, you experience few, if any, problems at all. Some information reported in this book was derived from personal stories of Registered Persons (RPs) and is purely anecdotal, while other information is confirmed by studies and evidence. It is imperative that I attempt to cover as many topics of concern as possible. I believe that is better to be prepared for a crisis that may never happen than to be caught unprepared during a crisis.

Finally, it is important I stress this final point. Just like your time in prison, you will either (begrudgingly) adapt to these laws or you will struggle to deal with the pressure. But until these laws are changed, for your freedom’s sake—

## **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, annoying, inconvenient, nonsensical, and unfair these rules may be. Your life will revolve around your registry duties. This is something you “must drop everything” and do whenever your registration obligation beckons you. Registration becomes more important than an anniversary, a funeral, or even life-saving surgery. I wish that was different, but for now, I must stress the importance of fulfilling your registration duties without delay. Your local registration office (not this book) is the final authority on registration obligations, so if you are unsure what to do, contact your local registry office.

If you are on the public “sex offense registry,” or will be upon release, stop calling yourself a “sex offender.” We feel the term “sex offender” is wrong in part because it is an action (adjective) used to describe a person (noun). “Sex offender” implies that everyone listed on the sex offense registry are inevitable dangers to society. Thus, we limit the use of such terminology here primarily to instances where it cannot be avoided (i.e., making a direct quote). The use of language and semantics are always in flux. Anti-Registry activists have always avoided using the words “sex offender” or the ‘P’ words (pervert, predator, and pedophile) and have promoted more neutral labels like “Registered Citizen” (RC) or “Former/Ex-Offender” but the suggested labels have changed frequently as we struggle to find a proper term. I’ve used the term “Registered Citizen” (RC) most frequently in previous editions of this book. Since some readers were confused over the term “citizen” (implying immigration issues, a different “hot button topic in American society), I use the terms “Registered Person” (RP), “Person Forced to Register” (PFR), or simply “Registrant” when describing the target audience of this book.

Unfortunately, there are times that we cannot fully avoid the use of the term “offender” or “sex offender.” Registrants and their loved ones have found OnceFallen.com searching “housing for sex offenders.” Sometimes, we may be required to make a direct quote from news articles, research papers, court rulings, or state statutes that use the term. When using the term “sex offender,” it will be placed in quotation marks. The practice of placing words in quotation marks denotes it is a term that we feel should not be used. When referring to the publicly accessible registry, this book may say the “sex offense registry,” the “registry,” or simply the “list.” While statutes refer to this list as the “sex offender registry,” we do not have to use derogatory language and have chosen to remove such language from this book as much as possible. The terms “offenders” and “predator” are minimized as much as possible throughout this book but cannot be fully avoided since many state statutes use these terms.

There is only so much advice I can give you, and there is no program out there that can solve every conceivable problem you might face while on “The List.” But, if you’re reading this right now while incarcerated, and you have yet to begin your journey on this registry, there are a few things you can do to prepare yourself:

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

1. *Read this book AND take notes:* I have spent years compiling the information now contained in my book. While it is impossible to prepare you for every possible problem, many of the tips here can help. You are responsible for solving your own problems. You will likely experience post-release hardships not experienced by those convicted of any other offense. Mentally prepare yourself for the struggles you might face while on “The List.”
2. *Read other books that prepare you for hardships you may face while on the registry:* This guidebook only covers topics directly related to post-release sanctions and/or the consequences of a sex offense conviction. I encourage you to read books and articles on helpful topics like starting a home-based business, off-the-grid living, surviving homelessness, computer and internet technology, and other important life skills.
3. *Hope for the best but prepare for the worst:* Registrants are often forced to live by a special set of rules that do not allow total freedom of movement, employment, or residence. Registrants are often ineligible for many forms of assistance offered to people in need, including those offered to other Returning Citizens. Registrants are more likely to be unemployed, homeless, welfare-dependent, or self-employed. While activists are fighting to change the laws, progress is slow. Maintaining a positive attitude and the knowledge not every Registrant experiences extreme hardship is important. Still, it is better to have an emergency plan you do not need than to have no plan when faced with a personal crisis. If you’ve been incarcerated for over a decade, you will immensely benefit from computer classes or books on how to use the Internet, because society is heavily reliant on “smartphones”, “tablets”, or other ways to access the Internet (that is, if you are allowed to access the Internet).

### ONCEFALLEN.COM FOR THE “TECHNOLOGICALLY CHALLENGED”

One friend I made while incarcerated was released in 2015 after serving 20 years. He has struggled with the drastic changes to society. He had no experience with computers, the Internet, and cell phones, so he was at a huge disadvantage in our current society.

Most folks in the “outside” world take modern technology for granted and assumes everyone is familiar with it. However, some of my readers have little or no experience with computers or “smartphones.” For the sake of those who have little to no experience with modern technology, this section will briefly describe how to navigate OnceFallen.com, the informational website that helped create this guide.

#### *Finding OnceFallen.Com*

To access the Internet you must use a “Browser”, i.e., a software program or application (“app”) that allows you to access the Internet. (Examples: Microsoft Edge, FireFox, and Google Chrome). Once you open a Browser, you should see a bar at the top of the screen called the “address bar.” Most web browsers are connected to a “search engine”, i.e., a website that helps with online searches, such as Google, Bing, DuckDuckGo, or Yahoo to name a few. If you are using Google Chrome or if this Browser was set for do searches by Google, then the bar at the top might say “google.com” and you’ll be at the Google home page. There are two ways to access OnceFallen—(1) you can choose to type in “oncefallen.com” in the address bar then hit the “Enter” or “Return” button on your keyboard, or (2) if you are at the home page for the search engine, you can type oncefallen.com in the bar on the screen and hit the search button at the end of the bar (it looks like a magnifying glass). Then a new page with search results will appear and OnceFallen.com should be at the top of the list. Select that item by moving your pointer (cursor) over OnceFallen.com and clicking it. Either way, you’ll reach OnceFallen.com and the address bar should say oncefallen.com and nothing else. This should take you to the “Home” or “Main: page. The specific way to navigate around the website will most likely vary, depending on the type of device you are using

#### *If Using a Laptop/Desktop*

Scroll the pointer over each menu item at the top of the page and you will see a list of links to individual pages categorized by subject matter. If you’re seeking housing in Florida, for example, scroll over “Housing Lists and Legal Issues.” A list of options will pop up. Scroll over “Housing List for States A-M” and click to access that page.

*If Using a Smartphone/Tablet*

If you are browsing my website from a smartphone, you will see several icons just below the name of the site and slogan at the top of the page. One icon, on the left side of the screen, consists of three horizontal lines. Touch the icon and a list of categories will pop up. To the right of each category will be a downward facing arrow shaped like a V. If you're seeking housing in Florida, for example, touch the V-shaped tab next to "Housing Lists and Legal Issues." This will open a list of pages on that subject. Then touch the line that says "Housing List for States A-M."

*Searching Keywords*

You can also do a keyword search by clicking the magnifying glass icon on the top right part of the menu. (This is the same no matter if you're using a smartphone or laptop/desktop). A search bar will appear; type the subject you're interested in, like "housing", then hit return or the magnifying glass icon at the right end of the search bar. This will pull up any page on the website that contains the word "housing, for example, the housing lists for states A-M and N-Z.

## TERMS AND ABBREVIATIONS USED IN THIS GUIDE

The terms and acronyms in this segment are utilized in this guide and/or 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, I use commonly used terms by anti-registry activists like “Registered Person (RP),” “Person Forced to Register” (PFR) or simply “Registrant.” The term “sex offender” is only used in this guide only when absolutely necessary, such as a direct quote, as part of a business name, or when necessary to obtain information online.

Abel Assessment or “Abel Test”: See “visual response testing”

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

Adam Walsh Child Protection and Safety Act of 2006, a.k.a. “Adam Walsh Act” (AWA): The current federal registry laws imposed upon the states, which was signed into law on 7/27/2006, 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 2024, only eighteen states, four US territories, and 137 Native tribes 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.

AG: Short for Attorney General, the chief government attorney for a state or the federal system.

Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA): A law passed in 2018 that allows victims of CP offenses to sue those who viewed their photos. It is codified in various sections of US Code Title 18 and Title 34, particularly 18 USC §2259. Payments are a minimum of \$3000 with maximum payments of \$17,000, \$35,000, or \$50,000, depending on the type of CP offense.

“Angel Watch Center” (AWC): Operation Angel Watch, a program authorized by International Megan’s law and run by the Department of Homeland Security’s Immigration and Customs Enforcement department (ICE) that passes along notices of a Registrant’s intent to travel internationally to INTERPOL.

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

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 above.

AWC: See Angel Watch Center

Business Day: In the US, generally defined as Monday through Friday; this excludes weekends and federal holidays. Some states may require registration counting “business days” instead of just “days.” It is important to know the difference. If you are released from incarceration on a Friday and the law states you have “3 days” to register, then you have until Monday to register, but if the law states “3 business days,” you have until Wednesday to register. May also be called a “working” day.

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.



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Clustering: When multiple Registered Persons live in a concentrated area or at a specific address, it is often referred to as a “cluster.” See also “anti-clustering law.”

Community Notification: The act of law enforcement agents publicly notifying members of the community and/or certain businesses like schools that a Registrant 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.

CP: Child Pornography. This is sometimes a catch-all term for internet-related offenses including obscenity offenses, which generally are not registrable offenses. See also “CSAM”.

CPS: Child Protective Services, a general catchall phrase for any government agency responsible for child welfare. While CPS is the most common term, some states or municipalities may have agencies use other terms incorporating words like children, family, social, resources, services, welfare, or health.

CSAM: “Child Sexual Abuse Material”, a new term for illicit images involving minors preferred by victim advocates. See also CP.

DHS: The US Department of Homeland Security.

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

EM: Known as Electronic Monitoring, aka “ankle monitors”, Satellite-Based Monitoring (SBM), or “GPS monitoring,” these are devices a Registrant “On Paper” may be forced to wear to keep track of location, usually consisting of a box-like device strapped onto an ankle. 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.

Extra-jurisdictional/“Out-of-State”: A conviction in a jurisdiction that is not in your current state of residence, i.e., another state, but also applies to federal convictions (because federal registrants are required to register in the state in which they reside and are governed by that state’s laws), or even a foreign conviction. You may be required to register or abide by certain restrictions in one state if that state’s laws classify your offense as registrable even if you are not required to register in the jurisdiction that convicted you.

FAQ: Short for “Frequently Asked Questions, typically a fact sheet or page offering a summary on information of the most common questions for a particular topic. This guidebook is an extended FAQ.

FTR: “Failure To Register,” a 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. In many places, FTRs are treated harshly and can require up to 10 years in prison.

FY: Fiscal Year. Some government statistics publish results by a “fiscal year” rather than by a calendar year. It is a one year period but it can begin at a different month and day. The federal government's fiscal year runs from the first day of October of one calendar year through the last day of September of the next. For example, Fiscal Year 2021 (FY 2021) started on Oct. 1, 2020, and ended on Sept. 30, 2021. While mostly used for budget reports, some reports may include other statistics. Not all agencies use the federal fiscal year.

GPS: Global Positioning System; for use against registrants, see “EM.”

“Groomer”: In treatment, grooming refers to certain techniques that people employ before engaging in acts of sexual abuse, but around the early 2020s, it has come to mean anyone who tries to indoctrinate children to engage in activities the person using the term disapproves. In recent years, it has become used as an insult (often used together with “pedophile”).

ICoN: Informational Corrlinks Newsletter, a monthly prisoner newsletter hosted by OnceFallen. Unfortunately, due to new restrictions imposed by Corrlinks limiting mass emails, the newsletters have ceased production as of

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

9/30/2024. The final issue (#110, Dec. 2024), all previous newsletters, and other resources can be found at: <https://oncefallen.com/icon/>

IML: “International Megan’s Law,” a law signed on 2/8/2016 that requires RPs to notify the government when they intend to travel internationally, and requires “covered sex offenders”, i.e., RPs convicted of crimes against anyone under age 18, to receive a mark on their passports explicitly identifying them as a person with a sex offense against a minor.

Internet Identifier: For purposes of registration, “internet identifier” typically refers to a name you may use online (a “screen name” or online nickname), but may refer to an email address or social media account. For example, I may use some variation of “The Fallen One” as a screen name, and my email is iamthefallen1@yahoo.com.

Interstate Compact: An agreement between two states allowing a transfer of a supervised release, 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.

Jacob Wetterling Act: The first national sex offense registry mandate, passed in 1994 as a part of the controversial Omnibus Crime Bill of 1994. It was replaced by “Megan’s Law” in 1996.

LEA: Law Enforcement Agency, a catch-all term for any single agency of Law Enforcement.

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”: The federal “Megan’s Law” (signed 5/17/1996), which replaced the 1994 Jacob Wetterling Act, no longer exists because it was replaced by the AWA in 2006. People use the term “Megan’s Law” as a generic term to describe the act of registration and community notification (see also SORNA). Many states still refer to their state registry laws as “Megan’s Law.”

NARSOL: National Association for Rational Sex Offense Laws, arguably the largest of the groups fighting to reform registry laws, currently headquartered in New Mexico. OnceFallen.com, the author of this guide, does not affiliate with, work with, or support this group due to ongoing controversies regarding this group.

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 at once. Registrants not listed publicly on a state website will not be listed on NSOPW’s database as this database only extrapolates existing 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.

“Pedophilia/pedophile”: The only proper use of this term is a clinical diagnosis for those aged 19+ who are diagnosed in a clinical setting to be attracted to prepubescent people for at least six consecutive months. It is not a legal term. However, this term is commonly misused to describe everyone on the public registry in American society, or used as an “ultimate” insult among members of the general public. (In the first half of the 2020s, this term is often paired with the term “groomer” as an insult intended to suggest that a labeled person is actively looking to harm children.)

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.

Postal Codes for US Territories: While most people are familiar with the 2-letter postal codes for states, they might not be aware of the codes for the five major US Territories: AS (American Samoa), GU (Guam), MP (Northern Mariana Islands), PR (Puerto Rico), and VI (U.S. Virgin Islands). These are sometimes used in this book.

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.

“Predator Panic”: A term sometimes used as a catch-all term for the moral panic towards people listed on the sex offense registry or about any sexual behavior deemed deviant by the general public (or at least select influential groups such as victim advocates and feminists). Predator Panic is often fueled by more specific panics over various events, such as the Satanic Ritual Abuse panics and Catholic Church abuse panics of the late 20th Century, or the Campus Sexual Assault awareness, Sex Trafficking, and #MeToo campaigns of the 2010s.

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.

Recidivist: When used by researchers, it can mean someone who committed a new offense for any type of crime (even parole violations) or the same offense (a new sex crime); in legal statutes it generally means anyone who committed the same offense twice. In many legal states, recidivists are generally given an enhanced registration status. Unfortunately, many people get confused by recidivism studies since the definition changes drastically. \

Registered Citizen (RC), Registered Person (RP), Person Forced to Register (PFR), and Registrant: Terms 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. This guide predominately uses Registered Person and Registrant.

Registration: The physical act of providing personal information to a government agency, typically to a law enforcement agent, for inclusion on a criminal registry. State registries are not alike. The following examples highlight just a few of the differences: some states consider various types of offenses; some use additional stipulations in deciding who must register; some inclusion decisions are based on the date of your offense; most, but not every RP will be listed publicly; and the length of the registration term varies based on the state and the offense. Registration is not to be confused with being on probation/parole/supervised release.

Returning Citizen: An increasingly popular phrase to describe someone who has been recently released from incarceration. This refers to anyone leaving incarceration, not just “SOs.”

RP: Registered Person, the abbreviation most often used in this book.

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

SATELLITE-BASED MONITORING (SBM): See “Electronic Monitoring”.

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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Sexually Violent Predator: Some states use this term or a similar sounding demeaning terms (like “sexually dangerous person or offender) denote a RP considered highly likely to commit a new offense. This term is most commonly used, though not exclusively, in states with civil commitment programs. Those labeled SVPs will likely have more restrictions than other RPs.

SMART Office: Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the federal bureaucracy established to promote the adoption of the AWA across the US (through a dubious propaganda 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. Any legal or business acronym containing the letters “SO” are likely directed at RPs in some capacity.

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 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. RPs are classified under SORNA according to the official charges (“offense-based” classification”).

“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.)

“Supervision”: See also “On Paper,” a catch-all term for parole, probation, supervised released, etc.

SVP: see Sexually Violent Predator

“Tiers”: Many (but not all) states have some form of “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. The majority of states with a tiered or leveled system use a three-tiered system with higher numbers denoting a belief of higher-risk. However, AWA-compliant states are required to place RPs on tiers based on offense-type rather than by risk assessment.

USC: United States Code, the federal legal statutes. When looking up 18 USC §3563, 18 is the Title number (in this instance, Crimes and Criminal Procedure) and 3563 is the specific section.

USMS: The US Marshals Service. The USMS conducts compliance checks and assists DHS in running the Angel Watch program.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

USSG: United States Sentencing Guidelines, a list of federal rules that cover rules for incarceration, probation, and supervised release.

“Visual Response Testing” (VRT): Sometimes known as “The Abel Test,” named after its inventor, Gene Abel, the controversial VRT attempts to gauge a person’s attraction to sexual deviancy by looking at responses to pictures depicting various sexual and non-sexual pictures. It is largely discredited as pseudo-science, but it is sometimes used in conjunction with PPGs and polygraphs.

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

Working Day: See Business Day

## CHAPTER 1—UNDERSTANDING SEX OFFENSE LAWS

The modern sex offense registry began life as a registry for infamous mobsters, not those convicted of sexual offenses. In 1931, Los Angeles DA Buron Fitts proposed a “convict registration” or “gangster law” in response to the rise of organized crime. It required those certain drug or organized crime convictions to register with the Sheriff if visiting for longer than five days. The ordinance passed in 1933 in the city and County of Los Angeles.

But during the 1930s, fears about “sexual psychopaths” began supplanting the fear of organized crime. The Los Angeles Police Department established the “Bureau of Sex Offenses” in 1938; LAPD chief James E. Davis justified the bureau with claims that “each minor sex offender is a potential major sex criminal.” In 1940, the LA Times reported that the Bureau’s records had been used in the search for a missing nine-year-old girl.

Later that year, the LA chapter of the PTA pushed for sex offenses (child molestation, consensual oral sex, and indecent exposure) to be added to the convict registry. By the time the ordinance was signed by the mayor, rape, loitering around children, and consensual anal sex were also included. The county adopted the measure in 1947, the same year California adopted this registry idea (Penal Code 290). The new law was largely used as a tool to prosecute homosexual activity (“lewd vagrancy” was added to the list of registerable crimes in 1949); a total of 2225 people were registered for “sexual perversion” (homosexuality), 161 for rape, and 44 for “other sex crimes.” Similar registries were adopted in Florida and Arizona in the 1950s, and Nevada, Ohio, and Alabama followed suit in the 1960s.

From the 1930s to the 1950s, people convicted of sexual offenses were viewed as compulsive sexual psychopaths, while in the 1970s, a much less pathological, more liberal view was taken. As a result, sex offenses were adjudicated much more leniently. The 1980s brought a new wave of panic over child kidnappings and fears about Satanic Ritual Abuse. However, sex offense registries did not proliferate until 1990, when Washington State created a public registry model (and civil commitment law) that would help inspire the Jacob Wetterling Act, the first federal law requiring all state and US territories to create their own registries. A series of rare but high-profile murders fueled a series of memorial laws targeting RPs.

Unfortunately, the US Supreme Court ruled in a 6-3 decision that the registry was not punitive (punishment) in *Smith v. Doe*, 538 US 84 (2003); because the registry is seen as “regulatory” or “civil” in nature, constitutional safeguards do not apply to registration requirements. The majority opinion relied heavily on the erroneous myth that persons convicted of sexual offenses were highly likely to reoffend, and so the government has a “legitimate interest” in passing laws to regulate the lives of RPs. Subsequent laws like residency restrictions were passed and justified using the logic of the *Smith v. Doe* ruling.

Since the 2003 *Smith v. Doe* decision, new laws are have been created and existing laws have been made more restrictive, all under the guise of “regulations” designed to “protect the public.” This guide is an attempt to provide you with information to help you navigate the complex and confusing set of rules that RPs face on a regular basis. This chapter provides a brief overview (but not a critique) of the many laws you MAY face as a person convicted of a sexual offense.

Adam Walsh Child Protection and Safety Act of 2006, or simply “Adam Walsh Act” (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 III (“high risk”); in Ohio, for example, the number of people listed as Tier III 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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 RP moves onto the community. The methods of notification are different in each jurisdiction, such as going door-to-door, letters/postcards, email, social media, and/or in the media (newspapers or TV). 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/Presence Restrictions: 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 RPs may reside. The most common restriction will prevent RPs 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: In a few isolated cases, Registrants were forced to place signs in their yards or on their vehicles. Legislation was introduced to place green license plates on the vehicles of RPs, but none have passed. Some jurisdictions have shifted the burden of community notification to the RP, meaning Registrants went door-to-door to

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

pass out fliers. While these are mostly rare events applied only to a single RP or limited to a municipality, they can be required, particularly if someone is under supervision (“On Paper”). There have been some successful legal challenges to the placement of temporary “No Candy at this Residence” warning signs during Halloween but the sign requirements still exist, and are enforced, in some areas.

Sex Offense Classification: As of 2020, over a dozen states have Mandatory Lifetime Registration Requirements for ALL Registrants. (As noted in Appendix 3, 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 I to register once per year for 15 years, Tier II may register every six months for 25 years, and Tier III register every three 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. A few states may use more derogatory terms like “Sexually Violent Predator” (SVP).

Sex Offense Registry: The SOR (the list, the registry, the government blacklist, the public pillory, ‘Megan’s law’, 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 registrable 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 information 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. You are also required to register in the jurisdiction of your employer, school, and possibly an itinerary and location if planning to travel.

Special Identification rules: Some states require special state identification card rules for RPs. Some states require annual renewal of State ID/DL cards and/or carry a special card to present when approached by an officer. Some states, including those requiring annual renewal, add marks or statements on State ID/DLs of Registrants. US Passports place marks of infamy identifying those convicted of an offense 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. Some examples of treatment could include Circles of Support and Accountability, the Good Lives Model, or a state-created program. GPS, PPGs, and polygraphs are utilized in some states.

There are many other restrictions that cannot be covered even by this guide, not to mention 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 RPs to reside. This question makes me cringe, because it gives the general public the impression that RPs frequently “state shop,” which is a misleading and fear-mongering notion. The prison rumor mill (“inmate.com”) and some online resources discuss ways to avoid registration duties. Allow me to put these rumors to rest: there are NO places in America—a US state, territory, or Indigenous Peoples reservation—where you can move and NOT have to register upon release. There is not a “best state” for a RP to live 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—AL, FL, IL, LA, OK, and TN, in my opinion—because these states frequently make headlines for worst (most restrictive) laws. I have jokingly told people that if your state of residence has a college football team in the Southeastern Conference (SEC), then your state is a bad place to live. However, states in the Deep South often have the most restrictions compared to other regions in the US.



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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.

The following is a list of the most onerous restrictions you may face as a Registrant (Updated Nov. 2022):

Mandatory Lifetime Registration Requirements for ALL Registrants (15): AL, AZ (except kidnapping and false imprisonment without a sexual element), CA, CO, FL, GA, HI, ID (except juveniles), MS, MT, NJ, OR, SC, TN, 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 (25): AL, AR, CO, DE, GA, ID, IL, IN, IA, KS, LA, ME, MA, MI, MS, MO, NH, NY, OH, OR, TN, UT, WI, WY

Residence Restrictions (Living Restrictions):

- Applies to all RPs (15): AL, DE, FL\*, GA\*, ID, KY\*, MP, MS, NC, OH\*, OK, RI, SD, TN, WY (NOTE: The asterisk\* denotes states where law cannot be applied to convictions preceding the passage of the law)
- Applies only to "high risk", higher Tier/Level placement, or offenses against minors (11): AZ, AR, IL, IN, LA, MO, MT, ND, SC, VA, WA
- Can be added as a rule to those "on paper" (6): CA, CT, HI, NY, OR, WV
- Municipal ordinances can create living restrictions exceeding those codified into state law (9): CO, FL, IN, ME, MN, NE, TX, WA, WI

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 which may apply to some or all RPs;) (31): AL, AR (Lv.3/4), CA, DE, FL, GA, IA, ID, IL, IN, KY, LA (offense against minors), MD, ME, MN\*, MO, MS, MT (Lv3), NC, ND, N. Mariana Is., OK, OR (Lv.3), SC (on paper), SD, TN, TX\*, UT, VA, WI, WY (NOTE: Asterisk\* indicates no state law exists, but allows local ordinances)

States that place humiliating marks on your state ID Cards: AL, DE, FL, KS, LA, MS, OK, TN, UT, VA (only if you hold a CDL for passenger transport), and WV; In addition, passports of those with offenses against minors have marks placed on their federally-issued passports

States requiring annual State ID/DL card renewals (thus causing financial burden to Registrants): AZ, IL, KS, MS (quarterly), NV, OK, TX

Employment Proximity Restriction Laws (i.e., Laws that prevent Registrants from working within a set distance from prohibited areas): AL, DE (if Leven II or LIII), GA, MI, MT (If considered high risk), RI, SC (only if On Paper), TN, WV (only if on paper for 10+ years)

States considered "substantially compliant" with the Federal Adam Walsh Act (AWA): AL, AS, CO, DE, FL, GU, KS, LA, MD, MI, MS, MO, MP, NV, OH, OK, SC, SD, TN, VA, VI, WY

States with Halloween restrictions listed in their state statutes: AR (if Lv.III or IV), FL (on paper), IL (Offense against minors or on paper), LA, and MO. 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

These restrictions can expand or be altered at any time. Also, when you move to another state, you may be still required to register, or even have your registration requirements enhanced. 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.

### THE REGISTRATION PROCESS

I was released from an Alabama State Prison on April 1, 2003. All I was given was \$10, a one-way ticket to Ohio, and a set of clothes. I did not have any form of ID except my release form from prison stating my identity. I did not even know where I was going to live until five days before my release date. Alabama did not notify Ohio that I was going there upon my release. Despite all this, I managed to get registered even in the absence of a state ID card or any proof of identity.

You must register ASAP after you arrive at your destination upon release from prison. DO NOT HESITATE! All states expect you to register ASAP, generally within two or three days after you are released or move into the area. In some states, you might already be registered before your release date, but many states do not register you before your release date. You may even be leaving prison without a proper form of identification. Some of you may even be leaving to a new state immediately upon release. Whatever the case may be, the moment you arrive in your new destination, go register at the first opportunity. Even if all you have for ID is your prison release forms, take it with you and register.

I cannot stress how important it is to register on time and give the proper information. When you first register, you should be given proper instruction on when and how to register. 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. Many states extend this demand to online activities, including emails, screen names, and/or social media accounts. Some states even charge fees for registering!

There is ***no legal way*** to avoid the duty to register. "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.

What is it like to register for the first time? It is similar to being "booked" after an arrest except this time you are not in handcuffs. A description of the registration process was extrapolated from the 2017 Handbook "Registering With Dignity" from the Sex Law and Policy Center, a site which went defunct in 2020 (the handbook is no longer available 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.*

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

*Next, the officer will take your photograph, your fingerprints, and possibly a DNA swab and palm prints. 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:

1. 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.
2. Call ahead: It is always a good idea to call the registration office beforehand in case they are closed or hours are compromised.
3. 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.
4. 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.
5. 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.

If you are required to pay registration fees, pay with a check or credit/debit card when possible and demand a receipt for payment. A few LEOs have been arrested for skimming registration fees, and if that happens, you might be accused of not paying the fees and threatened with an FTR charge.

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; in many cases, you may simply be asked if there are any changes, and if not, you may just initial and sign a notice that you arrived to register on time. But, just remember they're still cops and be careful what you say to them.

You will be required to register every time you move (across the hall, across the street, or across the country), start a new job (including volunteer work), are fired from a job, start or quit attending a school, go on a trip (depending on your time away from home), buy, rent or sell a vehicle, open a new email or social media account (in some states), and/or change your appearance, name, or phone number. In addition, LEOs may conduct "compliance checks" at random, whether run by their own registration office or as part of a multi-agency operation (state police, US Marshals, probation and parole office, etc.)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Even though the act of registration may start to feel “routine” for a while, there are serious consequences simply for forgetting to register. When your registration period time arrives, do not hesitate; just go and register and get it over with.

### 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:

1. Buy a yearly planner: Just a cheap dollar store pocket planner will suffice. You could also create one yourself with a computer.
2. Computer: Your computer can also be used to determine your location; online activities and files downloaded to the computer can be timestamped. Social media posts and comments posted on the internet can show that you were online at a certain time and how you accessed the computer.
3. 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 information through their “Timeline.” Even without setting up GPS, phone records may show your location at the time of a phone call.
4. 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 keep detailed records of usage. (If you’re worried about showing ID, however, then never use paper checks at a store; businesses never check ID if using a credit card. Many stores also have “self-checkout” kiosks that allow you to check out and bag your own items.)
5. Paper receipts: Paper receipts can become faded over time, especially if improperly stored, if you decide to keep printed receipts, keep them in a small storage bin that has a seal. Many business give the option for email or text receipts, which can be more convenient since you don’t need to store a piece of paper

### DO NOT MAINTAIN THE “APPEARANCE OF WRONGDOING”

The King James Version of the Holy Bible, 1 Thessalonians 5:22, warns readers, “Abstain from all appearance of evil.” Many religious scholars have interpreted this passage as to not look like you are doing things you should not be doing. My intent is not to impose religion upon my readers, but I believe this principle is helpful to anyone convicted of a sex offense, even if you’re not required to register.

The general public has been conditioned to believe that everyone listed on the sex offense registry is a persistent danger to women and children. The general public has been conditioned to believe that all “sex offenders” will reoffend. It does not matter if your offense involved a child or adult, or if there was even another person involved. When you first enter a community, you are likely to be watched more closely than other people moving into the community. Even if they don’t voice disapproval at you, some people may want you out of the community and may look for excuses to oust you under the assumption you are going to reoffend.

You should be mindful of how some actions may lead to negative consequences. Talking to strange children, showing public interest in activities geared towards children, or attending certain events that are geared primarily towards kids could potentially cause problems for people on the registry. It is up to you to weigh the potential negative consequences of engaging in conversations and activities that involve minors, even if your offense did not involve a minor.

### “FREE AT LONG LAST” (FALL) SYNDROME

If you are newly free, you’ll want to celebrate. But if you want to STAY free, then you must take registration and supervision laws seriously. Don’t fall into a cognitive distortion I call the “FALL”—the “Free At Long Last” syndrome. Multiple studies have found that most people who return to prison do so within the first three years of release. For example, according to the 2014 California Dept. of Corrections and Rehabilitation (CDRC) Outcome

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Evaluation Report, 5522 (65.2%) of the 8471 persons convicted of sex offenses released from the CDRC in the 2009-2010 Fiscal Year were returned to prison within three years of release. But of those 5522 returns:

- 5074 (91.9%) returned on a parole violation;
- 294 (5.3%) returned on a new non-sex crime;
- 109 (2%) returned for a “Failure To Register” (FTR) Offense; and
- 45 (0.8%) returned for a new sex offense

You are far more likely to be sent back to prison for a parole violation or FTR than for a new sexual offense. There are many ways you can be in violation and be sent back to prison (Note: this is by no means an exhaustive list):

- FTR: Violations can include failing to pay fees, failure to update registry information (could be email address, phone number, vehicle info, physical address), Failure to notify authorities of travel (most states require notice of gone from home a certain length of time, and federal guidelines require 21 days’ advance notice of international travel)
- Supervision Violations can include: Failing to pay fees, missing or being late to therapy sessions or refusing to participate in treatment (which may include refusing to take the poly/PPG), missing curfew or a check-in with the PO, or breaking any of the mandatory rules or any discretionary rules made by the courts/PO (Internet/Social Media bans while on paper are a particularly controversial rule and are currently contested in the courts).
- False allegations or wrongful accusations of supervision violations: If you’re accused of a crime or a violation of your supervised release, you will be assumed guilty unless you can prove your innocence. You may be denied any form of pre-trial release. You could be detained for months before a hearing, causing you to lose your home, job, and/or car.

Like it or not, our lives revolve around these rules. We literally have to drop everything and schedule the daily activity of our lives with these rules in mind. Horror stories exist of RPs being arrested for failing to update an email address, for being late to counseling sessions, for the inability to pay exorbitant fees, or (the one I hear the most) for assuming that state registry offices share information; the RP doesn’t tell registry office A of a move to location B because they think registry offices share information. They assume the new registry office will tell the old office about the move. This simple, innocent, faulty assumption can result in a FTR charge. You need to know the laws that apply to you and follow them. You will not necessarily get any sympathy from the courts, your PO, or your registry officer. Strict adherence to these rules is YOUR responsibility!

## CHAPTER 2—BEING “ON PAPER”: SUPERVISED RELEASE, PROBATION, PAROLE

I have been fortunate to have never been on any form of supervision; in Alabama prison slang, I “EOS’ed” (reached End of Sentence or EOS date). But I’ve heard enough horror stories to know that being “on paper” (probation, parole, supervised release, or similar programs) exacerbates the already difficult task of being forced to register. Since I do not have personal experience with being on paper, I am sharing one personal story from the 2023 book, “From Rage to Reason: Why We Need Sex Crime Laws Based on Facts, Not Fear” by Emily Horowitz. (Excerpts from pages 68-74, edited for brevity)

“Reed” (not his real name) has been on probation for 20 years. In that time, he’s ‘been violated’ for several non-SO violations, one of which was for smoking pot while on an approved trip to California, where pot is legal, one count of “reckless driving,” and failing to disclose every place he visited as required when on Intensive Probation Supervision (IPS). The IPS regimen contained many debilitating requirements including requiring those on it to record every location they visited, even if it was to stop at an establishment to use the restroom. Those on the program mockingly referred to IPS as “In Prison Soon” because the rules were difficult to follow. Each violation landed Reed in jail for 60 to 90 days followed by a new round of IPS. He was also required to restart a sex-offense treatment program that took 3-6 years to complete.

Reed said each time he was sent back to treatment, the program treated him as if it was his first time receiving treatment, even if the violation did not include sexual behavior. He had to write an apology letter each time to his victim (she was a family member and they had reconciled years ago) that he couldn’t share with anyone other than the therapist. Those who got emotional during group were shamed for “victim posturing”, which would delay graduation from the program. Those in group learned to repress their true feelings and play along with the therapist’s beliefs and demands. While on treatment, Reed could not view porn and had to report any sexual fantasy, including dreams, only to be berated for doing so. In one treatment group, he was told he could masturbate to fantasies of age-appropriate adults and have a “two-second rule” (i.e., allowing a brief lustful glance at a beautiful person); but another treatment group said no to both previous suggestions and told Reed that he could masturbate only to fantasies of a former wife/girlfriend. Reed was subject to penile plethysmographs as well as polygraphs at a cost of \$200 per test. If he failed, he would have to retake the test (and pay more money).

If Reed dates, he must tell the person by the third date about his status. On PO stated Reed that he could date a woman with a child ONLY if the woman paid for special classes and got “deputized” as a “law enforcement proxy official.” After one woman went through that process, she was still denied the right to date Reed. The PO rules for dating also include age requirements (no more than eight years’ difference), no online dating, no bars, and no one with a felony.) All outdoor activities must be approved even for friendly outings. Reed’s PO forced him to quit and remove from the internet information about Reed’s side hustle working as a paid actor; he had landed minor roles in local TV ads and even a bit role in a movie.

His ex-wife and children were denied from being allowed to see him for years before being allowed one visit per month, on the condition he was never alone with the children. Once, they were denied a visit for Father’s Day so they left him a cake outside his front door.

Reed’s story may not be indicative of the average supervision period. Other nightmare scenarios like getting a probation violation for being late to a therapy session certainly make headlines. But thousands of RPs also successfully finish periods of supervision.

Many folks seem to be confused about issues related to supervised release, probation, or parole. If you are subjected to any of these processes, you are considered to be “on paper”). Those who are “on paper” have fewer rights than non-supervised Registrants. For example, you cannot refuse a warrantless search while “on paper” but certainly have that right if you are *not* under supervision. Note: If you have “EOS’ed” “12/12”, served “flat time”, or “killed your number” (i.e., released after serving your full sentence and thus have no probation or parole responsibilities), then you can skip this chapter.

## DIFFERENCES BETWEEN A PROBATION/PAROLE OFFICER AND A REGISTRATION OFFICER

There are similarities between sex offense registration and supervised release. Both require you to check in periodically under penalty of law, both may show up at your house, and both may require you to pay fees. But, being forced to register is NOT the same as being “On Paper.” Registration officers are NOT probation/parole officers (POs). A PO may be able to make certain rules setting curfews or requiring you to go to counseling. A Registration officer’s only duty is enforcing SO laws, particularly the act of entering registration information, verifying your address, ensuring your residence is with the prescribed distance from prohibited areas (where applicable), and community notification (if applicable). Registration Officers do not make rules; they merely enforce existing laws. Registration officers cannot create new rules for you to follow. Though registry officers may conduct at-home or at-work compliance checks, they cannot enter your home without your permission or a warrant unless you are “On Paper.”

Registration officers will take complaints from citizens who assume registration officers and POs are the same. Some LEOs hope you don’t understand the difference; they hope you will continue to follow rules that no longer apply to you. For example, some local agencies promoting Halloween curfews that apply only to those on probation or parole, may omit that information when talking to the media or in press releases. They do this in hopes of luring registrants to follow rules that they are no longer required to follow. It is your responsibility to know your rights.

## RULES YOU MAY FACE WHILE ON SUPERVISION

Registrants “On Paper” will face more rules, and more oversight than RPs “Off Paper” or non-RPs “On Paper.” Rules vary by state or other jurisdiction (Federal has their own rules), and while you can find the rules of supervision through an online search for some states, some states still DO NOT post the rules of supervision online. I cannot possibly cover the rules of every state/territory in this book. Many states have entire books containing rules and regulations. In this section, I will use a few rules published by states that have explicitly published their rules online for illustrative purposes. You may experience more or less stringent rules depending on your classification or which PO becomes your supervisor.

In the following discussion of these types of rules, I will use Wisconsin as an example because their rules are publicly posted online. As stated, rules can vary state-to-state; however, many supervision rules have similar restrictions to those in Wisconsin. (Note: These rules were extrapolated from the WIDOC website in 2021 and may have changed since then; the publication of these rules is for illustrative purposes only.)

There are standard rules (rules that apply to all under supervision) and discretionary rules, i.e. additional rules that could be added to your terms of release by the courts or a PO. This means you can have additional rules placed upon you on top of the standard set of rules required by everyone under supervision.

In Wisconsin, there are 18 “standard rules of Supervision,” including notification for changes of housing or employment status, the payment of court and monitoring fees, getting permission to travel; borrow money; organize an event; subject yourself to random home/drug searches, and the requirement to attend all mandatory meetings, etc. The last Wisconsin general supervision rule is to “Comply with any court ordered conditions and/or any additional rules established by your agent. The additional rules established by your agent may be modified at any time as appropriate.” In other words, the PO has discretion to make up his/her own rules.

Wisconsin has the following stipulations specific to RPs (copied verbatim, 2021):

- “Have no contact or attempt contact with (blank space to add whoever the PO desires) nor with any prior victims of your offenses nor their family members without prior agent approval. Contact includes face-to-face contact, contacts facilitated by third parties and any other forms of communication including but not limited to telephone, computer, mail and any other electronic or scientific means.
- Fully cooperate with, participate in, and successfully complete all SO evaluations related to risk and treatment.
- Fully cooperate with, participate in, and successfully complete all SO services deemed appropriate through the SO evaluation process. Successful completion shall be identified through completion criteria determined through the sex SO standards.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Not reside nor "stay" overnight in any place other than a pre-approved residence without prior agent approval. "Overnight" is defined as the daily period of time between the hours of \_ pm and \_ am unless redefined by your agent in advance.
- Permit no person to reside nor stay in your designated residence between the hours of \_ pm and \_ am without prior agent approval. (Times defined by agent.)
- Comply with any additional SO rules that may be established by your agent. The rules may be modified at any time as appropriate."

As the information above clearly indicates, the "agent" (either the PO or the court) has power to change or add rules to the terms of supervised release in Wisconsin. Compare that with a set of special rules for RPs under supervision in Mohave Co., AZ (January 2024):

1. Do not initiate, establish or maintain contact with any male or female child under the age of 18, or attempt to do so, without the prior written approval of the probation officer, as may be amended. Sign and abide by the Probation Department definition of "no contact."
2. You shall not reside with any child under the age of 18 or contact your children in any manner, without the prior written approval of the Court or the Probation Officer.
3. Do not enter the premises, travel past, or loiter near where the victim resides without the prior written approval of the Probation Officer. Do not correspond, have telephone contact, or communicate with the victim through a third party.
4. Do not go to or loiter near places primarily used by children under the age of 18 such as, but not limited to, schools, schoolyards, parks, playgrounds, arcades, swimming pools, parades, carnivals, circuses, etc. without the prior written approval of the Probation Officer.
5. Do not knowingly date or socialize with any person who has children under the age of 18 without the prior written approval of the Probation Officer.
6. Attend, actively participate, and successfully complete sex offender treatment and remain in such treatment at the direction of the Probation Officer.
7. Submit to any program of psychological, physiological, or ongoing risk assessment at the direction of the Probation Officer, including, but not limited to, the penile plethysmograph and/or the polygraph, to assist in treatment, planning, and monitoring.
8. Authorize therapists to disclose to the Court and Probation Department information about your attendance and progress in treatment.
9. Register as a sex offender with the Sheriff of the county in which you reside within 10 days of the sentence and/or change of residence and comply with all D.M.V. identification requirements pursuant to A.R.S. 13-3821 and 13-3822.
10. Submit DNA testing pursuant to A.R.S. 31-281.
11. Abide by the curfew imposed by Probation Officer.
12. Do not possess, or in any way attempt to obtain by telephone or any other instrument, any sexually stimulating or sexually-oriented material in any form as deemed inappropriate by treatment staff, or patronize any adults-only establishment where the material is available.
13. Be responsible for your appearance, including but not limited to, the wearing of undergarments and appropriate non-sexually stimulating clothing in locations where another person may be expected to view you.
14. Do not possess, use, or have access to any computer or similar equipment that has internet capability without prior written permission by your Probation Officer.
15. Do not hitchhike or pick up hitchhikers.
16. Do not operate a motor vehicle without the prior written approval of your Probation Officer.
17. An in-custody defendant may be released to the Probation Department and returned to the Mohave County Jail only for the purpose to attend, participate, and complete any sex offender testing, therapy, and counseling as may be required by the Probation Department without further Court order.

If you are placed on a higher tier level, you might face extremely onerous sanctions while On Paper. For example, under Texas's special "Condition X" guidelines, a Registrant cannot travel outside of the county of residence and cannot "go in, on or within a distance specified by Board policy (usually 500 feet) of a premise where children commonly gather, including a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility." This has been applied even to travel, so even getting to a grocery store may prove



virtually impossible since it might require you to drive within a prohibited zone. Other Condition X rules include random polygraph exams, a ban on owning or using any electronic device with Internet access, possess any item that could be considered “pornographic”, or have any unsupervised contact with minors. While Condition X represents possibly the most extreme conditions in the US, a number of states may have similar rules of supervision in place or could be added as a discretionary condition by an individual PO.

The most vague of these rules restrict loitering near or entering an area “frequented by minors”, used “primarily” by minors, or places “where children congregate”. There are few places in America where children are not allowed at all, like adult businesses like bars or “adult” stores, or maybe a dangerous site like a construction zone. However, unless you have a very unreasonable PO, you should be able to figure out which establishments cater to minors. Businesses that would likely be viewed as catering primarily to minors include restaurants like Chuck E Cheese, toy stores, youth centers, or even a pediatrician’s office. Certain events like a circus or county fair, or an event where amusement rides for children are erected might be off-limits, however, even if the event isn’t solely for minors. If someone says, “That’s for kids”, then that place is probably off limits. If in doubt, ask your PO for permission to go to the event or establishment in question.

In short, you will likely face additional rules compared to those on supervision for other offenses, some of which can be as restrictive as living behind bars and some rules can be vague.

#### *Federal cases on paper*

For federal parolees, mandatory conditions of supervised release are set forth in 18 USC §3583(d) and USSG §5D1.3(a). These mandatory conditions include that a defendant not commit another offense while on supervision; refrain from unlawful use of controlled substances and submit to drug testing; make restitution to the victim of the offense; and submit to the collection of a DNA sample, among others. The only additional mandatory stipulation for Registrants is the requirement to register according to the laws of your jurisdiction of residence (18 USC §3583(d); USSG §§5D1.3(a)(7)(A) and (B)).

Many districts have set forth standard conditions of supervision in general orders, usually available on the US District Court’s website. Sentencing courts have discretion to impose any of the conditions listed in §5D1.3 or to create and impose “any other condition it considers to be appropriate.” A discretionary supervised release condition may be imposed if it is “reasonably related” to the statutory sentencing factors in 18 USC §3553(a)(1) and §3553(a)(2)(B)-(D). These factors include the nature and circumstances of the offense, the history and characteristics of the defendant, the need to protect the public from further crimes by the defendant, and the need to provide educational or vocational training, medical care, or other correctional treatment, involves “no greater deprivation of liberty than is reasonably necessary” to serve the purposes of deterrence, protection of the public, and training and treatment; and is consistent with any policy statements issued by the Sentencing Commission.

The guidelines recommend that, in every case, the court impose the 15 “standard” conditions of supervised release set forth in USSG §5D1.3(c). These standard conditions require the convicted person to:

- Obtain permission to leave the area,
- Report to the probation office as directed,
- Maintain or seek employment,
- Avoid excessive alcohol use and any use of a controlled substance without a prescription, and
- Report any contact with law enforcement to the probation office, among others.

For those convicted of sex offenses, the standard conditions require the convicted person to:

- Participate in a sex offense treatment and monitoring program at your own expense,
- Limit the use of a computer or access to the internet (if the defendant used computers or the internet to commit the offense), and
- Permit law enforcement to search his person or property if law enforcement has a reasonable suspicion that the defendant violated the terms of supervised release or committed any other unlawful act.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Under 18 U.S.C. § 3563(b)(22), the court may provide that the defendant “satisfy such other conditions as the court may impose.” These conditions can include:

- Restrictions on Viewing Sexually Explicit Materials
- PPG/plethysmograph, polygraphs, and “visual response testing” (The Abel Test), all at your own expense

The complete “Overview of Probation and Supervised Release Conditions” (103 pages as of December 2022) can be found at:

<https://www.uscourts.gov/services-forms/overview-probation-supervised-release-conditions>

There is an ongoing legal battle on internet bans for Registrants on paper. SCOTUS suggested in *Packingham v NC* that they would be open to a narrowly tailored internet or social media ban, and currently some jurisdictions have upheld internet/social media restrictions, but others have not. Do not be surprised if you are given an internet/social media ban while on paper. This may impact your ability to have a computer, smartphone, some gaming devices, and possible other “smart” devices like TVS.

In short, federal courts and POs abiding by USSG §5D1.3 have a list of mandatory conditions for release, some recommended “standard” conditions of release, the option to create “discretionary” rules as deemed necessary, and “special” conditions that are applied to certain cases (including sex offense convictions) and rules that can be applied on a case-by-case basis. The complete statute of USSG §5D1.3 can be found in Appendix 3 under “federal registration notes.”

### ELECTRONIC MONITORING (EM), GLOBAL POSITIONING SYSTEMS (GPS), SATELLITE-BASED MONITORING (SBM), OR “ANKLE MONITORS”

Most states have some form of electronic monitoring program for persons On Paper. But, as noted in *State v. Grady*, 831 S.E.2d 542 (N.C. 2019), a dozen states had lifetime electronic monitoring programs:

- States that mandate lifetime EM without any individualized assessment of risk, even for individuals who have completed their sentences, and without meaningful judicial review over time: California (Cal. Penal Code §3004(b)); North Carolina (N.C.G.S. §§14-208.40A(c)-208.40B(c)); Michigan (Mich. Comp. Laws § 750.520n);
- States that provide for both individualized assessments to determine if lifetime EM is appropriate and the opportunity to petition a court to be removed from EM: Louisiana (La. Rev. Stat. Ann. §15:560.3(A)(3); Wisconsin (Wis.Stat. § 301.48)
- States only apply lifetime EM to offenders who are subject to lifetime parole supervision or who otherwise would receive a sentence of life imprisonment: Florida (Fla. Stat. §948.012(4); Kansas (Kan. Stat. Ann. § 22-3717(u)); Missouri (Mo. Rev. Stat. §217.735(4)); Oregon (Or. Rev. Stat. §§137.700, 144.103); Rhode Island (11 R.I. Gen. Laws §11-37-8.2.1);
- States provide for individualized assessments and sentencing discretion: Maryland (Md. Code Ann., Crim. Proc. §11- 723(d)(3)(i));
- South Carolina (S.C. Code Ann. § 23-3-540) lifetime EM applies to those convicted, nolo contendere, or adjudicated for criminal sexual conduct with a minor in the first degree, pursuant to Section 16-3-655(A)(1), or criminal sexual conduct with a minor in the third degree, pursuant to Section 16-3-655(C) with no opportunity to be removed from EM; all other offenses can petition for EM removal after 10 years. Missouri allows removal of EM devices for RPs over age 65 if proven to be a low risk.
- Georgia’s lifetime monitoring statute, Ga. Code Ann. § 42-1-14(e) (2016), was declared unconstitutional by that state’s Supreme Court. See *Park v. State*, 305 Ga. 348, 360–61, 825 S.E.2d 147, 158 (2019).

## YOUR RIGHTS DURING “S.O.” TREATMENT

Some courts may 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 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 could 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 <https://oncefallen.com/polygraph/>

Despite the well-known fact the polygraph is nothing more than smoke and mirrors, some of you still believe they work and search online for techniques to “beat” the polygraph. Polygraphers look for evidence you’re employing these tricks as evidence you’re hiding something, so don’t waste your time and money on these so-called tricks to “sting” the polygraph. Most people who fail the poly do so because (1) they are using some technique they learned online, like holding your breath or the thumbtack in the shoe (2) you act in another way that may seem suspicious, such as pause on a question or try to over-explain something, or (3) you didn’t actually fail but are told you did in hopes you’ll confess to something.

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 *U.S. 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 specific questions 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.

### SUPERVISION AND TREATMENT FEES

Perhaps the most difficult challenge you may face while on paper is paying the myriad of supervision and treatment fees. Jeffrey Nichols noted in his Sept. 2023 newsletter “The Legal Beagle”, “[I]n my first year (on Tennessee’s “Community Supervision for Life”) after being released from prison on August 2, 2021, I paid the below fees:” \$95 per month for supervision and GPS monitoring; \$850 one-time fee for a psychosexual evaluation; \$175 twice a year - Maintenance Polygraphs \$40 per week for sex offender treatment; and \$150 annually for the sex offender annual registry fee. “In total I paid approximately \$4,220.”

This sample fee scale is for Ravenhill, a behavioral therapy program in PA: Intake Interview \$200.00; Individual/Family Session (45–50 mins) \$100/Session; Therapy Group (1.5 hrs) \$45/Group; Psychoeducational Group (1.5 hrs) \$45/Group; No Call/No Show Charge \$50; ABEL Testing \$500; Other Psychosexual Assessments \$500-\$1000; Polygraph Examination \$350; Client Documentation Requests \$50-\$200; Staffing Costs \$100/hr/clinician (charges will begin when clinician(s) leave the office if the staffing is held remotely)

Failure to pay these exorbitant fees can lead to a violation and return to incarceration. Many have reported struggling to pay for basic needs like food and medicine while paying various supervision and treatment fees.

### MOVING AS A REGISTRANT: INTERSTATE COMPACTS AND FEDERAL TRANSFERS

Attempting to move to a new state comes with extra challenges if you are on Paper.

- ❖ 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 to a new state.
- ❖ 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 area where you plan on moving. After all, registration laws are subject to private interpretation of the law, and you do not want to sit in jail while arguing certain laws should not apply to you.

If the Registrant is going to be on probation/parole/supervised release for a conviction by a state court, 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 in addition to rules you may face in California.* 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/>

The Florida DOC's offender's plan for transfer of supervision under the Interstate Compact, listed below as one example of minimum standard criteria similar to those of other states:

- Offender must have more than 90 calendar days or an indefinite period of supervision remaining
- Offender must have a valid plan of supervision
- Offender must be in substantial compliance with the terms of supervision
- Offender must be a resident of or have resident family in the receiving state who has indicated a willingness and ability to assist
  - Resident - means a person who-
    - has continuously inhabited a state for at least 1 year prior to the commission of the offense for which the offender is under supervision; and

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- intends that such state shall be the person's principal place of residence; and
- has not, unless incarcerated or on active military deployment, remained in another state or states for a continuous period of six months or more with the intent to establish a new principal place of residence.
- Resident Family - means a parent, grandparent, aunt, uncle, adult child, adult sibling, spouse, legal guardian, or step-parent who-
  - has resided in the receiving state for 180 calendar days or longer as of the date of the transfer request; and
  - Indicates willingness and ability to assist the offender as specified in the plan of supervision.
- Offender can obtain employment there or has a means of support
- Though not a resident of the receiving state and not having family residing there, the receiving state consents to such a person being sent (discretionary transfer).

The Interstate Commission for Adult Offender Supervision (ICAOS) Bench Book rule 3.3.4 notes that “In cases of sex offenders, there is a disallowance for travel permits. Accordingly, a sex offender must remain in the sending state until issuance of reporting instructions. A receiving state has five (5) business days to review an offender's proposed residence and respond to a request for reporting instructions. A denial may result if similar sex offenders sentenced in the receiving state would not be permitted to live at the proposed residence. In addition to providing these exceptions, this rule also prohibits a sex offender from any travel outside of a sending state pending a request for transfer. The rules require a sending state to provide additional information at the time the transfer request is made, if available. This additional information requirement assists the receiving state in determining risk and appropriate supervision levels for sex offenders.”

I cannot find any specific info regarding acceptance rates if a person will be required to register upon release, but overall, over 2/3 of requests are granted. More than 72% of case rejections in Fiscal Year (FY) 2022 ensued due to a failure to verify transfer plans and provide adequate justification for transfer requests. For FY 2022, 5580 interstate transfer requests were made by RPs and there are 9729 total number of RPs currently in the Interstate Compact portal. This means, of course, RPs have received interstate compacts but there is no way to know how many have been rejected due to registry status.

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. The following information is from an article 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:

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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.”

## 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 or to challenge a condition of your release.

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.

I have only shared the most important segments in this book, with the citations omitted to save space. The complete report (which contains full legal citations) can be found at:

[https://www.ussc.gov/sites/default/files/pdf/training/primers/2023\\_Primer\\_Supervised\\_Release.pdf](https://www.ussc.gov/sites/default/files/pdf/training/primers/2023_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 interest of justice,” after considering the specified factors. 18 U.S.C. § 3583(e)(1).

Courts disagree on whether they must explain such consideration on the record in deciding whether to grant a defendant's motion for early termination of supervised release under section 3583(e)(1).

The guidelines “encourage[] [courts] to exercise this authority in appropriate cases.” In particular, the authority to terminate a term early is one factor a court may consider in determining the length of a term of supervised release. For example, a court may impose a longer term 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.” See USSG §5D1.2, comment. (n.5)

The Sixth Circuit has held that a court may terminate supervised release early even if the statute of conviction originally required a particular term of supervised release.

### *Appellate Issues*

As with a sentence of imprisonment, a term of supervised release may be reviewed on appeal for procedural and substantive reasonableness in light of the court's stated reasons. The standard of review will vary depending on the nature of the challenge and the procedural posture of the appeal.

### *Appeal of Challenged Conditions*

Claims that a district court imposed an invalid condition of supervised release raised for the first time on appeal are ordinarily reviewed only for “plain error.” Fully preserved challenges to conditions of supervised release are ordinarily reviewed on appeal for abuse of discretion, 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.” Although circuit courts often uphold the conditions imposed, they also have disagreed about the propriety of certain conditions.

Appellate courts have addressed discretionary conditions imposed by sentencing courts, including the conditions listed in the guidelines as well as conditions created by the courts. Circuit courts have criticized and struck down discretionary conditions imposed because they were vague and overbroad, not reasonably related to relevant statutory sentencing factors, or constituted a greater deprivation of liberty than reasonably necessary. In 2016, the Commission revised or clarified several of the conditions in §5D1.3 that had been challenged on appeal as vaguely

worded, constitutionally suspect, or, in the case of certain standard conditions, improperly imposed on particular offenders.

*Appeal of Revocation Conditions*

District courts must adequately explain a defendant's sentence so that reviewing courts can evaluate the validity of the underlying rationale supporting the sentence. Just as with a sentence of imprisonment imposed at a defendant's original sentencing hearing, a post-revocation sentence of imprisonment cannot be based solely on the defendant's need for rehabilitation.

Whether a district court had jurisdiction to revoke supervised release is reviewed de novo.<sup>135</sup> The district court's factual findings that a defendant violated the conditions of release are reviewed for clear error, while legal conclusions are reviewed de novo.

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. With respect to appellate review of the type and length of the sentence imposed upon revocation, "sentences for violations of supervised release are reviewed under the same standard as for sentencing generally: whether the sentence imposed is reasonable." Reasonableness is reviewed "under a deferential abuse-of-discretion standard." Where a defendant does not object at sentencing to a district court's failure to explain its reasoning, the procedural challenge is subject to plain error.

*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, or only becomes ripe on appeal of a judgment revoking supervised release or as part of a modification proceeding. The courts of appeal have issued inconsistent decisions on this point and the ripeness of any particular challenge may turn on the nature of the condition being challenged. Finally, courts have held that a defendant's appeal of a district court's revocation of supervised release is moot if the defendant has been unconditionally released from all types of custody (including any recommenced term of supervised release) at the time the appellate court hears the appeal.



### CHAPTER 3—FINDING HOUSING

Housing is a basic need to survive, but for RPs, housing is difficult to find even under the best of circumstances.

When 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 five months. I had obtained a job and found a sleeping room for \$150 per month in 2004 (amazingly, it was the first place I had 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, so when I needed new housing in 2014, it only took four weeks and 34 calls to find three apartments. In 2019, my apartment was damaged by a fire; as of 2020, I’m staying in the home of a fellow activist in rural Nebraska, outside any incorporated area that may have 500 foot restrictions. In short, I’ve experienced plenty of housing struggles.

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 resurgences after years without new restrictions. Also note that those required to register for life are barred from obtaining Section 8 Housing (see the Welfare chapter for details). Housing has also gotten more expensive since the housing bubble burst in 2008 leading to the “great recession,” which caused more people seeking to rent rather than own; with an increase of demand for rental properties caused an increase in rent prices.

A survey conducted by Lynn Clark of the University of Akron, published in the Federal Probation Journal (Vol. 1, #1, June 2007), found that only 14.4% of landlords in Akron (pop. 209k in 2007) were willing to rent to a person convicted of a sexual offense. By contrast, 53.4% stated they would house “any criminal,” 41.4% (193 of 470) would house a domestic violence offender, 31.1% would house a drug possession offender or assault offender, and 13.6% would rent to someone convicted of selling drugs. At the time, Akron was experiencing a “buyer’s market”, a market where the supply of housing far exceeded the demand for housing. Akron’s vacancy rate was 16%, far higher than what is considered a healthy rate of 3%-5%. The foreclosure rate was 7%, and foreclosed properties are often converted into rental properties.., Akron was considered a “seller’s market” in 2023 with a population of 189k, around 20k less than in 2007.

Despite the population and housing woes, there were few options for RPs seeking housing in Akron. As of September 2023, there were 983 Registrants in Akron; only seven were officially listed as “homeless” with another nine listed as “non-mappable.” Registrants could be couch-surfing, staying at a temporary shelter, or even locked up in the county jail. Thus, reviewing the registry may be underestimating homelessness among registrants in Akron. I chose Akron for this discussion because it was the site of the most recent study I could find online. I believe this problem is similar in other states.

Obviously, residency restrictions can increase the likelihood of homelessness, and municipal ordinances can exacerbate an already difficult task. According to Florida’s Office of Program Policy Analysis and Government Accountability (OPPAGA), there were 166 local residence restrictions in 48 Florida counties, including 29 county

and 137 municipal ordinances in November 2018. The FL county sheriffs who were surveyed in the 2018 OPPAGA report reported the most common barriers to finding permanent housing for RPs were residency restriction laws (67%), property managers unwilling to rent to RPs (45%), lack of affordable housing (29%), lack of employment and income (24%), and lack of transportation (16%). About 6% of Florida's registrants (1727 of 28,845) were homeless in November 2018. But in a subsequent report released in 2021, the OPPAGA noted that numbers varied greatly by county; some reported no transient Registrants, while the two counties with the greatest restrictions (2500 feet) had the highest number of homeless RPs – Miami-Dade (28.2%) and Broward (27.6%).

The good news is that there are ways to find housing. I won't lie to you and pretend it is a cakewalk; the statistics I provided makes that point obvious. Most prisoners soon to be released may need a transitional program; specific housing leads will be listed by state in Appendix 2 of this guide and on the OnceFallen.com website. The bad news is you'll likely experience a lot of housing discrimination while searching for a new home and some people will not respond kindly when asked if they would be willing to rent to a Registrant, even in areas where residency restrictions do not apply.

### HOUSE HUNTING TIPS

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

This guidebook contains the laws at the state level, but if you are conducting research on local ordinances that may impact you, you might find them on websites like [ecode360.com](http://ecode360.com) or [library.municode.com](http://library.municode.com) or the municipality or county website. Both [ecode360](http://ecode360.com) and [Municode](http://Municode.com) sites allow for keyword searches; because terminology often varies, you may have to type in multiple terms like "sex", "offender", or "predator" to find ordinances related to restrictions.

It is, however, quicker and easier to simply 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 that may not be updated on these municipal code websites. 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 RPs have increased awareness of the special challenges of finding housing for RPs 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 on "sex offender housing [your city]," you might find some lists. Many renters post on [Craigslist.org](http://Craigslist.org) because it is free and [Craigslist](http://Craigslist.org) can show rentals on a map. Since no one is going to advertise that they rent to RPs (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 RPs 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](http://Craigslist.org) housing listings map or similar website to find housing.

*TIP #4: DON'T GET DISCOURAGED AND BE PATIENT*

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 make the calls for you. You have to grow thick skin because some folks won't be cordial while rejecting you. Finding suitable housing can take far longer for a Registrant than it can for the average citizen due to the increased likelihood of rejection. Residency restrictions add a second layer of difficulty to the house hunt. Prepare both mentally and physically for a long search.

*TIP #4: HONESTY IS THE BEST POLICY*

It is better to be up-front about asking if prospective landlords rent to a Registrant 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, RPs 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 in an area 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 up to \$2000 in savings at all times (Rules of Social Security Disability/SSI allows you to keep up to \$2000 in savings without penalty. This applies specifically to those on SSI; the rules to those drawing from the lifetime earnings fall under different Social Security rules. You can contact Social Security for specific rules on property and savings issues if you are on a different program). I strongly suggest you improve your credit rating during times of financial stability. 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

You have protections against unlawful entry by law enforcement. Your inclusion on the registry does not give law enforcement a reason to 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 information on your rights during a police check can be found at: <https://oncefallen.com/police-cps-checks-rights/>

### MOVING AS A REGISTRANT

I covered moving to a new location while On Paper in Chapter 2. All RPs, whether you are On Paper or not, must register at BOTH the jurisdiction you are moving from AND the jurisdiction you are moving to, often before making the move. Refer to Appendix 3 for the rules of each state when moving.

- ❖ You do NOT need special 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 a new state comes with a different set of conditions and burdens for RPs. States registry laws vary wildly, even in states considered “substantially compliant” with the AWA. In addition, some states allow municipalities and/or counties to create and enforce additional restrictions on RPs.

As of September 2024, eighteen states, four US territories, and 137 Indian tribes have “substantially implemented SORNA” (the registry portion of the AWA). SORNA categorizes RPs on an “offense-based” scheme; in other words, you are tiered (rated) according to the crimes leading to your conviction. However, because the AWA is not a universal standard, AWA states can have requirements that are 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. Non-AWA compliant states may classify you into tiers using either an “offense-based” or a “risk-based” scheme (i.e., you are given a barrage of tests to determine how likely you are to reoffend.)

If you have a conviction from any state, territory, federal, military or foreign court and move to a different state/territory, you may be subject to a very different set of registration rules than in the state/territory from which you moved. The federal system does not have registration offices, so the registration requirements are determined by the state/territory where you reside, not by the federal government. Some states may honor certain registration requirements of the jurisdiction of conviction or may alter your registration period to match those by your current state of residence. Some states may keep you on their registries even if you no longer live in that state.

States/territories handle extra-jurisdictional convictions in the following ways as of August 2021:

- States where the default registration length is lifetime, regardless of the requirements of the state of conviction (although some may offer a process to obtain relief from the registry): AL, AR, CA, CO, FL, GA, HI, ID, IL, MS, MT, NJ, OR, SC, TN, VA, WY
- States that honor the registration requirements from the state of conviction (example: if your state of conviction requires 10 years of registration, the new state requires 10 years registration even if their registration periods are different): CT, PA, TX, UT
- States that require registration for the longer of the two registration periods when there is a conflict between the states (example, if state of conviction requires 10 years of registration, but the new state requires a 25 year registration for the same offense, you will register for 25 years): IA, IN, KS, LA, MN, NM
- States that will classify you according to their rules (or by Federal AWA guidelines even in non-AWA compliant states), regardless of registration status from jurisdiction conviction: AS, CA, CO, DE, DC, HI, GU, IL, KY, ME, MP, MS, MO, NE, NV, NH, NC, ND, OH, OK, OR, PR, RI, SD, VI, VT, WI

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- States with unclear rules (difficult to determine guidelines, but assume you must register according to these state guidelines): AK, AS, AZ, MD, MI, WV

In regards to certain low level offenses, some states/territories only require registration if the crime of conviction is similar to a registrable offense in that state/territory. Some states require registration for extra-jurisdictional/“out-of-state” convictions even if the same is not true in the state you are moving to. Below is the breakdown:

- States/territories that require registration if the offense in the jurisdiction of conviction is comparable, similar, or equivalent to registrable offenses in the state/territory: AZ, AK, AS, CO, DC, DE, FL, GU, IL, KS, ME, MA, MN, MT, NE, NV, NJ, NM, NC, OH, OK, RI, SD, TN, TX, USVI
- States/territories that require registration if the jurisdiction of conviction requires registration, even if the offense would not require registration if you had been convicted within the new state: AL, AR, CT, GA, HI, ID, MD, MP, MS, MO, NH, OR, SC, UT, VT, VA, WA
- States/territories that require a case review before determining registration status: CA, KY, NY, ND, OR, WY (if offense is not otherwise registrable under WY law)
- States that do not mention how extra-jurisdictional registration is determined within the state statutes (I can only assume all are required to register): AK, IN, PR

See Appendix 3 for “extra-jurisdictional/“out-of-state” convictions in each state for full details on how states handle registration when moving in with an extra-jurisdictional conviction, and for notes on how the federal system classifies RPs into Tiers under the AWA.

This system is very complicated and can cause major problems when moving to a new state. Registry status often defies the law of gravity, meaning your status can go up but rarely comes down. A new state may require registration even if you “timed out” of the registry in another state. Here are two anecdotal examples:

- A Tier I Registrant was no longer required to register in Ohio because he finished his 10 year registration requirement. He moved to Florida (where everyone must register for life and kept on the registry for years after death); he is now a lifetime Registrant and will be on the Florida registry even after he dies.
- A Tier I Registrant moved from Wisconsin to a state that classified him as a Tier III. After returning to Wisconsin, he was classified as a Tier III despite being previously labeled as a Tier I by Wisconsin.

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 is that states without 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 are no longer required to register in one state due to timing out or obtaining relief from registration requirements (via pardon or relief by court order), other states may still force you to register.

If you have been removed from the registry in one state but are placed on the registry in another state, it is possible to be removed from the registry if you are willing to file litigation. A couple of court cases 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 North Carolina’s process for adding people to the state registry who had been convicted out of state deprived the 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 still forced him to register 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 that “specifically states that the defendant is not required to register because his conviction predated the registry.”

#### HOMEOWNERS’ ASSOCIATIONS (HOAs)

Homeowners associations (HOAs) are growing in popularity. It seems counterintuitive for a Registrant to desire to live in an HOA, since they tend to have a poor reputation these days. As one Registrant put it, “HOAs suck. What started out as a group to assist each other in protecting property values has morphed into a bunch of nosy neighbors with a God complex. HOA covenants are not laws and have no legal force beyond the association being able to sue a non-compliant member for breach of contract.”

There is a key difference between an HOA and rental properties. With rental properties, you are renting, not buying. You do *not* own the property. Thus, they *can* discriminate against you because you are not a protected class, private persons don't have to rent to you if they don't want to, and you can be evicted from rental properties. However, you *must* follow the HOA rules because if you refuse to pay the HOA fees or break the rules, you could be fined, sued, or even have a lien filed on your property. Some HOAs are writing contracts that exclude RPs from moving into an HOA property.

There aren't many state laws or court rulings addressing the issue. In *Lake Naomi Club, Inc. v. Rosado*, 285 A. 3d 1 (Pa: Commonwealth Court 2022), the Commonwealth Court (Pennsylvania's intermediate court), ruled against an HOA restriction banning those classified as Tier 3 (those considered "high risk") from an HOA property. The ruling relied on *Fross v. County of Allegheny*, 610 Pa. 421, 20 A.3d 1193 (2011), a PA Supreme Court ruling that determined that the state legislature had not authorized municipalities to create their own restrictions, so private residential communities must abide by the same rules. But in *Mulligan v. Panther Valley Property Owners Association*, 337 N.J. Super. 293 (App. Div. 2001), the NJ Appellate Division upheld an HOA's amendment precluding Tier III RPs from residing (but not owning the property) within the common interest community.

Currently, only one state (AZ) is known to have a state statute allowing HOAs to openly restrict some RPs from residing within it. However, media reports have stated HOAs in Florida and Ohio have banned RPs from residing within the HOA community.

#### MOVING TO AN INDIGENOUS PEOPLE NATION

Moving to an Indigenous Peoples nation (“Native American” Tribe) 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 AWA 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, five chose to delegate registration power to the state, and nine did not file a resolution. In addition, as being quasi-sovereign nations within US borders, Tribes retain the right to exclude RPs 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

If you are looking to flee America, being "on paper" will likely eliminate emigration is an option, and even if you are not on paper, you might find emigration quite difficult.

SCOTUS determined in *Nichols v. US*, 136 S. Ct. 1113 (2016) that the passage of International Megan's Law added a requirement that Registrants must 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, and many states explicitly codified this rule into registry laws.

Once outside America, there is no evidence that verifies some claims that a Registrant would have to register at the US Embassy if living abroad. However, each nation has their own policies about emigration that may prove to be a hindrance if you are considering becoming a citizen of another nation.

Applying for asylum status is not a guaranteed strategy for fleeing the US, either. After the initial application was denied, a German court awarded Steven Whitsett "asylum" status. However, the German court determined that registry status and the onerous restrictions like residency restrictions were not sufficient enough for asylum status. In fact, the German courts implied such laws were just for the protection of the public even if they were oppressive. However, in Whitsett's case, extradition to Florida would have resulted in an 18-year prison sentence followed by a potential stint in civil commitment. The German court noted this exceeded the original sentence for the original offense, especially given Whitsett's offense would not have been handled as harshly under German law. Whitsett's win does not guarantee others will receive asylum status, especially if the U.S. state requesting extradition does not sentence FTR cases to decades in prison or threaten civil confinement. Furthermore, according to Steven Whitsett, in February 2024 the German immigration authorities changed the official policy on dealing with American RPs who come to Germany looking for asylum. RSOs are now automatically blocked from the asylum process and are strongly encouraged to just go find a job (obtain a work visa). I have a lengthier discussion on emigration issues in Chapter 11.

### MOVING TO THE USA WITH A FOREIGN CONVICTION

If you were convicted of a sexually-based offense outside the USA and you plan on visiting or living in the States, you may be forced to register. Not all US States/Territories explicitly require registration in these cases. Many AWA-compliant states have statutes that require registration if the sex offense conviction occurred in "Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country that vigorously enforces the right to a fair trial at the time of conviction (as per the U.S, State Dept. Country Reports on Human Rights Practices)." Some state statutes simply state a foreign conviction of any kind of sex offense is sufficient for requiring registration, while others may compare the facts of the case to state's criminal codes for registrable offenses. When entering the USA, you'll likely be harassed by customs if you live in a country that has a sex offense registry or shares criminal arrest/conviction data with the USA (which is what the US is trying to achieve with "International Megan's Law").

## CHAPTER 4—FINDING A JOB

Upon my release from prison, I was desperate to take any job. I was not always treated with respect. I did face a few terrible interviewers. I have a Bachelor's in Justice Studies with a 3.6 GPA, so some prospective employers were also curious why a man with a degree would be desperate enough to apply for a "low-level" job, but I was homeless and hungry. It took seven months, going through a number of employment programs catering to Returning Citizens, and over a hundred job applications before I finally found employment stocking shelves at a Kroger grocery store in the "inner city." I worked this job for 18 months before being fired after my former boss transferred and the new boss did not like RPs. 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 would be a long shot but she would try anyway). She even sent me to a facility for the pre-employment screening (a 3-mile walk for me). Days later, I received a letter from Target's corporate headquarters stating bluntly that they have a strict policy against hiring RPs. The worst experience from my job search was when I attempted to get hired at a temporary office-staffing service. While taking an employment test, a woman who I'd never seen before barged into the room. She was screaming at me. She yelled, "I told you I would never allow you to work here." And then she had me escorted out of the property. Registrants who call me today share the desperation I felt after my release.

The second most common reason someone may contact OnceFallen concerns job prospects. What kind of jobs can a Registrant obtain? As a Registrant, 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.

In a 2022 employment study in the UK, 167 people were asked to rate a number of fictional job applicants. The study found that the candidate with no previous convictions was rated highly on trustworthiness, value and suitability for the role and 98% of participants would not change their hiring decision. Candidates with a prior sexual offense were rated as less trustworthy, less valuable to the company, and less suitable for the role. Additionally, the disclosure of a prior sexual offense reduced the likelihood of being hired for that position. The rejection rate was higher for those who had committed contact offenses (rape: 57% and sexual activity with a child, 80%, vs possession of indecent images of children, 49%), and was particularly high when an offense against a child was disclosed. Many participants reported that they no longer felt the workforce would be safe for other employees if they were to hire the candidate, and some felt that the decision to hire would create conflict with other staff members. (Porter, C.N., Haggard, L. and Harvey, A.C. Sexual offending and barriers to employability: public perceptions of who to hire. *Curr. Psychol.* (2022). <https://doi.org/10.1007/s12144-022-03841-1>)

Paradoxically, RPs 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 RPs and have liability concerns. Walmart used to hire RPs but after they were sued following an indecent exposure incident from an employee on the list, they no longer hire RPs or anyone convicted of "violent" offenses due to liability concerns. Walmart and similar big box chain stores that do not hire Registrants may appear on lists of companies willing to hire felons given out by employment agencies, community action agencies, or services designed to help those who served time find employment.

Employment data for RPs is sporadic at best. A few localized examples from various media outlets have reported unemployment rates for Registrants as low as 20% and as high as 80%. A review of the Alabama registry by OnceFallen found 3453 of 6101 (or 57.1%) of Alabama's Registrants were unemployed in May 2017 compared to 4.7% of the state's General Population). A similar count conducted by OnceFallen for Delaware Registrants in August 2020 found 1146 of 3182 (or 36%) of Delaware's Registrants are unemployed compared to 8.9% of the



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

General Population. In both counts, a common theme was discovered—many Registrants were listed as “general labor” or similar job titles with home addresses. This could imply that many Registrants are self-employed and/or chronically underemployed, and take whatever job they can get.

A 2016 OnceFallen survey of 307 RPs compared employment status of Registrants with similar labor stats compiled by various government agencies. These are the top 10 job types for RPs according to the survey (Including number of respondents and percentage; GP stands for General Population of Americans while RP stands for Registered Persons):

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 RPs 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% RPs vs 5.9% GP); Registrants were far less likely to report being employed full-time than the general population (30.82% RPs vs 45.3% GP).

*Poverty:* Registrants were far more likely to live in poverty compared to the general population (31.44% RPs 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, RPs 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% RPs vs 30% GP).

*Job Discrimination:* Registrants are more likely to lose their jobs than the general population (56.04% RPs vs 32% GP after one year; 83.52% RPs vs. 69% GP after five 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% RPs vs 27% GP).

*Job Search:* Registrants were roughly twice as likely to be long-term unemployed (unemployed for more than six months) than the general population (51.14% RPs 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 RPs 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. My full 2016 Jobs and Welfare Survey results and link to my published report can be found online at: <https://oncefallen.com/job-and-welfare-survey-2016/>

### 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; PA and WV lists employer city, county and zip code; AL lists employer city and occupation; HI and NV lists employer street name and zip code; LA, MA, MD, MI, MO, MS, NY, OH, SC, and TN publicly disclose the employer's address; finally, AK, DE, IN, ME, NM, and VA list employer name and address. (The NSOPW has published employment data for IL even though that state does not publicly disclose employer data.)

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 information 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 information 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 information 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 information publicly).

Further exacerbating the problem are employment restriction laws, specifically laws that state RPs may not work within a certain distance to a prohibited area like schools or daycares. Alabama, Delaware (for Level IIs and IIIs), Georgia, Montana (those considered high risk), South Carolina (if "on paper"), and Tennessee have employment proximity restriction 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. (Thankfully, the case was dismissed in 2019.) In addition, numerous laws have passed in recent years banning Registrants from working certain jobs such as carnival operator, delivery driver, or in-home service worker.

Due to the stigma of the registry (especially in the states that list employer information on the public 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 2022, "37 states have adopted statewide laws or policies applicable to public-sector employment"—AZ, CA, CO, CT, DE, GA, HI, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, TN, UT, VT, VA, WA, AND WI. (Note: In some states, this may only apply for jobs with certain numbers of employees

Fifteen states have mandated the removal of conviction history questions from job applications for private employers—CA, CO, CT, HI, IL, MA, MD, ME, MN, NJ, NM, OR, RI, VT, AND WA.

Twenty-two major metropolitan areas also extend their local fair-chance hiring laws to the private employers within their jurisdictions—Austin, Baltimore, Buffalo, Chicago, Columbia (MO), DeSoto (TX), 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, Spokane (WA), St. Louis, Suffolk County (NY), Waterloo (IA), and Westchester County (NY).

You can obtain more detailed information 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. (Your conviction will turn up on background checks even if you are no longer required to register.) 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 EX-FELONS

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 of local charities that may assist you. Even registration offices may know of a couple of employers who are hiring. Below are some potentially useful programs for you:

- ❖ The Federal Bonding Program (<https://bonds4jobs.com/>) covers employee dishonesty, like theft of property or money, for the first six months of hiring with a federal bond starting at \$5,000. (Employers may be more willing to hire you if they are made aware of this program.)
- ❖ Work Opportunity Tax Credit (WOTC): The WOTC general business credit provided under the Internal Revenue Code §51 that gives employers a return equal to 40% of up to \$6,000 of wages paid to, or incurred on behalf of, an individual who is in their first year of employment, is certified as being a member of a targeted group, and performs at least 400 hours of services for that employer. States may run their own program similar to the WOTC.
- ❖ Volunteers of America (<https://www.vo.org/>) provides Registrant-friendly reentry services.
- ❖ Felony Record Hub (<https://www.felonyrecordhub.com/>) has a lot of useful information and lists of jobs that hire felons, although they do not list which jobs also hire RPs.
- ❖ Indeed (<https://www.indeed.com/>): While not specifically for people with records, Indeed has vowed to increase the number of listings to make job-hunting with a record more accessible.
- ❖ Honest Jobs (<https://www.honestjobs.com/>): A paid subscription service allowing access to a database of job openings for those with criminal records.

Unfortunately, many programs open to lots of fanfare but close due to a variety of circumstances. The COVID pandemic led to the closure of 70millionjobs.com, one of the resources listed in previous editions of this book. As the founder of the website explained, "When it hit in force in March 2020, companies made wholesale terminations of nearly all of our people and continued their halt in hiring for two years. Companies that were hiring, like Amazon or Target, now had their choice of tens of millions of Americans without records from which to choose."

### SELF-EMPLOYMENT AND WORK FROM HOME JOBS

As noted in the 2016 Job and Welfare survey, RPs are more likely to be self-employed than the average person. The 2020 COVID pandemic led to an increase in stay-at-home jobs that expanded possibilities beyond the typical self-employment jobs. While many traditional self-employment jobs like independent trucking and labor jobs still exist, a number of new jobs have opened up in recent years that might have been closed to hiring Registrants in the past since they do not require coming into a workplace. Many of these job opportunities include computer tech jobs like programmer, web designer, or computer graphics designer. Other work-at-home jobs include data entry, bookkeeping, grant writing, editing, and translator. Social and independent media have opened up the possibility of making money creating your own Youtube channel or get hired to assist others in online video production. You can make your own products and sell them online through eBay, Etsy, Mercari, or other online sellers. You can even work as a consultant for those who are facing prison time for a sex offense prepare for life behind the prison walls.

The downside to this job shift is the heavy reliance on computers, so these opportunities may not be available to those who have Internet bans while On Paper.

## CHAPTER 5—OBTAINING WELFARE AND FINANCIAL 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 (RPs) are more likely than the general population (GP) to rely on food stamps (26.27% RPs vs 18% GP), SSI/Disability (8.07% RPs vs 4.8% GP), and financial assistance from family and friends (28.89% RPs 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 seven out of eight chance of being reliant on some form of welfare assistance during your time on the registry.

Registrants currently qualify for Supplemental Nutrition Assistance Program (SNAP, aka “food stamps”; the “food stamp card” used to distribute such benefits electronically are called Electronic Benefits Transfer, or “EBT”), Medicaid/Medicare (medical assistance for low-income persons), Temporary Assistance for Needy Families (TANF), the Heating and Energy Assistance Program (HEAP), and local-level assistance offered by various community agencies. Legislators have attempted to ban RPs from many federal welfare programs. While not every program currently bans RPs, we must maintain a vigilant watch of legislation at both the state and federal levels to block any further legislation designed to prohibit Registrants from receiving government assistance.

To see if you qualify for any of the programs listed below, you must go to the appropriate office. For SNAP/Food Stamps, WIC, TANF, and Medicaid, go to your local welfare office. For Social Security, Medicare, or getting your Social Security card, go to the nearest Social Security Office. Most welfare offices DO NOT allow initial paperwork to be filed electronically, so be prepared to sit in a crowded and noisy waiting room for hours. You will be required to fill out paperwork and provide proof of residency, citizenship, and income, whether from employment or from another source like Social Security. Eligibility requirements typically include having an annual household income below the federal poverty line, chronic homelessness, actively seeking employment, or engaged in a work training program. Specific program qualifications and rewards often vary by state. Some states may even have an expedited process for the returning citizen. Contact your local welfare or Social Security office for details

*SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)/ FOOD STAMPS:* Some people still refer to the federal SNAP program as “Food Stamps,” even the program uses an “Electronic Benefits Card” (EBT), not actual stamps; some people refer to the program as EBT. RPs currently qualify for SNAP benefits. Two previous attempts (in 2014 and 2018) to ban all RPs from the SNAP Program failed. Under 7 USC 2015(r), “Disqualification for Certain Convicted Felons,” some sex offenses are disqualify an applicant 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. Monthly benefit amounts vary by state, but the average person receives only around \$120/mo.

*SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC):* WIC is a federal nutrition program specifically for pregnant, breastfeeding women and families with children under age five. This is a separate program from SNAP; apply at your local welfare office. RPs are not disqualified from the program.

*TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF):* The TANF program, which is time limited, assists families with children when the parents or other responsible relatives cannot provide for the family's basic needs. The Federal government provides grants to States to run the TANF program. States have broad flexibility to carry out their programs. The States, not the Federal government, decide on the design of the program, the type and amount of assistance payments, the range of other services to be provided, and the rules for determining who is eligible for benefits. On the state level, this program might have a different name like “Aid to Dependent Children (ADC).” There are currently no known laws at the state level excluding Registrants from TANF benefits other than similar rules banning fugitives (“fleeing felons”) and those violating supervision requirements from receiving benefits.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

*MEDICAID/MEDICARE:* There are a few key differences between the two programs. Medicare is federal health insurance for people who are 65 or older, or who have certain disabilities, end-stage renal disease, or ALS. Medicaid is a joint state and federal program for people with low income and resources, and eligibility varies by state. Registrants are currently not restricted from receiving Medicare or Medicaid benefits. A misinterpretation of AR Code 12-12-927 led to erroneous reports that RPs are restricted from qualifying for Medicaid in Arkansas; instead, the AR code only bans RPs from *providing goods and services* to the state's Medicaid program.

*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 lifetime sex offense registration requirement. This regulation reflects a statutory prohibition. In addition, states are given the option to banish even non-lifetime RPs from public housing, and oftentimes, they do. (There is not a list of states or individual housing providers that deny housing to RPs.) If an Owner and Agent (O/A) or Public Housing Agency (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 O/A or PHA must terminate assistance for the household. A lengthy discussion of HUD regulations, issued on June 11, 2012, can be found at: <https://www.hud.gov/sites/documents/12-28PIHN12-11HSGN.PDF>

The following was posted from the website [hudexchange.info](http://hudexchange.info) in January 2022:

“Are applicants with felonies banned from Public Housing or any other housing funded by HUD? Do the Public Housing Agencies (PHAs), State, or landlords have any discretion in the process that could bar certain felonies?”

“...PHAs have broad discretion to set their own policies when considering whether to admit applicants with criminal backgrounds, including those with felony convictions. A PHA may not base a determination not to admit an applicant solely on a record of arrest, though the conduct underlying an arrest may be relevant for admissions decisions.”

*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 RPs 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 RPs 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:* RPs 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.”

*FEDERAL STUDENT FINANCIAL AID:* RPs qualify for student aid for funding college classes. (NOTE: The ban on prisoners receiving financial aid was repealed in December 2020.) You can find the details at <https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions>

*COVID-19 AND OTHER STIMULUS CHECKS:* Registrants were not prohibited from collecting government “stimulus checks” given out during the “Great Recession” of the late 2000s or during the COVID-19 pandemic of 2020-2021. In March 2021, Sen. Ted Cruz introduced S. 931, an amendment “to ensure that the 2021 recovery rebates as provided for in the American Rescue Plan Act are not provided to prison inmates convicted of child sex abuse and that such sums shall be redirected to the Department of Justice to be paid out in the form of restitution to compensate victims of crime.” Cruz also proposed the similar S.930 targeting those incarcerated for rape. Sen. Rick Scott introduced S.798 to prohibit any inmate, probationer, or parolee from collecting a stimulus check. All provisions were rejected. Concerning other disaster relief programs, the Small Business Administration disqualified RPs from their emergency funding program.

*SOCIAL SECURITY:* 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 Social Security benefits.

I must note, however, that there have been some misleading claims about registration status being a qualifying disability. The SSA states, “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; for 2023, that amount is \$1470 for non-blind disabled SSDI or SSI applicants, and \$2460 for blind SSDI applicants (the SGA limit doesn't apply to blind SSI applicants). For more details, see <https://www.ssa.gov/oact/cola/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, but I am on both 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 Registrant 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.

Since 2020, social security benefits, including SSI and SSDI, have been increasingly difficult to obtain and keep. SSDI is a program you earned through obtaining sufficient work credits (if you don't have enough work credits, you don't qualify). SSI is a needs-based program and is far more restrictive than SSDI. Under SSI you cannot have more than \$2000 in your bank account and allowed only a handful of “assets” like a car. According to the SSI/SSDI Outreach, Access, and Recovery (SOAR) organization, 71% of SSI/SSDI applications are denied. And even when you are approved, you are placed on a tier system that could subject you to a review in as little as 6-18 months from the date of the award. A rule passed by the Trump administration led to cuts in new SSI/SSDI approvals; according to stats from the SSA, the number of SSI recipients ages 18-64 have been reduced from 5 million in 2012 to just over 4 million in 2022. Furthermore, most benefits remain under the federal poverty level. A 2023 report from CNN stated that purchasing power of benefits has reduced by 32% since 2000.

The benefits cannot keep up with certain types of inflation, especially housing costs. Conventional wisdom states that people should only spend about 30% of their income on rent. The full SSI benefit amount is \$941. Meanwhile, the average rental price for a one-bedroom in the US is \$1500/month according to Apartments.com or \$1160/month according to statista.com (based on numbers reviewed in May 2024). This will vary by state, of course; AR, IA, KS, LA, MS, ND, OH, OK, SD, and WV still have average rental prices under \$1000/mo. Living off SSI or SSDI may require a lot of sacrifice and planning, like finding a roommate or living with family members who own a home (assuming it is not in a restricted area).

*NON-GOV'T ASSISTANCE:* 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 RPs have reported problems receiving housing and employment assistance from the 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 6—DEALING WITH VISITS FROM POLICE AND CPS

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 them 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 RPs 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:

<https://oncefallen.com/police-compliance-check-survey-2016/>

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. Due to the controversial 5-4 SCOTUS opinion in *Salinas v. Texas*, 570 US 178 (2013), you must verbally state you are invoking your 5th amendment rights; simply sitting silent can imply guilt.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- *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:* Thanks to modern technology, there are many audio/video recording devices you can use to record your interactions with law enforcement, including cell phones, "GoPro" helmet cameras, home surveillance cameras, doorbell cams, dash cams, and pocket-sized box cameras. However, some states (CA, CT, FL, IL, MA, MD, MI, MT, NH, NV, PA, and WA) require the consent of both parties, so it may be illegal to record the police without their consent prior to recording, 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 US Marshals were only granted jurisdiction in "investigating and apprehending" Failure To Register violations. The US Marshals technically DO NOT have the authority to handle compliance checks. They simply tag along with local authorities, who are the main individuals in charge. The USMS are able to get involved by exploiting a legal loophole in the law.

### IDENTIFYING YOURSELF

Some states require special identifying marks on state-issued identification (i.e., Driver's License or non-driver's identification card), and some marks are more conspicuous than others. (See the state legal summaries in Appendix 3 for the most accurate information.) Situations where you still might be required to show ID include buying alcohol or cigarettes; opening a bank account; filling out applications for employment, welfare, housing, and even for many services including both online and offline services; boarding an airplane; renting a car or a hotel room; buying a cell phone; visiting a casino or bar; picking up a prescription; donating blood or plasma; buying a video game rated "M" or movie rated "R" from a retail store, and being pulled over while operating a motor vehicle. States that prominently display a mark of infamy will lead to problems in another state. For example, I was placed "do not donate" registry for selling plasma in Ohio because I had not yet obtained an Ohio ID Card; in 2011, Alabama was still marking their state IDs with words "Criminal Sex Offender" prominently displayed in scarlet letters on the front of the card.

At least five states – AL, AZ, IN, LA, and TN – have laws that specifically require RPs to carry a state ID card that must be presented when stopped by a law enforcement agent. In addition, many states have "stop and identify laws," that authorize police to lawfully order people whom they reasonably suspect of a crime to state their name (and may also include address and explanation of actions); although only four states (AZ, IN, LA, and NV) explicitly impose an obligation to provide identifying information in their state statutes, you could be charged with "obstruction" to fail to identify yourself. In four states (AR, FL, GA and RI), failure to identify oneself is one factor to be considered in a decision to arrest. In all but RI, the consideration arises in the context of loitering or prowling. Seven states (AZ, FL, IN, LA, NM, OH, and VT) explicitly impose a criminal penalty for noncompliance with the obligation to present your identity to a law enforcement officer.

It is important to understand the laws of each state and to understand your rights. In 2016, I engaged in a peaceful protest against the victim advocacy group Parents For Megan's Law (PFML), headquartered on Long Island, NY. The Suffolk County PD approached me to ask for my identity. Under NY's CPL §140.50, one can only be required to tell a police officer a name, address, and explanation of conduct when there is a reasonable suspicion that a crime has been or will be committed. When asked, they said I was not under suspicion of a crime, so I refused to engage with them any further. But if you are in doubt about your rights, conduct an online search for "stop and identify laws" in your state, and familiarize yourself with the circumstances by which you can be detained and compelled to show ID.



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Your state's chapter of the American Civil Liberties Union (ACLU) should have information on your rights when approached by the police. Requesting this information is a simple task that may make you better-informed in a future confrontation with the police.

### 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. Regardless, being subjected to a CPS investigation is stressful and they can have your children removed from your house or even get you arrested under the right circumstances. Since they aren't traditional LEOs, they have less investigative training and more prone to mistakes or allowing personal biases to influence their personal actions.

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. If you are poor, you can get help from a legal aid service.

### 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 the differences. 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 7—TRAVELING AS A REGISTERED PERSON

If you plan on traveling after your release and you plan to stay away from your home overnight, it is imperative you understand the complexities of traveling as a Registrant. 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.

But travel woes are not always limited to registry issues. In a 2023 survey of 271 RPs and their loved ones conducted by Once Fallen, a minority of RPs (less than 5%) endured at least one denial of services while purchasing travel-related services, including car rentals, travel tickets, and hotels. Most who stated they were denied service by hotels had signed up for extended stays (stays lasting weeks rather than days). However, over half of Respondents (about 55%) were denied “Short Term Vacation Rentals” (STVRs), i.e., renting a room or property for stays of less than 30 days. It has been known for years that AirBnB, the largest STVR, conducts background checks and denies service to anyone convicted of certain offenses, including those on the Registry.

Respondents to the 2023 survey also experienced anxiety that caused them to alter or eliminate travel plans. About seven out of ten Respondents stated they experience anxiety over making travel plans. About 61% of Respondents never applied for Short Term Vacation Rentals, about 31% have never purchased a travel ticket, 18% have never rented a hotel/motel room, and 9% have never rented a vehicle. Two out of five Respondents had relied on a loved one or acquaintance not listed on the public registry to make travel arrangements on their behalf.

The ONLY way to know what your registration requirements are while traveling is by contacting the registration office in the location you plan on visiting before you travel. While I try my best to provide accurate information about registry requirements while traveling (in Appendix 3), municipal laws and private interpretation of laws by law enforcement agents can greatly deviate from state laws. For example, Florida has a statewide 1000 foot residency restriction law prohibiting you from living near schools and daycares, but Miami has a 2500 foot restriction in place, and these rules may apply to you even though you are only visiting the state. Some states do NOT have rules specific to a Registrant simply vacationing in the state, but the statutes may state that staying in a particular location for a set number of hours or days is considered establishing a “temporary” residence requiring registration. In some states, the total number of days you can stay without registering may be consecutive days, aggregate days (like ten total days in a month), and may not be limited to staying at a single address. In Illinois and Florida, it applies to staying anywhere in the state for three aggregate days in a year. The laws are complex and always changing, so the best advice I can give you is to contact the registry office wherever you travel so that you can get your answer directly from those who can arrest you for not following their exact rules. If possible, get it in writing, but if not, make a note of the officer you spoke to and the time that you called; if it is legal to do so, record the conversation.

### INTERSTATE TRAVEL

When does a Registrant engaging in travel need to register their travel plans? That depends on laws of the state where you reside, and the state where you plan on visiting. This principle applies equally if staying anywhere that is not your own residence, even if it is across the street.

According to the 2017 study by Shawn Rolfe entitled, “When a Sex Offender Comes to Visit: A National Assessment of Travel Restrictions,” (Criminal Justice Policy Review, Nov. 2017), 33 states place “visiting” Registrants’ information on their state’s SOR website. Of those 33 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 where they initially registered when they arrived in the state, or the Registrant must have their resident state send a confirmation to the state in which the Registrant visited stating that they have returned to their place of permanent residence. Missouri has since clarified that Registrants were removed from the registry one calendar year after the Registrant had left their state.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Forty-six states require nonresident RPs to register with their state when visiting beyond a certain period of time. Rhode Island 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, and 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. Alabama requires their resident Registrants to submit a travel permission form (requiring approval) at least three business days prior to wanting to travel outside of the state.

Twenty-nine 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. (NOTE: Asterisk\* marks the states that do not have a statewide mandate but require nonresident RPs to follow any local residence restriction ordinances that exist.) Six states (HI, NM, ND, TX, UT, and 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 the state. For example, if a Registrant who lives in Ohio 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 two 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.

States have varying definitions of what constitutes a "day" and how many days a Registrant can visit without requiring registration. 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.

Fifteen states also include stipulations for a specified number of aggregate, "cumulative", or "total 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. Some states use "hours" rather than days and some states may include "part of a day." As a result, an overnight stay might be considered TWO "days" depending on how the law is interpreted.

Registration location varies from state to state if required to register during a visit. 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 RPs 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 RP must travel to Hartford within five business days of entering the state to register.

Every state has a minimum set of guidelines and requirements for registering nonresident RPs: 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; depending on the state, the cost associated with collecting the Registrant's DNA is at the Registrant's own expense. Additionally, as of 2022, 24 states require Registrants to pay a registration fee or allow municipalities to charge fees. These fees range from as low as \$10 (Alabama) to as high as \$250 (Arkansas), while municipal fees have reaches as high as

\$1200 in Louisiana. Anecdotally, the author also learned that the registration process for nonresident Registrants could take, on average, an hour or two longer.

Most states rely on the same registration language registrants moving into their state and 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 do in fact have a statute specifically addressing Registrants visiting their state. It should be noted that many of these statutes are difficult to interpret, especially for the layperson.

The short version: Not all state statutes directly address travel to or from their jurisdictions. However, states may define the establishment of a “residence” (or they may use a similar term, like dwelling) as staying in a set location for a set number of days. A “day” is not always defined as one might think. Depending on the state, partial days (i.e., being in a location for as little as four hours as in Alabama’s statutes or “any part of a day” in Florida) and “aggregate” days (a total number of days in a month or year even if they not consecutive days) can count towards your total number of days allowed. For example, an overnight stay in a hotel while traveling could count as “two” days if a state counts “partial” days unless explicitly stated they do not count the first partial day into the total. While the Rolfe report is now over five years old and the laws have changed in a few states, Appendix 3 of this guidebook provides more current travel requirements.

### *Other Traveling Challenges*

Many private businesses may institute rules denying services to RPs. As noted in the travel chapter, the Six Flags and Disney World (FL) theme park, and the Carnival, Royal Caribbean, Virgin Voyages, and Norwegian Cruise Lines all ban RPs from entry. Hotels and motels have not banned RPs from renting a room unless banned by a state or local law. However, Airbnb, the most well-known “short-term rental” company (i.e., “time-shares” and those who rent out rooms or houses in residential area for short term leases) prohibit RPs from using their services. In recent years, states have also attempted to pass laws to block RPs from using other short-term rental services, though few attempts have been successful. I cannot find any credible reports suggesting anyone has been denied car rentals due to registry.

The following states have rules that ban RPs from entering or loitering around parks, working at a park, or talking to minors, under some circumstances (some only apply to those with offenses against minors, those in higher tiers, and/or those “on paper”): AL, AR, CA, FL, GA (vague), IL, IN, LA, ME, MO, MT, NC, OK, SC, SD, TN, and UT. Please review the laws in Appendix 3 for further details.

Park bans in certain states may preclude you from entering state parks, but state and local laws do not apply to national parks, national forests, national grasslands, national monuments, national recreation areas, national refuges, and federally managed reservoirs. Even though the Property Clause of the US Constitution says that the federal government will regulate its own lands, these same federal agencies “made the choice” to allow state and local laws to apply. Currently, five of the six agencies that manage federal recreation lands do this:

- **Bureau of Land Management** allows state and local laws to apply. 43 CFR §8365.1-7 (“includes, but is not limited to...”)
- **Army Corps of Engineers** allows state and local laws to apply. 36 CFR §327.26 (“includes, but is not limited to...”)
- **U.S. Forest Service** requires its officers to cooperate with state officers in enforcing state laws. 36 CFR §211.3. (Note: The statute only mentions enforcement of “fire, game, and health laws.”)
- **Bureau of Reclamation** allows state and local laws apply to its lands and recreation areas. 43 CFR §423.3 (“This part and all applicable Federal, State, and local laws apply to all...”)
- **U.S. Fish and Wildlife** allows state and local laws to apply to its wildlife refuges. 50 CFR §25.13 (“Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.”)
- Only the **National Park Service** remains true to the Property Clause of the U.S. Constitution and forbids state and local laws from applying. This should mean that you can visit a national park even if located in a state with park bans in place.

If you plan on renting a car and camping at a public park, you may be required by your state to register the vehicle and the location you plan to camp. You may have to provide an itinerary. Check with your registration officer before your travel.

### 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 information to the country where you plan on traveling. Furthermore, IML requires any “covered sex offender, i.e., a Registrant convicted of an offense involving a minor (anyone under age 18) to have the following text 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 Angel Watch Center (AWC) regarding their status or believe they have been wrongly identified as a “covered sex offender” as defined in Title 22 USC §212b(c)(1) should contact the AWC. In addition, RPs forced to bear the passport mark are banned from obtaining a “Passport Card” that can be used at ports of entry.

Persons who are no longer required to register also no longer meet the definition of a “covered sex offender” (i.e., you must have an offense against anyone under age 18 AND currently required to register). However, there is currently a battle in the courts over the requirement to abide by SORNA guidelines even if you are no longer required to register where you currently reside. For further reading on this issue, see Chapter 11, specifically the subsection entitled, “The 2022 “Final Rule” on SORNA.”

The federal government passed this law under the unfounded assumption that RPs travel primarily for exploitative purposes, as noted in the mission statement of the Angel Watch Center:

*“The AWC plays a crucial role in the global fight against transnational child sexual abuse by targeting individuals who have been previously convicted of sexual crimes against a child and who may pose a potential new threat: traveling overseas for the purpose of sexually abusing or exploiting minors.”*

According to a statement made by Congressman Chris Smith (R-NJ4), in 2020, “In just about two years, 10,541 covered sex offenders had been noticed by the U.S. government to foreign countries — and 3,681 individuals as of July (2020) who were convicted of sex crimes against children were denied entry into those nations.”

It is a requirement under 34 USC Chapter 25 (§21501 – 21510) that a registrant inform his or her residence jurisdiction of any intended travel outside of the United States at least 21 days prior to that travel. (In October 2020, now former-AG Bill Barr amended the 21 day advance notice rule to compel enforcement even in non-AWA compliant states. Some states do not have a code requiring 21-day advance notice but are deferring to federal law.) To comply with this requirement, RPs must now provide the following information to the agency where they register:

- Identifying information: Full name, alias(es), date of birth, sex, citizenship, and passport number and passport country
- Travel information: Destination(s) including dates/places of departure, arrival and return (including the name of city that is the point of departure from each country); means of travel (air, train, ship); itinerary details (including the name of the airport/train station/port, the flight/train/ship number, the time of departure/arrival, and information about any intermediate stop locations); address or other contact information in the destination country, and purpose(s) of travel (business, deportation, military, relocation, other)

Most states have implemented the 21-day notice for international travel regardless of their compliance status with the federal SORNA laws, and I expect that within the next couple of years, every state/territory will defer to the federal law even if it is not codified into state law. As of Nov. 2022:

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- States/territories that have codified the federal 21-day advance registration requirement for international travel into state/territorial law and notifies the feds (19): AL, AR, FL, GU, KS, KY, LA, MD, ME, ND, OR, PA, PR, RI, SD, TN, VI, WA, WY
- States/territories that have not codified the 21-day requirement into their laws but are deferring to federal law while enforcing the rule (21): AS, AZ, CO, DE, HI, ID, IL, MA, MI, MO, MS, MT, NE, NM, NV, OH, OK, SC, UT, VA, WI
- Does not require 21-day advance notice for international travel, but may still have a travel notice requirement (13): AK (only suggests filling out a travel form), CA, CT (only gives notice if moving), DC, GA, IN, IA, MN, NC, NJ, TX, VT, WV
- New York requires only 10-day notice and doesn't turn in travel info to the feds.
- Northern Mariana Islands only requires three days' advance notice.
- New Hampshire only requires registration for international travel if staying at the same international address for 5+ days.

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).

As of July 2024, two websites, [pfr.guide](http://pfr.guide) and [justfactsnotfear.org](http://justfactsnotfear.org) have created travel matrixes to pick up the slack since the Registrant Travel Action Group (RTAG) has not been updated since 2022 and has likely been abandoned. Both websites offer the same information but with one key difference; the PFR Guide contains a “notes” section where volunteers reached out to representatives from that nation to discuss their laws regarding entry, while the Just Facts website contains additional information on length of stay and visa policy. Below is the list of nations that has impeded visitation by RPs in recent years according to these websites. The following information is current as of July 2024:

- Reports of some RPs turned away at the border (this section relies on self-reports; does not imply all RPs will be turned away, nor is it explicitly stated that the reason for denial due to registry status) – Argentina, Australia (incl. Norfolk Is.), Bahamas, Barbados, Belize, Brazil, Cambodia, Canada, Cayman Islands, Chile, China, Colombia, Costa Rica, Dominican Republic, Dubai, Ecuador, El Salvador, Fiji, Greece, Guatemala, Haiti, Honduras, Hong Kong, India, Indonesia, Ireland, Israel, Jamaica, Japan, Kenya, Laos, Malaysia, Mexico, New Zealand (incl. Cook Is., Niue, Tokelau), Nicaragua, Panama, Peru, Senegal, Singapore, South Africa, South Korea, Spain, St. Lucia, Taiwan, Thailand, The Philippines, Ukraine, United Kingdom/Great Britain (incl. Anguilla, Bermuda, Brit. Virgin Is., Montserrat, Pitcairn Is., Turks and Caicos), Venezuela, Vietnam
- Laws barring RPs from entry – Argentina, Australia, Brazil, Canada, China, Ireland, Japan, Mexico, New Zealand, Panama, South Africa, The Philippines, United Kingdom
- Laws barring felons from entry – Australia, Canada, China, Fiji, Ireland, Japan, Mexico, New Zealand, South Africa, Syria (bans ALL US visitors), The Phillipines, United Kingdom

Legal information on foreign registries is outside of the scope of this book; a summary of SOR laws in foreign nations can be found at: [https://smart.ojp.gov/doc/SORN-Laws-Around-the-World\\_FINAL\\_REPORT.pdf](https://smart.ojp.gov/doc/SORN-Laws-Around-the-World_FINAL_REPORT.pdf)

Based on the 2022 report, and some supplemental search, the following nations currently have at least some form of a Sex Offense Registry: Albania, Argentina, Australia, Bailiwick (UK dependent), Belize, Bermuda\*\*, Botswana, Brazil (only in State of Mato Grosso do Sul), Canada, Chile\*, Colombia\*\*, Cyprus, El Salvador, France, Germany, Gibraltar (UK dependent), Guatemala\*\*, Guernsey (UK dependent), Hungary\*, India, Ireland, Jamaica, Japan, Jersey (UK dependent), Kenya\*, Malaysia\*\*, Maldives\*, Mauritius, New Zealand, Malta, Nigeria\*, North Macedonia\*, Pakistan\*, Palau\*\*, Paraguay, Peru\*, Poland\*, Portugal, Rwanda\*, Samoa, Senegal, South Africa, South Korea\*\*, Spain, Taiwan, Trinidad and Tobago\*, Ukraine\*\*, United Kingdom\*\*, Uruguay

The following nations reportedly have registry schemes “in the works” according to the media and/or the 2022 report: Dominican Republic, Ethiopia (public registry to be released in 2025), Ghana, Grenada, Namibia, Sierra Leone, Slovenia, Uganda, Zimbabwe.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

On a slightly positive note, Ecuador's Supreme Court found their national sex offense registry to be unconstitutional. However, Ecuador is considered an unsafe nation for an American due to high civil unrest and transnational organized crime.

Notes:

- UK dependent territories dependent territories are self-governed and have their own laws.
- Nations marked by one asterisk (\*) have publicly accessible online registries.
- Nations marked by two asterisks (\*\*) release registry information to the general public under certain circumstances, such as a citizen request or by discretion of a government official.

The group formerly known as “End Child Prostitution in Asian Tourism” (an international group now only known as EPCAT) and the federal SMART Office are actively compelling nations to pass sex offense registries. In one iteration of the bill that eventually passed in 2016 as “International Megan’s Law” (IML), lawmakers stated that they intended to spread Megan’s Law across the world. It is, unfortunately, a successful effort. Many of the nations that have public registries have only passed these laws since 2010. The existence of a sex offense registry in a foreign nation does not imply you will be required to register while visiting or be banned from visiting, but you should expect some difficulties planning a trip to any nation mentioned on the list of nations with registries.

American Samoa, Puerto Rico, the US Virgin Islands, Guam, and the North Mariana Islands are all US Territories, so passports are NOT required to travel there, but you may be required to register if visiting. See Appendix 3 for the registry rules for these territories.

In addition, Florida Action Committee made the following statement on 8/10/2021:

“We are also receiving information that the US is taking a more active role in blocking international travel by persons required to register. For example; US DHS Agents have pulled people off of airplanes in FL before even departing, stating they were not able to enter the international destination. Also, the US has opened 80 Homeland Security Investigations (“HSI”) Offices in 53 countries internationally. HSI agents have been waiting for persons required to register when they land in the destination country and turning them right around before they even have a chance to speak with the receiving country’s immigration officer.” FAC also noted that the SMART Office has a (non-public) list of nations that they claim will reject RPs from entering.

Starting 2025, the European Union and Schengen nations in Europe will initiate a European Travel Information and Authorization System (ETIAS). ETIAS is a pre-screening process for approval to visit Europe for less than 90 days. Entry into the Schengen nations will be denied without approval. As noted in the ETIAS announcement, “There are a series of security questions on the ETIAS form that applicants must answer truthfully, informing the authorities of any serious criminal offenses which have resulted in a conviction over the last 10 years. These include: Terrorism (any conviction in the last 20 years), Sexual exploitation of children, Human trafficking, Drugs trafficking, Murder, and Rape. These serious offenses may result in access to Europe being denied, but each case is studied individually. Criminal records for other offenses that are not considered serious are unlikely to result in the ETIAS (application) being denied.” Some RPs whose conviction occurred less than 10 years ago may be denied entry under this new policy. Until the law takes effect, I cannot predict how the new rules will impact travel (or emigration) into the European Union or Schengen nations. But, the ETIAS website states, the aforementioned “serious criminal offences in the last ten years will need to be reviewed and likely to be declined.”

Even if a nation is not listed above, it may be simply an unsafe region to travel due to war or open hostility to the US. The US State Department has an interactive travel map at: <https://travelmaps.state.gov/TSGMap/>

As of 7/10/2024, the following countries were listed as “Do Not Travel” areas: Afghanistan, Belarus, Burkina Faso, Myanmar (Burma), Central African Republic, Haiti, Iran, Iraq, Libya, Mali, Mexico (some parts), North Korea, Russia, Sudan, Syria, Ukraine, Venezuela, and Yemen.

### OTHER TRAVEL ISSUES

The law is only part of the challenge of travel. Even if travel is allowed, businesses are allowed to discriminate against RPs. 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 RPs 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, Royal Caribbean, and (as of June 2022) Norwegian Cruise Lines, 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. Laws and policies can change in an instant for a number of reasons. Before traveling (or emigrating), do as much research as you can beforehand, and get travel insurance if available. If you’re planning on leaving the USA, contact the consulate of the nation you’re traveling to and ask them about their rules. There is no guarantee that you will be allowed to enter a country, but reaching out to officials versed in the laws of that nation should give you a clearer answer than not asking at all. Performing these tasks could save you time, money, and a lot of headache in the long run.

## CHAPTER 8—DEALING WITH SCAMS AND HARASSMENT

Vigilante violence and scams targeting RPs is unfortunately a fairly common occurrence in American society. A 2009 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. OnceFallen’s Crimes Against Registrants Database (CARD) has found over 500 documented cases of vigilante crimes ranging from harassment and vandalism to assaults and over 200 murders of RPs (or in a few instances, innocent people mistaken for a Registrant). Many crimes against RPs may be unreported, since LEOs tend to treat many vigilante actions as a low priority. There have also been reports of nationwide scams attempting to extort money from RPs. It is important to recognize how to identify these potential threats to your safety and your money.

While the stats I noted sound scary, there are roughly a million RPs in the US, and so your chances of being murdered are still pretty low. Your mileage may vary. Discrimination in housing and employment present far heavier challenges, but once again, “your mileage may vary.” Most of the time, people may keep their hatred to themselves and you may be shunned quietly (such as simply not being invited to social gatherings) or passive aggressively (a mumbled insult from a safe distance or online.) Some of it may dissipate the longer you live in the neighborhood, provided you offer no reason to make your neighbors think you are a danger to the community; for example, being cordial to a neighbor’s kid may make some folks think you are “grooming,” even if your intent is simply not being a jerk.

### ONLINE ACTIVITY

Those of you who have served long periods of time behind bars might underestimate how technologically “connected” our society has become. Modern technology allows us to meet new people, conduct business, and even turn on home appliances from anywhere in the world where a wireless connection to an Internet service exists. All that is required is an Internet-capable device like a “smartphone.” You might have to use a computer kiosk or go to a website or “get the app” to conduct business, including filling out job applications. Sadly, this means everyone from potential neighbors and employers to foreign scammers and online vigilantes can easily access your online registry information. Since most business is conducted online and many companies rely on programs rather than people to solve common issues, getting help for online problems is virtually impossible. It is your responsibility to protect yourself against scammers, trolls, and online vigilante groups.

### Scammers

Online scams targeting RPs are now commonplace since your personal information is already online. Even if you are not listed publicly, vigilantes can still collect your personal data.



*The Fake Registry Fee/Warrant Call/Letter:* This is the most common scam is the most common scam targeting RPs. There are three main variants to this scam:

1. The scammer calls you and claims to be a LEO at your local registration office or a clerk of the local court. The scammer claims 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, pay in Bitcoin, or buy a pre-paid credit or gift card and turn over the credit card number) or you will be arrested. Other variations have included posing as another government agency, such as the US Census Bureau or the SSA, but using your registry status to verify it is you.
2. The scammer makes the same claims and demands, but wants to meet you in person at a public location like a parking lot.
3. The scammer forges official documents with false contact information and sends them by mail, but otherwise makes similar demands by mail (contact info, demand to wire money or pay with Bitcoin/prepaid cards).

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:* Numerous private registry websites exist, including Homefacts.com and Family Watchdog. However, some private registry sites, like Offendex/SORArchives, are blatant 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 repeat the scam. In 2016, a jury awarded \$325,000 to non-Registrants targeted by Chuck Rodrick and Brent Olsterblad, owners of the Offendex family of extortion, while Registrants targeted by the same duo received no compensation.

*FBI Alert Virus:* In this scam, a notice pops up claiming you are locked out of your computer by the "FBI" and accuses you of engaging in some form of illegal online activity like CP. 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.

*Scam Encouraging Vigilantes:* In Oct. 2023, Fox 8 WGHP in NC reported police received multiple calls from residents who had been contacted by someone claiming to be a local cop. The scammer is telling residents that some SOs are violating their SO requirements and that they'll receive a \$5,000 check if they bring the SO into the Sheriff's Dept. This is the only report I've seen but copycats could see this story and decide to do it.

*Dating Scams and Entrapment busts:* Persons who have been arrested due to an entrapment operation implemented by law enforcement agents (LEAs) should be familiar with this scam. A scammer, a private citizen vigilante (individual or group), a real teenager seeking to entrap you, or a Law Enforcement Officer sets up an account on an online dating site. Once contact is made, the scammer/vigilante/LEA may lead the potential target into a sexual conversation; at some point, the scammer/vigilante/LEA will claim they are underage. If communication continues, even if it is to say, "I'm not interested," this may encourage the scammer/vigilante/LEA to pursue you further. You will likely be arrested if it is a LEA; vigilante groups and teenagers may instead harass, threaten, assault, and/or extort their targets, and may post these videos online, which may lead to further harassment.

Should you encounter a scammer/vigilante/LEA while perusing online dating profiles, the moment someone claims they are underage, immediately block the account; I'd also suggest reporting the account as violating the website's Terms of Service (ToS), since people under age 18 are banned from online dating sites.

*Online Vigilantes*

Unfortunately, social media has emboldened people to communicate in a manner that most people would not stoop to in their normal lives. I've personally experienced numerous instances of facing negative criticism, instances of harassment, and even the occasional death threat while engaging in online activities. Online moral crusaders may engage in cyber-bullying a Registrant because he/she believes that all RPs are banned from social media or the Internet, or worse, accuse you of trying to lure minors simply based on your label.

Many RPs 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 groups dedicated to harassing Registrants in their community to proliferate. Even law enforcement agencies have used social media to name and shame RPs.

Sadly, there is little recourse for online harassment. Police will claim an online threat is out of their jurisdiction or nothing can be done as the vigilante did not make a specific threat. This is untrue as many states have laws specifically outlawing harassing communications of any kind. In 2019, a news report from the Washington Examiner found Facebook's Terms of Service specifically excluded people accused or convicted of sex offenses from protections against cyberbullying and death threats on their platform. (Facebook removed this specific exclusion from their Terms of Service in response to the Washington Examiner report, but still excludes RPs from using their services.) In addition, the social media outlets Facebook/Meta, Instagram (owned by Facebook), TikTok, and Nextdoor, as well as many dating sites like eHarmony or Match.com, officially exclude RPs from using their platforms, as explicitly noted in their terms of service. If you are attacked through social media and you report it, your account might be deleted instead. Social media companies, like all other businesses, also have the right to deny services to anyone who is not a member of a "protected class", and they generally have immunity from attacks initiated through their online services.

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

1. *Remove personal information 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 information 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 information 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 the 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)*: LEAs are rarely sympathetic or helpful to us when reporting harassment; in some cases, LEAs might blame you for starting a fight. ("You brought it upon yourself.") Civil litigation can be expensive but in many cases, civil litigation may be the only deterrent if the person has any assets.

There is a difference between a "troll" and a "cyberstalker." A troll (named for the fishing technique, not the mythical creature) merely posts negative comments to "get a rise out of you." Most aren't persistent unless they get a response. In most instances, simply ignoring the troll long enough deters them, since they will get bored of being ignored and will move on to the next intended victim.

Most trolls will be found through social media and message board interactions. These days, social media outlets, email service providers, and your phone all have the capacity to block an individual from contacting you directly. It is not foolproof but it will minimize the negative comments you might receive from a troll. Most of these websites provide a universal list of symbols accessed by scrolling your pointer to the icon then clicking to select it (or if your device has a touch screen, just touching the icon):

- "Options" button: Symbolized by three horizontal dots. Clicking on this button will bring up a list of options, and that is often where you will find options for flagging/reporting an offensive account or the block button.
- "Flagging/Reporting" button: It is an icon shaped like a flag on a pole. This button is used for reporting an offensive statement to the social media outlet. (Unfortunately, flagging a comment rarely leads to any kind of reprimand, since we are not a protected class of people; Facebook, in particular, has policies allowing bullying of people accused/convicted of sex offenses.)
- "Block" button: The circle with a diagonal line through the center (the "no" symbol, like in the Ghostbusters logo) is the button used to "block" a person from seeing your social media profile or any comments you make, or simply block you from seeing their idiotic responses. Some sites might use a shield sign with or without an X symbol.

If these tactics do not deter the person from harassing you, or if the person takes the behavior "offline" by contacting you by other means (phone/text) you are dealing with a stalker.

### RECORDING CONVERSATIONS

There are various reasons why you might want to record a conversation, such as when you have concerns that the person on the other side of the conversation is harassing you or setting you up, or if you are having issues with a Law Enforcement Agent (LEA). Generally, the First Amendment protects the right to record a police officer in public so long as it does not interfere with the officer's duties and is not done secretly. Private Citizens have more protections than government agents.

Some laws do exist that may hinder your ability to record conversations. Federal law (18 U.S.C. § 2511) requires one-party consent, which means you can record a phone call or conversation so long as you are a party to the conversation. So, if someone calls you to harass you, or if wish to record interactions with a LEA or politician, you should be fine under federal law because in a direct communication, you are one party. Most states follow the federal rule, but 15 states require two-party consent under some circumstances (see below.)

- If you are having a direct communication with someone, then you are a party to the conversation.
- If you were listening in on a private conversation you are not considered a party to the conversation. You would need the consent of at least one party to record the conversation.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

These states clearly or potentially require consent from all parties under some or all circumstances (Source: Justia, Recording Phone Calls and Conversations: 50-State Survey, Last reviewed October 2022. <https://www.justia.com/50-state-surveys/recording-phone-calls-and-conversations/>):

- California: It is both a criminal and a civil penalty to record a confidential conversation without the consent of all parties, or without a notification of the recording to the parties via an audible beep at specific intervals. The California Supreme Court has defined a confidential conversation as one in which the parties have a reasonable expectation that no one is listening in or eavesdropping. See CA Penal Code § 632 (definition and penalty), § 637.2 (civil damages), *Flanagan v. Flanagan*, 41 P.3d 575 (Cal. 2002), Cal. Pub. Util. Code Gen. Order 107-B(II)(A)
- Connecticut: Prohibits recording phone calls without obtaining consent from all parties either in writing or at the beginning of the recording. A notification at the start of the call recording, or a warning tone at 15-second intervals will also suffice. Violations can lead to damages, costs, and/or attorney fees in a civil suit, but no criminal penalties. See CT Gen Stat § 53a-187 (definition), § 53a-189 (penalty), § 52-570d (civil definition and damages)
- Delaware: At least one party must consent to recording in-person or phone conversations under DE law, though state statutes conflict somewhat. Under the state's wiretapping law, it is lawful for someone to intercept a communication as long as they themselves or another party to the conversation consents, and if the interception does not serve to further criminal, tortious, or other unlawful activity. But under the state's privacy law, which is older, all parties to a conversation must consent to recording. This is counterbalanced by a 1975 Delaware federal district court opinion, *US v. Vespe*, 389 F. Supp. 1359 (D. Del. 1975), which interpreted the privacy law to reflect the federal rule that only one party needs to consent to recording. Violation of the wiretapping law is a felony, and can also provide the basis for actual and punitive damages in a civil suit. Violation of the privacy law is a misdemeanor. See 11 DE Code §2402 (wiretapping definition and criminal penalty), §2409 (wiretapping civil liability), §1335 (privacy violation definition and penalty)
- Florida: It is illegal to record an in-person or telephone conversation without the consent of all parties. Violating this law constitutes either a misdemeanor or a third degree felony depending on the offender's intent and conviction history, and can also subject the offender to civil damages. FL Stat §934.03
- Illinois: The state eavesdropping statute formerly required all parties to consent to the recording of any conversation or communication, or potentially face felony charges and/or civil liability. In 2014 the Illinois Supreme Court declared the law overly broad and unconstitutional. The statute was amended later that year to allow recording in public places, but still requires all parties to consent to recording conversations where there is a reasonable expectation of privacy. See 720 ILCS § 5/14-2 (definition), § 5/14-4 (penalty), § 5/14- 6 (civil damages), *People v. Clark*, 6 N.E.3d 154 (Ill. 2014)
- Maryland: All parties must consent to the recording of oral or telephone conversations under Maryland law, though the courts have interpreted this to be limited to situations where the parties have a reasonable expectation of privacy. Recording with criminal or tortious intent is illegal regardless of consent. Violations are both a criminal and civil penalty. See: MD Cts and Jud Pro Code § 10-402 (definition and penalty), § 10-410 (civil damages), *Malpas v. State*, 695 A.2d 588 (Md. Ct. Spec. App. 1997)
- Massachusetts: It is illegal to record any oral, telephone, or wire communication without the consent of all parties. Violators are subject to felony charges, fines, jail time, and/or civil damages. See MA Gen L Ch 272 § 99 (definition, penalty, civil damages)
- Michigan: The eavesdropping statute prohibits recording in-person and telephone conversations without consent from all parties, though one court has interpreted it as requiring consent from only one party. Violations are considered a felony, and carry potential fines, imprisonment, and civil damages. See MI Comp L § 750.539c (definition and penalty), 750.539h (civil damages), *Sullivan v. Gray*, 117 Mich. App. 476 (1982)
- Montana: Prohibits recording a conversation with a hidden device that reproduces a human conversation without the knowledge of all the parties to the conversation. (Consent is not specifically required.) There are some exceptions, such as public officials and public meetings. A violation may lead to fines, jail time, or both. See MT Code § 45-8-213 (definition and penalty)
- Nevada: It is illegal to secretly record an oral communication without the consent of at least one party. The Nevada Supreme Court has held that all parties must consent to the recording of a telephonic conversation. Illegal recording is a felony and carries the potential of civil damages as well. See NV Rev Stat § 200.620, § 200.650 (definitions), § 200.690 (penalty and civil damages), *Lane v. Allstate Ins. Co.*, 114 Nev. 1176 (1998)

- New Hampshire: it is illegal to record an in-person or telephone conversation without the consent of all parties. However, the New Hampshire Supreme Court has held that a party essentially consented to a recording when the overall circumstances demonstrated that they knew they were being recorded. Illegal recording is a felony unless the person recording was a party to the conversation or had the consent of a party, in which case it is a misdemeanor. Violators may also be subject to civil liability. See NH Rev Stat § 570-A:2 (definition and penalty), § 570-A:11 (civil damages), *New Hampshire v. Locke*, 761 A.2d 376 (N.H. 1999)
- Oregon: It is legal to record telephone conversations with the consent of at least one party, but recording in-person conversations requires the consent of all parties except for in certain circumstances, such as when all parties reasonably should have known they were being recorded. Illegal recording is a misdemeanor that can also give rise to civil damages. See OR Rev Stat § 165.540 (definition and penalty), § 133.739 (civil damages)
- Pennsylvania: It is a felony to record an oral or telephone communication without the consent of all parties. Offenders are also subject to civil liability. 18 PA Cons Stat § 5703, § 5704 (definition and penalty), § 5725, § 5747 (civil damages)
- Vermont: Vermont has not enacted a specific statute to address consent for recording conversations. However, the Vermont Supreme Court has held that it is an unlawful invasion of privacy for law enforcement officers to secretly make a warrantless recording of a conversation inside a person's home. *Vermont v. Geraw*, 795 A.2d 1219 (Vt. 2002)
- Washington: Requires the consent of all parties to legally record in-person or telephone conversations. Consent is considered to have been obtained via a reasonably clear announcement made to all parties during the recording. Violations are considered a gross misdemeanor and can also lead to civil damages. WA Rev Code § 9.73.030 (definition), § 9.73.080 (penalty), § 9.73.060 (civil damages)

Note that in many states, consent requirements only apply in situations where the parties have a reasonable expectation of privacy (e.g. not in a public place). Further, what constitutes "consent" in a given jurisdiction can vary in terms of whether it must be expressed or if it can be implied based on the circumstances. In order for communication to be considered confidential, the conversation must be intended to be private and held in private. If the conversation was had in a public place where others could overhear it, the conversation wouldn't be considered protected. This also applies to online communications; email or private messages may have protection, but communications posted on the public part of a website should be fair game. This means you can collect information posted on a public forum for potential litigation against those who are harassing you.

### 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 Registrant 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 RPs, 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, a felon cannot possess a firearm, a knife (with a blade four inches or longer) or brass knuckles in Nebraska. 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 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 report "Self Defense and "Stand Your Ground", National Conference of State Legislatures, 2/9/2022, <https://www.ncsl.org/research/civil-and-criminal-justice/self-defense-and-stand-your-ground.aspx> :

- Laws in at least 28 states and Puerto Rico allow that there is no duty to retreat from an attacker in any place in which one is lawfully present. (AL, AK, AR, AZ, FL, GA, IA, ID, IN, KS, KY, LA, MI, ME, MO, MT, NC, ND, NH, NV, OH, OK, PA, SC, SD, TN, TX, UT, WV, WY)
- At least ten of those states include language stating that one may "stand his or her ground." (AF, FL, GA, ID, KS, KY, LA, OK, PA and SC.)
- Eight states (CA, CO, IL, NM, OR, VA, VT, WA) permit the use of deadly force in self-defense through judicial decisions or jury instructions.
- PA's law, amended in 2011, distinguishes use of deadly force outside one's home or vehicle. It provides that in such locations one cannot use deadly force unless he has reasonable belief of imminent death or injury, and either he or she cannot retreat in safety or the attacker displays or uses a lethal weapon.
- ID's law, passed in 2018, expanded the definition of justifiable homicide to include not only defending one's home against an intruder, but also defending one's place of employment or an occupied vehicle.
- Self-defense laws in at least 23 states (AR, AZ, CO, FL, GA, ID, IL, IN, KY, LA, MD, MI, MT, NC, ND, NH, OH, OK, PA, SC, TN, WV, WI) provide civil immunity under certain self- defense circumstances. (In 2018, the Ohio House and Senate voted to override the Governor's veto of House Bill 228. The bill places the burden of disproving a self-defense claim on the prosecution.)
- Statutes in at least six states (HI, MO, NE, NJ, ND, TN) assert that civil remedies are unaffected by criminal provisions of self-defense law.
- Additionally, some states (including AR, AZ, CA, FL, KS, KY, LA, MS, NC, ND, OK, PA, RI, SC, WI, and WY) have replaced the common law "reasonable person" standard, which placed the burden on the defendant to show that their defensive action were reasonable, with a "presumption of reasonableness," or "presumption of fear," which shifts the burden of proof to the prosecutor to prove a negative.

### *Security System Concerns*

Home security cameras and surveillance systems can be a double-edged sword; footage from your own cameras could be subject to searches by law enforcement agents (LEAs). LEAs had been reportedly acquiring footage from Ring cameras (a private doorbell camera made by Amazon connected to the internet) without search warrants to obtain footage of suspects for years. Following media criticism, Ring altered their policies in 2024; LEAs seeking footage Ring surveillance videos must submit a formal legal request to the company, rather than soliciting footage directly from users through the app. But this means LEAs can still obtain footage through Ring. This could become

problematic for PRs concerned about being targeted for government surveillance. There are other surveillance companies that provide cameras using mobile phone data instead of WiFi, such as Arlo or Reolink, but there is no guarantee that these are not subject to warrantless searches as well.

A 2024 ruling may put your privacy in further jeopardy. In *US v Hay*, No. 22-3276 (10th Cir 2024), the 10th Circuit upheld Hay's Kansas conviction of 10 counts of stealing gov't property and 6 counts of wire fraud as part of a scheme to defraud the Veteran's Administration by exaggerating his disability. As part of its investigation, VA agents installed a pole camera across the street from his house to film his activities for 68 days straight. "Mr. Hay had no reasonable expectation of privacy in a view of the front of his house...As video cameras proliferate throughout society, regrettably, the reasonable expectation of privacy from filming is diminished."

## WEAPONS AND ARMOR

*Pepper Spray:* 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/>)

*Body Armor:* Under 18 USC § 931, anyone convicted of a "crime of violence" (as defined by 18 USC §16) in any US court cannot use or possess body armor unless the person wearing the vest is an employee who is doing so in order to perform a lawful business activity and who has obtained prior written certification from the employer. Nearly every state simply enforces the federal laws on body armor. So far, unsuccessful court challenges to this rule include 2nd Amdt., vagueness, and interstate commerce (the latter because it can be successfully argued parts were imported from out of the state). This brings up two possible arguments, the "necessity" defense and the argument that not all SOs committed violent acts. (Neither argument has been tried in court.) More research is being conducted on this issue. Background checks are not required for purchase, so while you can easily buy one online, do so at your own risk.

*Crossbows/archery tools:* There are currently no known laws against owning bows and arrows, though some states may prohibit those convicted of felonies from using bows for hunting.

*Blades and other handheld weapons:* State laws vary on the legality of carrying bladed weapons. Some laws may prohibit those convicted of felonies from possessing knives longer than a particular length (generally 3.5 to 4 inches) or a specific type of knife (swords, daggers, double-bladed weapons, spring-loaded, "switchblades," ballistic knives, or stilettos). Any weapon that can be considered "deadly" may be illegal. Some states may include other handheld weapons like brass knuckles or bludgeoning tools. For more info on state knife laws, visit: <https://www.akti.org/state-knife-laws/>

*Firearms:* Due to the passage of the Gun Control Act of 1968, it is illegal for anyone convicted of felony offenses to possess handguns, but a select few may be able to regain the right to possess firearms. 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/>

It is possible to own a "black powder firearm." "Because black powder firearms are considered antique firearms, the possession of a black powder firearm by a person subject to federal firearms disabilities is not prohibited by the GCA. However, a person subject to federal firearms disabilities may not receive and/or possess black powder firearms that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof which are classified as "firearms." Additionally, state law may prohibit the possession of a black powder firearm by persons who are not federally prohibited from possessing them. Please contact your state's Attorney General's Office for information regarding black powder firearms." (Source: <https://www.atf.gov/firearms/qa/can-person-prohibited-law-possessing-firearm-own-black-powder-firearm>)

[See also 18 USC §921(a)(3) and (16); 27 CFR §478.11 and §478.141(d)]

### LEOs AND THE “PUBLIC DUTY DOCTRINE”

LEOs have often shown a general reluctance to file complaints when the victim is a Registrant. 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 RPs 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—PREPPING FOR DISASTERS AND HOMELESSNESS**

Following Hurricane Ian, which hit Ft. Myers, FL particularly hard in September 2022, I was contacted by an associate who once lived in Ft. Myers. This man was a registered “transient” but lived on a houseboat. My associate heard that his friend had died in the storm but fortunately, this information was incorrect. He sustained some broken ribs from being tossed around on his boat but, he was able to successfully ride out the storm. This Registrant refused the safety of a segregated shelter for Registrants in the local police academy building. He believed that riding the storm out was a better alternative. This could have turned into a deadly tragedy; but, this could have been avoided altogether if he had paid attention to the warnings.

### NATURAL DISASTERS

Americans rarely prepare themselves for disasters, but I was surprised when I conducted my own survey of disaster preparations; of the 100 RPs I surveyed in 2018, 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 as second-class citizens makes us more likely to face disruptions in our personal lives.

Disasters can be on a personal scale, such as a house fire or accident leaving you unable to work. A disaster can be on a regional scale, such as hurricanes or earthquakes. Disasters can even be on a national or worldwide scale, such as a recession or the COVID-19 pandemic, which led to massive spikes of unemployment. Each of these disasters presents unique challenges as a Registrant.

The challenges we face as RPs intensifies if the disaster is on a larger scale. Some states require registration even during natural disasters, but large-scale disasters could impact your local registration office. There have been a handful of stories in the media of arrests of RPs for being unable to register during a crisis, including recovering from hurricanes or during the COVID-19 lockdowns. RPs are banned from emergency shelters by statute during disasters or sent to segregated shelters (sometimes sheltered in jails/prisons) during inclement weather. Some Registrants have died as the result of these laws.

In 2009, Thomas Pauli froze to death in Grand Rapids MI because residency restriction laws prevented him from entering the local homeless shelter. In Florida, many counties require Registrants to seek shelter at the local jail or a segregated shelter away from their own family members. In Lee County FL, the location hardest hit by Hurricane



Ian in September 2022, Registrants had been sent to a police academy building that had lost power and flooded during the storm.

During the first wave of the COVID pandemic between mid-March and June 2020, OnceFallen.com reported on the COVID policies of over 208 LEAs including city, county, and state police agencies responsible for registration. Of the 208 LEAs, 76 still required in-person registration, 67 required RPs to call to make arrangements to register, 52 allowed registration via phone/ internet/ email, and only 13 had fully suspended registration operations. When CA Gov. Gavin Newsom signed an executive order allowing in-person registration to be altered or suspended, many LEAs still demanded in-person registration in spite of the order. Only a handful of states—HI, OR, PA, and VA—fully suspended in-person registration. In MS, Registrants had to travel to one of only nine open DMV locations in the entire state to register. In NC, only three of 100 county sheriff's offices altered registration. In NY, one of the epicenters of the pandemic, state courts declared in-person registration an "essential proceeding."

If you face a disaster, you cannot always depend on traditional government or charity programs to assist you. When I lost my residence to a fire, the Red Cross offered me roughly \$500 in emergency funds, but the Red Cross cannot shelter RPs in their own shelters so I had to get a hotel room instead. During the COVID pandemic, Registrants qualified for direct "stimulus" relief totaling \$3200 over three payment periods. However, the "Payment Protection Plan" loans were run by the Small Business Administration, which has a policy excluding anyone with a criminal record. "It is not in the public interest for SBA to extend financial assistance to persons who are not of good character." (SOP §50-30-9 (3.6) (effective May 31, 2018) at p. 32). FEMA (emergency aid) the USDA (farm loans) DO NOT impose criminal record restrictions on disaster assistance. Private charities may choose to deny assistance to Registrants, and emergency shelters may be subject to residency restriction laws.

It is your responsibility to prepare for disasters and educate yourself on legally obtaining valuable resources in the event of a disaster.

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>

Do not take chances. Plan and prepare accordingly. Know the laws. Know where to go and who to contact in an emergency. It is up to you and no one else to be prepared for any disaster. Many of these tips are useful for periods of homelessness, a personal disaster you are far more likely to experience than the average American.

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 by the welfare system. When planning to rent an apartment, you need to save up as much as three months' rent; many renters require the first month's rent and a deposit (usually equal to one month's rent). You may also need some money for immediate needs in case you lose credit cards and other valuables. Because the \$2000 restriction on total available funds while on SSI is strict, I suggest saving money in a safety deposit box at a bank or in a safe in your home. While I am reluctant to suggest something that violates a rule, SSI's rules are not keeping modern rental price concerns into account, and so it is up to you to decide how you want to save money for an emergency situation despite this \$2000 asset limit. If it is possible to find a landlord willing to allow you to pay your deposit in installments to follow the rules, that would be better, but there are few landlords willing to do that. One promising program is Nebraska's crowdfunding website "Give to Enable" (<https://givetoenable.com/>), which was designed to assist those of fixed incomes raise money for necessities and emergency situations without running afoul of the strict monetary restrictions created by social security or other government programs. If successful, it may provide a blueprint for other states to follow.
2. *Have good credit:* If you have bad credit, 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. *Make an emergency kit:* You can buy a fireproof lockbox to store paperwork, money and other small valuable items. You may also want to keep a supply of non-perishable food items like canned foods, trail mix, peanut butter, honey, and water. Invest in "power banks" (high-capacity rechargeable Li-ion batteries) and solar panels for charging most modern portable devices with USB connectors (cell phones, portable gaming consoles, and even some ankle monitors).
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 (some states require registration even during disaster events). Know how to contact your registration office in the event of an emergency.

## HOMELESSNESS

When we think of homelessness, we think of people sleeping on the streets. In reality, homelessness simply means lacking a fixed, regular, and adequate nighttime residence. Staying in emergency shelters and temporary housing, sleeping public and private places not designed for sleeping accommodations (e.g. on the street, in parked cars, in parks, etc.), and "Couch surfing" still counts as "homelessness" because it is not stable permanent housing.

A 2015 report by the National Alliance to End Homelessness estimated that only 0.18% of Americans were currently homeless, and 14% experienced homelessness at some point in their lives. By comparison:

- In Once Fallen's 2016 Jobs and Welfare Survey and in Once Fallen's 2023 survey of Anti-Registry Activists, roughly 3% of RPs were homeless at the time of the survey. In the 2023 survey, 6% of Registrants experienced homelessness, while in the 2016 survey, about one out of four RPs (26%) experienced homeless at some point while being on the registry.
- In California, 6,433 of the 76,022 Registrants living in the community (8.46%) are listed as "transient," with 19,539 more considered being in violation of one or more registration laws (25.7%), according to an ACSOL post from May 2024.
- About 6% of Florida's registrants (1727 of 28,845) were homeless in November 2018 according to the state's Office of Program Policy Analysis and Government Accountability (OPPAGA). A 2021 OPPAGA Report found that over 25% are transient in Broward and Miami-Dade counties, which have the strictest residency laws in the state; only Palm Beach County, which is also in South Florida, has a homeless registrant population over 10% (at 12.4%).
- A March 2024 headcount by Once Fallen found 491 of the 1963 registrants listed on the FDLE registry in Miami-Dade County, FL were labeled "transient." A May 2024 headcount by Once Fallen found that 51 of the 980 Registrants (5.2%) residing in Lancaster County, NE (Lincoln metro) were transient, with 16 more listed as both transient and "absconded."

In 2016, I engaged in an event called "Christmas at the Camp." I had raised money to take supplies to Registrants who were forced into homelessness in Miami, FL due to Miami-Dade County's 2500 foot residency restriction. However, most people were not "homeless" in the strictest sense of the word. Under the law, they were required to stay at a specific location (in this case, a parking lot in an industrial park, far from public bathrooms) between 10pm-6am. They could pitch a tent or sleep in a vehicle or camper. During the day, they would go visit family or friends to shower or sleep and get ready for work. Only about a dozen of those who used the lot address as their registry "residence" truly had no place to go, they were simply unable to find housing. But they returned at night because it met the legal requirements of the local ordinance.

In short, Registrants have a greater likelihood of experiencing housing issues. Residency restrictions, a lack of landlords willing to rent to a Registrant, liability concerns (i.e., fear of being sued if a Registrant commits a subsequent sex offense), overt discrimination against RPs, and concerns over the loss of property value (studies have claimed that having a Registrant living in a neighborhood can decrease property values by up to \$5000 or 10% of a home's property, depending on the study) can exacerbate housing woes.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

It is important that you devise a plan of action 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 the ability to obtain 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 in your ability to 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. If you're working, save up money for a good working vehicle, preferably one that could be used for sleeping, like a van or large truck.
4. In many states, you may be required to register more frequently when you are homeless (monthly or weekly). Some states may force you to pay a fee every time you register, which adds yet another burden on a homeless registrant.

If you are reading this book from prison or jail and you have time to spare, I strongly suggest reading books on camping, gardening, canning, or other "prepping" skills. In light of recent events such as the COVID lockdowns, financial instability, the housing crisis, supply chain issues, and the threat of a world war, resources may become scarce. Learning to camp, grow crops, hunt, and prepare your own food may become useful skills in the event of a catastrophe. While I do not have specific recommendations, there are numerous books on this subject, as well as YouTube videos and websites like <https://thepreppingguide.com/>. Many tips found in such books and websites are timeless, so don't discredit many books on this subject just because they are old. Even if you get out and have a home and a job, keep learning and practicing these skills, because your life can change in an instant. If you are technologically challenged or only have only limited experience with modern technology, take computer classes if possible.

Once you are released, become familiar with the community and what services are available to you. Learn what charities provide services for the poor, homeless, and/or ex-prisoners. When I was homeless in Cincinnati, I:

1. Sometimes stayed at the City Gospel Mission for shelter,
2. Learned the times that various soup kitchens across the city were open,
3. Obtained a list of jobs for ex-felons from one local food pantry,
4. Took A+ Certification and a religious job training course at programs that offered services to the homeless with criminal records,
5. Used the local library to research jobs and housing for Registrants in the city,
6. Obtained a PO Box for mail,
7. Found a local charity that provided haircuts to the homeless for \$5,
8. Learned where I can obtain bus tokens to go look for work outside the downtown area, and
9. Learned where I could go for a shower. The local shower house also washed clothing so I did not have to worry about a change of clothes on weekdays. One key point about getting OFF the streets that few people discuss is staying clean and neat. People are judged by appearance, especially when applying for a job and a home.

I hope you never face homelessness, but it is better to be prepared for something that may never happen than to be unprepared if you suddenly become homeless.

### CIVIL STATUTES OF LIMITATIONS

Unfortunately, if you beat the odds and you manage to acquire a decent salary and resources, there remains the possibility of civil litigation filed against you. When you hear the term "Statutes of Limitation" (SOLs), you're probably thinking of criminal cases, or if you are thinking of civil SOLs for liability and damages directly related to sex offenses, you're probably thinking of lawsuits against the Catholic Church and/or the Boy Scouts of America. But in some states, you CAN be sued by the victim(s) in your case. According to the Child USA website (<https://childusa.org/2024sol/>), 19 States, 2 territories, and the Federal gov't has no SOL whatsoever for at least

some types of civil litigation and against some offenses. This doesn't mean, of course, that other states don't allow civil litigation. Of the remaining states, age caps on those who were minors when the offense occurred have up until a certain age to file a claim against you.

Age Limits for civil claims based on offenses committed against a minor:

- Age <35: AL, AS, GA, HI\*, ID, IN, IA, KS, KY, MI, MS, MO\*, MT, NM, NC, OH, PR, SC, SD, TN, VI, WY
- Age 35-49: ND, OK\*, OR, TX, VA, WV, WI, DC
- Age 50+: MA, NJ, NY, PA, RI
- No age cap for some claims: AK\*, AZ, CT, FL, NE\*, NV\*, UT\*
- No age cap for all claims: AR, CA, CO, DE, Fed, GU, IL, LA, ME, MD, MN, NH, MP (Mariana Is.), VT, WA
- The asterisk\* indicates states that have a lower age limit for claims for those who did not directly commit the act (such as those who were considered an "accessory" or failed to report abuse).

Thirty states and three territories continue to create new windows for people who missed previous abuse claim deadlines. In five states (AL, IN, IA, MI, OH) this only applies to institutions like the Boy Scouts, churches, or doctors. In addition, the federal "Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA)" a law passed in 2018, allows victims of CP offenses to sue those who viewed their photos. It is codified in various sections of US Code Title 18 and Title 34, particularly 18 USC §2259. Payments are a minimum of \$3000 with maximum payments of \$17,000, \$35,000, or \$50,000, depending on the type of CP offense.

This means there is always the chance you may be sued by a victim in your case. Not every statute places limits on an award levied against you. You may also have to pay attorney's fees if you lose your case.

## 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. On May 3, 2023, the US Surgeon General Dr. Vivek Murthy declared the US is suffering from an epidemic of loneliness. Murthy stated, "Even before the onset of the COVID-19 pandemic, approximately half of U.S. adults reported experiencing measurable levels of loneliness. Disconnection fundamentally affects our mental, physical, and societal health. In fact, loneliness and isolation increase the risk for individuals to develop mental health challenges in their lives, and lacking connection can increase the risk for premature death to levels comparable to smoking daily." The unique obstacles we face as RPs extends to leisure and recreation.

This chapter covers some common issues you may face upon release.

### MEETING NEW PEOPLE AND DATING

Meeting people can be a scary prospect for RPs. In my 2016 Jobs and Welfare survey, only 34.4% of RPs were married compared to 49% of Americans, and only 54.9% of RPs had children compared to 74% of Americans. But that still means many Registrants have married and started families. In a study of 94 women ("Impacts of Sex Crime Laws on the Female Partners of Convicted Offenders," Lisa Zilney, Routledge Books, 2021), 56 respondents established a relationship AFTER the registrant had committed a sex offense. There is still hope for RPs to establish meaningful relationships while on "The List." I understand many fear rejection. I hate rejection, too. But I believe that honesty with yourself and others is the best policy. It is possible to meet someone who will accept your past. If your potential lover cannot handle your past, then it is better to break it off sooner rather than later and save deeper heartache later in life. Most will find out eventually, so if you want a true relationship with someone else, you need to consider when and how to break the news to a potential "soul mate."

In the aforementioned Zilney survey, 37 of the 56 women who dated a Registrant after their partners landed on the registry were told by the registrant within the first two weeks of dating. That has been my dating philosophy in the two decades since my release. If my intent was strictly a "one night stand" or "casual" romance, it seemed that

telling a partner about my past was pointless. If I planned on seeing a woman on a regular basis, then I made it point to tell her after a couple of dates, just not the first date.

In the Zilney study, those who were not told by their partners within two weeks of dating or learned by other means (i.e., approached by a cop, victim, or neighbor, through an online search, or when an RP faced arrest) but remained in the relationship had still expressed anger and disappointment at not being told about the registry status early in the relationship.

Gini Aland, a staff member at SOSEN (a now-defunct activist site), wrote about her personal experience with dating an RP in 2016. She wrote, "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 (edited only to minimize the use of the offensive term "sex offender"):

"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...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...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 an RP 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 an RP are something that Melissa knows all too well. She is married to a Level 3 RP. '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...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 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.”

If you are “on paper,” the PO can make dating nearly impossible. In the 2023 Emily Horowitz book “From Rage to Reason,” a Registrant stated that he must provide the PO with the name, age, and employer of the person he wants to date and wait for permission to go out. Anyone living with children under eighteen was off-limits. Some of his treatment counselors required a meeting with the potential partner to confirm she was fully aware of all the details of his crime. Sometimes, overly intrusive requirements while “on paper” may lead to strain and likely the termination of a newly formed relationship.

If your date has kids from a prior relationship, or even if you have kids together, then prepare for hardship. Parental rights issues are covered by state/territory in Appendix 3. Child Protective Services (CPS) has their own rules and regulations, and may decide to investigate based on status alone, so know your rights if approached by CPS investigators. (Addressing CPS investigators was covered in Chapter 6.) Both foster care and adoption agencies may even refuse to let a family member of an RP adopt/foster a child. (In one example, the daughter of an RP was told that the only way she’d be allowed to adopt is if she agreed to call the police on her father even if they crossed paths in public, and failure to do so would lead to charges of child endangerment.)

Again, “Your Mileage May Vary.” I have faced rejection due to my status. That is an unfortunate reality of life on the list. But I’ve had a few long-term relationships, too. I strongly suggest learning how to be happy without depending on another person. This is a reason 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.

Online dating websites and RP bans: Online dating has made it easier to reach new people but harder to make meaningful connections. There are many ways to meet people but online and offline, but many online dating services (especially the ones that require a paid membership) are offering screening services including registry checks, so online dating provides unique concerns to Registrants. Even the free online dating apps are now providing background check services, and these dating services boast of removing RPs from their platforms. There is no definitive study relying on anything but anecdotes to suggest RPs have been suspended from dating apps at a high rate, so chances are good most potential dates will judge you on other issues like looks and finances. However, if you have difficulties meeting someone online, you aren’t alone. Many studies have found online dating particularly difficult for men. Still, more people than ever are relying on the online dating services over meeting people the old-fashioned way. If you decide to create an online dating profile, just keep in mind you’ll have a lot of competition. Watch out for online entrapment operations, as mentioned in Chapter 8; these operations are created to play on your loneliness to encourage you to engage in unlawful activity.

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 Title IV of the AWA is the power to deport a nonresident because a spouse or parent is 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 determines, in his sole and unreviewable discretion, that the petitioner poses no risk to the beneficiary.”

Conviction for any one 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 fiancé/fiancée (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 AWA.”

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.

(Note, this is NOT in the print version but more details on this topic can be found at <https://fightawa.org/>)

## RECREATION

*Outdoor Activities:* I have covered travel issues in the Travel Issues chapter, but it should be noted that some events or locations for recreation may be subject to restrictions, especially if you are “On Paper.” Certain activities like hunting may be affected (as you cannot own a gun, even a hunting rifle). Some states may have proximity, anti-loitering, or outright restrictions banning RPs from entering public recreation areas like parks or beaches. Privately run events may ban Registrants if on school grounds or if children are the primary focus of the event.

This discrimination often extends to working at outdoor events. The former band member of Lynard Skynard, Artemis Pyle, is on the registry. He maintains his innocence. His self-named band was set to perform at the Historic Morgantown Festival (Burke Co NC) in 2022. But after an online petition acquired hundreds of signatures and numerous people were threatened by anonymous trolls, the festival forced Pyle to step down. I have covered in my book that some businesses may ban RPs from entering the premises. (RPs are banned from state fairs in NC.)

*Casinos:* Some states DO have laws that could preclude RPs from entering gambling establishments. For example, the NJ Casino Control Act (NJSA 5:12-71) provides for “the establishment of a list of persons who are to be excluded or ejected from any licensed casino, such as career or professional offenders, cheats or criminal offenders.” But NJ’s doesn’t appear to have anyone on the banned list due to registry status.

I have found a singular instance of a RP being banned from casinos, but this single case involved a person convicted multiple times of assaulting women and forcing them into prostitution at Las Vegas Strip resorts. This is an outlier. The Las Vegas casino ban list is typically reserved for organized crime and those cause engaging in cheating and fraud. No other reports could be found suggesting that Registrants are banned from casinos or any other kind of gaming resort. So this does NOT appear to be an issue of concern, but keep in mind that this relies solely on media reports. As with any private business, casinos can refuse services to us without consequence.

*Gyms and Outdoor Exercises:* Gyms, fitness centers, and public exercise-related events like marathons or running/cycling clubs are private businesses and can make their own rules that can exclude RPs. If you have a PO, discretionary rules could be applied to ban you from using the gym or joining a fitness club or event. Since some gyms may have daycare facilities, some state or local laws may prevent you from using a gym.

Personally, I’d advise seeking out an adults-only gym if one is available in your area even if your offense did not involve minors. Do not join any fitness clubs or other activities where minors are involved when possible. Alternately, you can buy basic workout equipment at many major retailers for home use, and skip the worry altogether.

The YMCA has a policy that “conducts regular SO screenings on all members, participants, and guests. If a SO match occurs, the YMCA reserves the right to cancel membership, end program participation, and remove visitation access. In addition, the YMCA reserves the right to deny access or membership to any person who has been accused or convicted of any crime involving sexual abuse.”



Planet Fitness, YMCA, 24 Hour Fitness, Gold's Gym, Life Time Fitness, Crunch Fitness, and Equinox all allow minors as young as age 12, though they require younger teens to have a chaperone present at all times. Planet Fitness has no anti-RP use policy but they do allow those age 13-17 to use the gym (13/14-yr-olds must have a chaperone at all times). Gold's Gym appears to allow franchisees to make discretionary rules, but most individual gym rules state that teens can use the gym only if a chaperone is present at all times. Some Gold's Gyms have a "kid's club" area so that may be a problem for areas with presence restrictions. Smaller, non-franchise gyms may ban minors altogether due to liability concerns.

On a related note, presence restrictions could interfere with patronizing public pools, running trails, and some other physical activities. So far, I can find no evidence of RPs being banned from marathons like the Boston Marathon and the Ironman Triathlon. However, publicity stunts such as feats of strength and endurance may be rejected due to registry status. A Tampa Bay, FL man named Thomas Edward Lynch attempted to break the Guinness World Record for longest wheelchair wheelie in 2010; after it was revealed he was on the registry, every person involved in planning the event withdrew their support and condemned Lynch. Lynch maintained his innocence in a media interview after the event was cancelled.

*Video Games:* If you are "on paper," POs can place restrictions on internet access if your crime involved the computer. Most modern systems ARE internet capable, then you might not be allowed to use certain devices that cannot be easily monitored.

NY made headlines nearly a decade ago when it passed the Electronic Security and Targeting of Online Predators Act (e-STOP). In an action NY called "Operation: Game Over", 3580 accounts of New York Registrants were "purged" or had their communication privileges suspended the gaming platforms owned by Microsoft, Apple, Blizzard Entertainment, Electronic Arts, Warner Bros. and Disney Interactive Media Group. Other reports noted RPs were booted from the Xbox Live online gaming service. NY repealed e-STOP in 2021 and has limited gaming and internet bans to RPs on paper with specific cases.

As far as I know, there isn't some software that can be downloaded to allow police to monitor your gaming console like they can a PC. An IP address can still be traced to a smartphone or gaming console, thus potentially proving you are using a banned device. 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 PS2 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 with online chat functionality):

- ❖ 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 (since all run on a Windows format)
- ❖ Sony PlayStation 2 and later, PSP and Vita
- ❖ Nintendo Gamecube, Wii, Wii U, and Switch
- ❖ Most computer-based emulators like Raspberry Pi
- ❖ Other services include FB's "Oculus Quest" or the SteamDeck

Only a select few Nintendo Switch games have internet communication ability, so it may be possible to convince a PO to let you have a Switch. For a list of which games allow online chat, see:

[https://en-americas-support.nintendo.com/app/answers/detail/a\\_id/47070/~/~which-nintendo-switch-games-support-voice-chat](https://en-americas-support.nintendo.com/app/answers/detail/a_id/47070/~/~which-nintendo-switch-games-support-voice-chat)

You MIGHT be able to successfully challenge any ban on many consoles not of the current or previous generation (as of this writing, any Sony product older than PS3, older Nintendo products, as well as the Sega Dreamcast are outdated and servers are no longer online. It is still theoretically possible to connect older gaming consoles to the Internet if you are highly tech savvy, but since most servers shut down years ago (PS2 in 2016, Nintendo Wii U/3DS in 2023), only the most dedicated and tech-savvy fans would even bother to play older Internet-ready consoles.

If you have a PO that won't budge on this issue, 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). Thankfully, retro gaming is being kept alive by dedicated fans of the older consoles. Retro gaming can be expensive, however, especially if you want the original consoles. You can buy the original gaming consoles that have been "modded" to work on modern TVs but such consoles can run hundreds of dollars, and some original are nearly impossible to find. You can buy ROM "multicarts" like the Harmony (2600), LTO Flash (Intellivision) or the EverDrive (NES) to play any game. Fans of various gaming systems continue to make new games and controllers for popular vintage systems (Atari, NES/SNES, Sega Genesis, and Game Boy), 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.)

Atari: Atari VCS or "AtariBox": Atari is making a comeback of sorts, and nearly all Atari products are available to those who cannot access the Internet. The modern "Atari VCS" (not to be confused with the original VCS, aka the 2600) only connects to the Internet to access the online store to download digital games; the Atari VCS does not otherwise support online multiplayer or party forming. In addition, Atari released the "2600+" a modern console that allows you to play old 2600 AND 7800 carts. Finally, there's the Atari Gamestation Pro, published by "My Arcade," has 200 games from the 2600, 5200, 7800, arcade, NES, and Sega Genesis library but more games can be added to it through an SD card, making it a more simple emulator than a Raspberry Pi, and since it does not connect to the Internet, any firmware updates require connecting it to a computer.

"Flashbacks", "Minis" or "Dedicated" Retro Gaming Systems: If you like retro games, you're in luck because there are lots of options to play older games. Practically all officially licensed plug and play "Flashback" or "Mini" consoles (Amiga 500, Neo-Geo, Sony PS1, Atari, Sega Genesis, TG16, and NES/SNES minis) are NOT internet capable, but can be easily hacked to add more games. (However, this generally requires connecting the device to an Internet-ready computer to download software.) If you happen to be a fan of retro computing, the Commodore 64 comes in both a full size and a Mini console, so ROM can simply be added through a USB port without the need to download special software.

If you're into retro gaming but are opposed to (or unsure you are capable of) hacking these devices, or if you want to use original game cartridges, some companies have built new consoles designed to play the original older game cartridges. Here are a few examples:

- Atari 2600+ (\$130): As previously mentioned, the 2600+ is console shaped like the original console (but smaller) and plays the original physical 2600 and 7800 carts. They also sell new joysticks and paddles built to the original specifications.
- Hyperkin (up to \$180): The Kyperkin gaming company makes consoles that play carts from Atari, NES/SNES, Sega Genesis, and Game Boy and Advance carts.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Collectorvision Phoenix (\$250): Plays ColecoVision (CV) physical carts and has an SD cart slot for uploading CV and Atari 2600 ROMs. CollectorVision made two print runs of the Phoenix; Unfortunately with such a small fanbase, CollectorVision may not make a third so prices can get quite high.
- Polymega (\$400+): A console that plays disc-based games from the following consoles: PS1, Sega Saturn, Sega CD, Sega 32X-CD, Neo-Geo CD, and TG-16/PC Engine. PolyMega also sells extensions allowing you to play cartridges from the NES/Famicom, SNES/Super Famicom, n64, Sega Genesis, and 32X. They also sell controllers built to original specifications.
- Analogue: Another company that offers consoles (NES/SNES, TG16/PC Engine) that play retro games they boast runs on FPGA chips and not emulation. Their Analogue Pocket plays Game Boy games up to the Advance, and with adapters, can play other handheld carts from the Atari Lynx or Neo-Neo Pocket. They also sell digital-to-analogue converters for those who do not wish to have their older consoles modded.
- Blaze Evercade: The Blaze Evercade is a cartridge-based device featuring collections of “retro” games from the arcade and home consoles as well as some modern “indie” titles. It has some great third-party support. The Evercade can only connect to the Internet for updates and does not have the capacity for online gaming or communication. Evercade games are in cartridge format and are not region-locked. The Evercade EXP is a handheld device with a “Tate” mode for playing arcade games with vertical screens. The Evercade VS model is a console that hooks up to your TV; it has two slots for Evercade carts, and if you plug certain carts in at the same time, it may unlock hidden games. In addition, the Super Pocket, another console made in the shape of the original Gameboy, will also play Evercade physical carts.
- Home “Arcade” Cabinets: A number of companies made arcade cabinets featuring classic arcade games from the 1980s and 1990s. Arcade 1Up is probably the most well-known; some of their products are sold at Wal-Mart or Best Buy. Sizes can range from full-sized to tabletops to those built to a 1:6 scale, and most play multiple games rather than a single title.

Some of the aforementioned consoles MIGHT have the ability to connect to the Internet but ONLY to update firmware.

The rise of new gaming formats and “digital-only” games requiring constant Internet connection creates new challenges for gaming as a Registrant. For example, Oculus Quest, a popular “Virtual Reality” headset utilizing smartphone technology, is owned by Facebook, and Facebook announced Oculus users must have a Facebook account by 10/1/2023 to continue to use the device. If your FB account is deleted for any reason (which of course includes your Registrant status), you also lose access to your Oculus account.

“*Smart Devices*”: The rise of so-called “smart” devices, i.e., devices that can be controlled remotely through the use of the Internet, MIGHT cause problems for those with Internet and/or recording restrictions or concerned with privacy. The most notable example is the “smartphone.” It is quite difficult, though not impossible, to find a non-smart cell phone or “dumb phone.” Not many companies make “dumb phones,” but the Light Phone (“<https://www.thelightphone.com/>”) could meet the requirements of an Internet ban since it cannot do more than talk, text, or play music. Another service called Kosher Cell (<https://koshercell.org/>) provides cell phones and phone services with Internet capabilities disabled. The “Smart TV” may be a problem because most Smart TVs have Internet browsers and require the Internet to access streaming movie services like Hulu or Netflix. Non-Smart or “dumb TVs” are getting harder to find, but can be found at major retailers, although options are limited (most being under 40 inches or being a generic/store model).

### THE INTERNET

As the result of *Packingham v NC*, 582 US \_\_, 137 S. Ct. 1730; 198 L. Ed. 2d 273, no law can bar you from using the Internet if you are not on paper.; Your PO or the court might still be able to place Internet restrictions on computer usage if you are “on paper”, particularly if your offense involved the Internet or computers. Most states still require registering some or all of your “internet identifiers.”

The Internet is still extremely useful for conducting business, joining and participating in support networks, and even organizing rallies. Unfortunately, we can face discrimination while engaging with the Internet. Social media companies and websites are private businesses, and can legally discriminate against RPs because we are not a “protected class.” Meta (i.e., Facebook and Instagram) and TikTok have a very hostile policy towards RPs,

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

including an explicit ban in their Terms of Service. You might face online hostility on social media websites that don't exclude you from their services.

Registrants have expressed anxiety about meeting people face-to-face. It is easy to see why you might be tempted to start a social media account to make friends or express your viewpoints. While it is fun to share your opinions on various topics that are important to you, the Internet makes it easier for people to say terrible things to you even when the subject matter is on a rather mundane topic. Social Media platforms known to openly ban RPs altogether include Meta (Facebook and Instagram), most online dating websites, Nextdoor, and TikTok. But if you insist on using social media, I suggest using it sparingly if at all, and immediately block any potential problem accounts the moment they use words like "pedo" or groomer."

The right to anonymous speech has not been fully protected by legislators or the courts. For those concerned about the right to speak freely on the Internet without fear of being degraded or threatened due to registry status, it is disheartening to know that a majority of states and territories require RPs to turn over Internet Identifiers. The registry data can be used by social media companies to remove your social media profile.

A review of Internet Identifier reporting requirements in 2022 by the website [www.probationinfo.org](http://www.probationinfo.org) found the following:

- States/territories not requiring registration of Internet Identifiers (24): AL, CA, CT, DC, GA, GU, ID, KS, KY\*, MA, MN, MP, MS, NE, NJ, NV, OR, PR, RI, UT, VI, VT, WA, WY
- States/territories that require reporting of Internet Identifiers but does NOT post info on public registry (26): AK, AR, CO, DE, HI, IL, IN, MD, ME\*, MI, MT, NC, ND, NH, NM, NY, OH, OK, PA\*, SC, SD, TN, TX, VA, WI, WY
- States/territories that require reporting of Internet Identifiers AND allows searches through a database "by specific identifiers separate from registrant's profile" (5): AZ, FL, IA, LA, MO

(Notes: While KY doesn't require registration of Internet identifiers, it passed a law in 2024 requiring RPs to use their real names on social media; ME's law only applies to those sentenced on/after 1/1/2013; PA's law only applies to those convicted on/after 12/20/2012)

Please be wary of certain types of images on the Internet. Certain images like CP are not protected under First Amendment rights, and are illegal contraband under federal law; 18 USC §2256, defines CP as any visual depiction of sexually explicit conduct involving a minor (i.e., someone under 18 years of age). Visual depictions include photographs, videos, digital or computer generated images indistinguishable from an actual minor, and images created, adapted, or modified, but appear to depict an identifiable, actual minor. Undeveloped film, undeveloped videotape, and electronically stored data that can be converted into a visual image of child pornography are also deemed illegal visual depictions under federal law. The legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. A picture of a naked child may constitute CP if it is sufficiently sexually suggestive. Additionally, the age of consent for sexual activity in a given state is irrelevant; any depiction of a minor under 18 years old engaging in sexually explicit conduct is illegal. With the proliferation of Artificial Intelligence (AI) images, visual depictions that can lead to an arrest are readily available on the Internet including social media, so use extra precautions when using the Internet.

### 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. Only eight states and one territory disenfranchises Registrants. Below is a breakdown of our right to vote.

The information was largely extrapolated from "Criminal Disenfranchisement Laws Across the United States," Brennan Center for Justice, Aug. 2022 and adjusted just to reflect voting rights for RPs as of Nov. 2022:

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Voting rights restored upon completion of sentence, including prison, parole, and probation (and may also require repayment of fines/fees associated with conviction) (18): AK, AR, GA, IA, ID, KS, MN, MP, NE, NM, OK, SC, SD, TX, VA, WA, WV, WI
- Voting rights restored automatically after release from prison (22): CA, CO, CT, GU, HI, IL, IN, MA, MI, MT, NV, NH, NJ, NY, NC, ND, OH, OR, PA, RI, UT, WA
- Louisiana: Voting rights restored for those on probation or parole who have not been sentenced to incarceration; if incarcerated, rights are restored five years after release even if on paper
- No disenfranchisement for people with criminal convictions (4): DC, ME, PR, VT

The nine states and one territory that disenfranchises some or all Registrants from voting:

- Alabama: All RPs disenfranchised but rights can be restored via pardon.
- American Samoa: All felons are disenfranchised but this can be challenged in court.
- Arizona: Permanent if convicted 2+ times
- Delaware: All felonies, unless pardoned
- Florida: Passed a law in Nov. 2018 that restored voting rights for all once they have completed the terms of their sentence, including probation and parole, EXCEPT murder and felony SOs. In 2022, many ineligible voters were arrested but most charges were dismissed because gov't officials mislead them into voting.
- Kentucky: By virtue of a Governor's Executive Order, those convicted of human trafficking and most felony "hands on" offenses must apply for restoration of rights, all other RPs are automatically allowed to vote. This can change after the next election.
- Mississippi: Lists "rape" and "statutory rape" among the 23 offenses barred from voting; however, this only applies to convictions within the state.
- Tennessee: Disenfranchisement for sex offenses vary by date, automatic disqualifications based on conviction date—7/1/1986 for aggravated rape, 7/1/1996 for rape, 7/1/2006 for a Rape or any felony offense under TCA 39-16, parts 1, 4, or 5; or any sexual offense under TCA §40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony and where the victim of such offense was a minor
- Virginia: Permanent disenfranchisement written in the state constitution, but the past few governors have either restored the rights of thousands through individual applications or by passing executive orders temporarily allowing all not incarcerated the right to vote.
- Wyoming: Voting rights are only restored for first time non-violent offenses, and most hands on offenses are considered "violent"

As noted in a lawsuit against Florida's voting laws, only FL, KY, and VA have embedded felony disenfranchisement laws in the state constitution, but allows for a pathway to alter this rule, which has been accomplished in VA and KY through Governor Executive Orders, while FL's law was altered through a constitutional amendment. This means that the next governors of KY and VA could decide to alter voting rights, and efforts to make these changes permanent though legislation has failed. Thankfully, the trend has been largely to move away from disenfranchisement laws, and with a few exceptions, most states still engaging in this practice are in the Deep South.

There have been other concerns with allowing RPs 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 RP

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 that 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 ban RPs outright. 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 RP than those who would outright ban an RP from attending services.

In short, nearly all churches will accept you but you might still be treated differently due to liability concerns. Some churches that welcome you may set guidelines for attendance. The US is a “liability culture” so decisions are often made out of fear, even in churches. Churches and insurance agencies are not exempt from Predator Panic; church insurance companies are behind the times and still believe outdated myths from the 1980s Satanic Panic.

The most common method churches may employ is a chaperone or “buddy” system, meaning you’ll have an accountability partner at all times, 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 RPs 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 RP 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. Perfetto*, 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 RPs 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 *Does v. Boone Co. Prosecutor*, 85 N.E.3d 902 (Ct. App. Ind. 2017), the Indiana 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 RP 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 activities (particularly Halloween, although Christmas and Easter are sometimes included)—AR, FL, IL, LA, and MO. Of these five states, only Louisiana and Missouri apply the restrictions to all RPs. Illinois 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 III or IV. Florida 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 municipal or countywide Halloween restriction ordinances. 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.

### TOURNAMENT EVENTS AND CONVENTIONS

Trading Card Games: Unfortunately, some card game tournaments have explicit rules banning RPs from participating in any form.

In response to the revelation that a judge for a sanctioned "Magic: The Gathering" (MTG) tournament was an RP, Wizards of the Coast banned the judge then stated the following: "Recently, a few former judges and players had their sex offender registries posted to social media. In accordance with our policy, the majority had already had their access to Magic organized play suspended indefinitely, and are not active in the Magic community... When Wizards learns that a DCI member or a Wizards Play Network (WPN) retailer is on a SOR, we take immediate action to remove them from organized play and our promotional programs. We have a zero-tolerance policy. Sex offenders have no place in the Magic community."

MTG conduct code Sec. 15: You will not employ or otherwise engage Staff or other individuals who interact with the public on your behalf who (i) appear on a SO registry (or its international equivalent), and/or (ii) have been convicted by a court of competent jurisdiction for a violent sexual offense or a crime against children.

According to the YuGiOh tournament rules, it seems RPs could be banned from playing in their tournaments as well. On page 31 of the Konami Digital Entertainment (KDE) Official Tournament Infractions and Penalties Policy (current as of Dec. 2020), "KDE reserves the right to suspend persons from KDE's Organized Play program for infractions not connected to a specific Sanctioned event, as long as the infraction impacts or connects to a Sanctioned event; in the past, present, or future. In these instances, Persons do not need to have been disqualified at a Sanctioned or Official event in order to warrant additional penalties from the KDE Penalty Committee. These include but are not limited to: Severe or ongoing harassment of another person; appearing on a SO registry; being arrested or criminally charged..."

There is no explicit ban against RPs in Pokemon card game tournaments; the closest thing I could find is from their 2020 standards of conduct, which states, "Program members should not promote or engage in any illegal activity, or otherwise make available content that would encourage or provide instructions for any illegal activity to others. Examples include: Engaging in or glorifying drug use, sexual assault, solicitation of a minor, or information theft." But it only discusses activity at the tournaments and can also remove participants if they feel a person's presence is "detrimental" to the tournament.

Poker Game Tournaments: In 2011, Michael DiVita was removed from a tournament for the "Epic Poker League" due to his appearance on the public registry. The EPL went bankrupt a year later and there is no online information discussing what rules were broken. But DiVita has since played on other tournaments. A review of the 2021 Tournament rules for the World Series of Poker does not state RPs cannot enter tournaments but notes that they are free to terminate registration/participation for "any" reason.

Anime or other conventions: Even anime conventions are becoming hostile to registrants. In a report by [animenewsnetwork.com](http://animenewsnetwork.com), Vancouver BC's Anime Revolution convention was openly criticized online and women were sharing their stories of harassment and sexual abuse following its Anirevo Summer 2019 event. Attendees spotted two adult men at the event with prior convictions relating to criminal harassment and sexual interference. Concerns culminated in a call to Vancouver police to remove one of the men from the Vancouver Convention Centre."

A lot of this is being fueled by victim advocates, self-styled victims, and online vigilantes. Some want to "out" or "dox" (the practice of posting personal info online as a form of intimidation) RPs as if we don't deserve to be a part

of anything. Some start online petitions or harassment groups to force RPs out of businesses and communities, both online and in real life. It is easy to form an online lynch mob; I have experienced online vigilantism. However, online harassment rarely leads to offline harassment unless it involves people in your neighborhood.

Sometimes, we are merely weaponized to attack a business. For example, an avid player of MTG named Jeremy Hambly, who hosted a YouTube channel called UnsleevedMedia, was banned from MTG tourneys because he allegedly sexually harassed a female cosplayer (a portmanteau of costume and play). In retaliation, he doxed tournament players accused or convicted of sex offenses or sexual harassment. He now runs a channel called The Quartering where he posts gaming news and right-wing commentary.

Those who lean to the political Left discriminate against RPs just as much as those who lean to the Right. In 2017, an Internet personality named “Trae Dorn,” who describes himself as a “geeky, non-binary genderqueer Wiccan Witch”, and runs a podcast called Nerd and Tie, exposed a convention photographer who is listed on the registry. He justified this by stating people had the right to make informed decisions about who they choose to hire.

These are events that made headlines, so there may have been other events that banned RPs. If you have particular hobbies and interests, you simply might not be able to enjoy them in the way others might. You may still be able to go to a convention by keeping a low profile and not drawing undue attention to yourself. You might not get to join tournaments, but playing at home with a few friends is okay. While some people have suggested boycotting businesses that discriminate against RPs, it is hard to boycott the things we enjoy. If you enjoy a product but hate the company, just buy it used from a reseller. There will always be ways to enjoy a hobby, but you may have to learn new ways to enjoy it in a non-traditional manner.

#### PHILANTHROPY: GIVING BACK TO THE COMMUNITY

Here are a few things to remember if you plan on donating your time and/or money to a charity:

1. Volunteer work is still work and you must register your volunteer efforts. Check your registry office on the registration requirements, even if your volunteer work is only for a very short period of time.
2. Only support charities that do not discriminate against RPs. Did you know that major charities like the Salvation Army, Good Will, and the Red Cross deny some or all of their services to RPs? Are aware that some charities have even returned financial contributions when it was discovered the donor was on the registry?
3. Even when a charity takes a chance on a Registrant, that charity will cave under public pressure. When a Registrant worked as a bell-ringer in NY in 2007, members of an unnamed vigilante group forced the Registrant to quit, even though nobody had complained about the Registrant before then. The Salvation Army stated they don't “hire sex offenders,” but they “work with them.” (Presumably, the SA meant that they accept RPs as clients, not as coworkers.)

I encourage my readers to support other RPs. There are many conventional ways to help others, like donating to or volunteering with groups and organizations that help RPs. There are unconventional methods of helping others too, like buying useful books (like this one) or sending important material to those who will face life on the registry upon release. With an aging Registrant population, some older folks may need assistance for basic needs.

#### INSURANCE: PROTECTING YOUR ASSETS

In my Housing chapter, I suggested buying Renter's Insurance, but Americans buy other types of insurance, too, like life, home, car/auto, and health insurance. In a 2023 study of 271 RPs conducted by OnceFallen, a minority of RPs experienced rejection when applying for various types of insurance. About 21% of RPs were denied life insurance at least once, while 7% experienced rate hikes; for car/auto insurance, 5% were denied at least once while 4% experienced rate hikes; for home insurance, 5.5% were denied at least once while 3.5% experienced rate hikes; and for private health insurance, 1.5% were denied at least once, while 0.5% experience rate hikes. While most RPs cited different insurance companies only once or twice in this survey, the United Services Automobile Association (USAA), an insurance company primarily for veterans, was by far the most cited company that denied service to RPs.



Still, most who applied for insurance experienced no problems obtaining insurance, and most RPs who were rejected or experienced rate hikes eventually found a better policy by shopping around.

### ANTI-REGISTRY ACTIVISM

I strongly encourage everyone to get involved in efforts to challenge post-release sanctions like the sex offense registry, residency and presence restrictions, and other sanctions that make reintegration into society difficult. Even if you do not face some of the difficulties mentioned throughout this book firsthand, many others do, and you could still experience these hardships at any time.

If you are currently or recently incarcerated, I suggest taking courses or reading books on public speaking, writing, research (including legal research), debating others, computer skills, and self-help for dealing with the added stress of post-release registry-related sanctions.

## **CHAPTER 11—RELIEF FROM THE REGISTRY**

The prospect of being on the public pillory that is the SOR is scary, so you're probably hoping for some kind of relief from the registry. Scammers and hucksters are also hoping you are desperate to get off the registry, so they are willing to hock guides on "how to legally avoid the registry" or provide some kind of service to assist you in trying to get your name off the registry—for a price. Specifically, a guide entitled "How to Legally Avoid Being Placed on the Sex Offender Registry," published by the Safe Streets Arts Foundation (aka Prisons Foundation or Rehabilitation Foundation), has misled some people into thinking there are easy workarounds to registration requirements. In reality, there is not an easy pathway to legitimate registry removal, and even removal from the registry may not solve all your problems.

I cover laws pertaining to possible relief from having to register in Appendix 3. States and territories vary greatly on potential relief from the registry. Some RPs will have more definitive paths to obtaining relief from the registry than others. Relief may come via pardon or by a court procedure. Some may reach an end of registration date and be removed from the registry automatically, while some states require a petition after a certain time has passed.

If you are 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 a LEO) increases your chances. Still, expect your chances of obtaining a pardon to be extremely slim.

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 offense law or civil rights attorney to petition to get off the Registry. You may have to type "sex offender attorney" and the name of your state in an online search engine 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. Most states do not offer expungement of records, and even if they do, your record may still show up under a few circumstances, like background checks for day care centers.

Currently, the Collateral Consequences Resource Center website is the best place to find information on registry relief by state (note: the info contained in the spreadsheet have been added to the state summaries in Appendix 3). The direct link to the spreadsheet is at:

<https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-relief-from-sex-offender-registration-obligations/>

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

Some information was extrapolated from A-two-Zee's "Summary of State and Territorial Registration Laws for Visiting FORMER and LONG TERM (11+ years) Registrants – 2022." Link to the chart can be found at—<http://a2twozee.blogspot.com>

### STATE PARDONS

For those who are hoping to “state shop” to find a state open to pardoning or offering an avenue of restoration of rights, few states extend the right of receiving pardons to those convicted in the federal or another state’s court. Leaning heavily on data provided by the Collateral Consequences Resource Center (CCRC), only AL, AR, and TX explicitly offer pardons to convictions from outside jurisdictions; ME, MA, NY, RI, VI, VT, WV, and WY do not explicitly exclude federal and other state convictions by state law or in the pardon application. Additionally, FL, GA, IA, KY, NM, WA, and WY offer some various degrees of “Restoration of Rights” (ROR, sometimes referred to as a “partial pardon”) to those convicted even from other jurisdictions, which may restore specific rights like voting or firearms ownership.

Maine specifically states, “Petitioners seeking a pardon for the sole purpose of having the Petitioner’s name removed from the state’s SO Registry will not be heard.” (Maine does not explicitly state extra-jurisdictional/“out-of-state” or federal convictions are ineligible and does not state it on the pardon application.) Based on the pardon applications, TX and VT apparently will only grant pardons for convictions from other jurisdictions as a last resort, specifically if it is necessary for the applicant to achieve a pardon in their original jurisdiction of their conviction.

Out of the 50 states, only AL, CT, GA, ID, SC, and UT rely *solely* on a parole board without input from the governor; the governor is the final pardon authority in the remaining states, although most are assisted to various degrees by a pardon review board. Only DC, ME, OR, and WI (in addition to the federal system) lacks a statutory advisory board for the pardon process. According to the CCRC, the states that offer the most frequent pardons in general (30%+ of those who apply are AL, AR, CA, CT, DE, GA, DE, GA, ID, IL, LA, NE, NV, OK, PA, SC, SD, UT, and VA. States where pardons have been rare or non-existent in the past 20 years include AK, AZ, DC, KS, MA, MI, MS, MT, NH, NJ, NC, ND, OR, RI, VT, and WV.

This does not necessarily mean moving to a state that may provide a pardon to an extra-jurisdictional/“out-of-state” or federal RP is the best path to registry relief. In fact, the one state that offers pardons to those convicted in another jurisdiction, has an independent pardon board, AND is noted as frequently offering pardons was my pick for the worst state in the nation for a Registrant to reside—Alabama! And while pardons in Alabama are common for many offenses (according to the CCRC, over 800 pardons a year are granted), the AL Dept. of Pardons and Parole claimed a few years ago that only 2% of people convicted of sex offenses are pardoned. (Despite claims they cannot restore voting rights to RPs, I received a restoration of voting rights back in 2007 so that claim was inaccurate.) But a pardon for a federal case in Alabama is only good for Alabama.

Your mileage may vary. Based on what I’ve written here, it seems that a pardon board is superior to schemes where the Governor has more power to decide fates. Governors are elected; pardon board members are not.

### FEDERAL PARDONS

If you’re hoping for a Presidential Pardon to have your rights restored, these pardons are extremely rare across the board. The President cannot pardon to state-level crimes, only federal crimes (and crimes committed in DC). Each state has their own procedures for potential registry relief; some states may even extend these procedures to those convicted in other jurisdictions. Second, those listed as Tier I or Tier III for federal convictions can petition federal courts for a reduction after 10 years (if Tier I) or 25 years (if Tier III); unfortunately, those on Tier II get no way to reduce the registration period. In general, you can apply for a Presidential pardon if it has been five years after sentence or release from confinement and you’re generally not eligible if on parole (28 CFR §1.2). This does not expunge the record. There is no formal pardon advisory board.

There are no stats breaking down how many pardon petitions come specifically from people convicted of sexual offenses. At best, I can give you a general idea about the Presidential pardon habits from 1967 to the present, so let’s begin by looking at the stats since Nixon took office in 1969 (full stats are at

<https://www.justice.gov/pardon/clemency-statistics>). I chose Nixon as the starting point because the clemency stats were not divided into pardons and commutations were not separated until 1967, when Lyndon B. Johnson was in office, and thus I cannot get a full idea of Johnson's pardon habits (though he seemingly processed fewer pardons in his later years in office). On a related note, Nixon was the first elected President to officially declare a "war on crime," which began the trend of "tough on crime" rhetoric which still plagues the US Justice System.

Nixon (R): 1699 pardon petitions received, 863 granted (50.8%)  
Ford (R): 978 pardon petitions received, 382 granted (39.1%)  
Carter (D): 1581 pardon petitions received, 534 granted (33.8%)  
Reagan (R): 2099 pardon petitions received, 393 granted (18.7%)  
Bush, Sr. (R): 731 pardon petitions received, 74 granted (10%)  
Clinton (D): 2001 pardon petitions received, 396 granted (19.8%)  
Bush, Jr. (R): 2498 pardon petitions received, 189 granted (7.5%)  
Obama (D): 3395 pardon petitions received, 212 granted (6.2%)  
Trump (R): 1969 pardon petitions received, 144 granted (7.3%)  
Biden (D): As of 12/12/2024, only 65 out of 1,484 pardon requests granted to date. However, most pardons are granted in the last days in office.

The pardon trend has been in the decline since the "war on crime" began in the 1960s, and in the 21st century, pardons have remained below 10%. Also, with the exception of Bush, Jr., every president since Bush, Sr., has granted the majority of their petitions in the last year or so in office. With Obama and Trump, that trend was particularly pronounced; Obama granted 142 of 212 pardon petitions (67%) on his last days in office, while Trump granted 116 of 144 pardon petitions (80.6%) of his pardons on his last days in office.

Clinton outright denied 655 pardon petitions and refused action on 353 more (or, as it is officially stated, Petitions Closed Without Presidential Action"); Bush Jr outright denied 1742 petitions and refused action on 464 more; Obama outright denied 1708 petitions and refused action on 508 more; Trump outright denied 84 petitions and refused action on 625 more. The number of pending petitions had remained steady but jumped dramatically under the past two administrations; under Obama the number of unprocessed petitions jumped from 864 to 1920 (+1056) under Obama and to 2834 (+914) under Trump. Many recent pardons have been high profile, mainly of white collar and political criminals, or symbolic posthumous pardons of persons of historical significance.

A review of the list of pardon recipients (<https://www.justice.gov/pardon/clemency-recipients>) shows no one has officially been pardoned for a sexual offense since the national registry laws were enacted in 1994 (the Jacob Wetterling Act, as part of the same controversial 1994 crime bill that became a point of contention in the 2020 presidential election); Alabama judge Roy Moore was verbally "pardoned" by Trump at a Thanksgiving turkey pardon ceremony as he faced allegations of abusing an underage girl decades ago, but is not officially pardoned.

President Joe Biden is a "tough on crime" politician who helped get sex crime legislation passed on the federal level, including the national registry laws and the AWA, and he is proud of that fact. (On a related note, no sentencing commutations have been granted, either). If Kamala Harris is elected President, it is unlikely she would pardon a Registrant given her prior career as a prosecutor.

Unfortunately, prospects for a presidential pardon seem to be non-existent on the federal level. Some states offer a chance at a pardon even if you were convicted in federal or extra-jurisdictional/"out-of-state" courts. Based on some anecdotal evidence, a push to change the federal pardon system to a board may help. For example, in AL, a state at the top of my "worst states for RPs" list, an RP still at least has a 2% (1 in 50) chance of obtaining a pardon from the pardon and parole board. That is still an extremely low number, but 2% is greater than 0%. Another problem in need of reform is our "tough on crime" mentality; in 2010, 1513 of 1554 pardon petitions by RPs in Canada were approved; a 2000 report noted that only 114 of the 4883 (2.8%) Canadians pardon for sex offenses from 1970-1998 reoffended, so granting pardons to RPs have not caused great harm to Canada.

### END OF REGISTRATION DATE

Many states have a “tiered” registry and may provide automatic relief to Registrants on the lower tier(s). For example, Ohio, an AWA-compliant state, has a three-tiered system. If you are classified Tier I in Ohio, you will automatically reach your “end of registration” date 15 years from your date of release from prison (or date of sentencing if given only probation). However, you cannot assume every state that has a tiered system allows automatic removal from the registry. California and Oregon, for example, recently changed to a three-tiered system, but a petition to the courts is required after a minimum registration period, so we don’t know if the new scheme will allow more chances to be removed from the registry.

As explained earlier in the book (on travel and moving), most states will try to pigeon-hole you into the equivalent registration tier. If you are a Tier I in State A with 15 year registration, and move to state B with a similar registration scheme, then you’ll most likely be a Tier I in state B with 15 year registration. Sadly, moving to a new state complicates matters, and more often than not, moving from a state where you are required to register for life will mean you’ll register for life in a new state.

According to a guide from A-Two-Zee, 18 states allow Tier I (or equivalent) offenders, including extra-jurisdictional/“out-of-state”, to petition for removal at a specified number of years after release from prison (15 states) or after establishing residency in state (3 states)—AR, CA, CO, GA, ID, MS, MT, NJ, NC, OH, OK, OR, TN, VA, and WY.

Five states (IN, KS, MN, NM, UT) will force you to register longer if either state requires a longer registration period. For example, if you moved from a state A, which required you to register for 15 years, and you move to state B, which requires 20 year registration, you would have to register 20 years; the result would be the same if state A required 20 year registration while state B only requires 15.

Four states (AL, FL, IL, SC) require lifetime for all regardless of offense type, although a 2021 ruling by the SC Supreme Court (Powell v Keel, Opinion No. 28033 (SC 2021)) ruled that low-risk Registrants should be allowed a hearing to determine whether or not lifetime registration is justified.

### PETITIONING THE COURTS

This book does cover an overview of potential relief from the registry by court petition in Appendix 3, but is not covered in great detail, since you would need a legal guide to cover the process in its entirety.

In general, a petition for termination of registration requirements will involve a character and records check, similar to what you might face with a pardon application. You’ll be required to maintain a clean post-release record, pay off any offense-related debts (such as fines and fees), and have some good references. Many states place eligibility restrictions; for example, some may limit early termination of registration to certain offense types, or an innocent person, or a 10 year clean record, and some states might not allow relief if you were convicted in another state, federal, military, or . Whereas a pardon process generally does not require an attorney, court petitions may require an attorney, or one may be needed even if not required simply due to the complexity of court procedures.

Relief from registration varies greatly from state-to-state. In Ohio, only a Tier I may petition the court for early termination, as noted on ORC § 2950.15(C)(1), and this petition can be filed by a Registrant convicted in another state. California changed to a tiered system in 2021, but removal from the registry is not automatic; a Tier I Registrant can now petition for removal from the registry after 10 years but is unclear if this rule will extend to extra-jurisdictional/“out-of-state” convictions. Colorado allows both in-state and extra-jurisdictional/“out-of-state” convictions to petition for relief but does not extend this opportunity to those convicted of multiple offenses, labeled an SVP, or convicted of certain offenses labeled “sexual assault.” North Carolina bans all lifetime registrants from early termination from the registry. Please consult an attorney or litigation agency in your state for further details.

## EMIGRATION

Moving out of the US is a remote possibility, but you may have to apply for citizenship and denounce your US citizenship, meaning you would lose certain benefits like Social Security. This is not an easy pathway off the registry and requires great resources. Just as is the case in the US, other nations prefer immigrants that will contribute to the advancement of their society. This is not a guarantee either, given the fact America is trying to force other nations to adopt sex offense registries. Some states will keep you on their registries long after you move away, and even register you if you live outside the US. Still, if you have the resources and you can find a country open to accepting you this may be a possibility for a few Registrants.

There is currently only scant anecdotal evidence that anyone has successfully applied for political asylum as an RP. Denise Harvey, a teacher from Florida given a 30-year sentence for sex with a 16 year old, fled to Canada and was granted asylum as a “protected person” (a status showing extradition to one’s home country will lead to torture, cruel and unusual punishment, or death) due to Canada’s view of the 30-year sentence was “excessive” AND because her actions are not a crime in Canada. Harvey is still wanted in the US and can be arrested if she steps foot on US soil. (“Florida sex offender granted asylum in Canada.” CBC News, 16 May 2014.)

A more well-known case involved Steven Whitsett, who fled from Florida to Germany to seek asylum. While Whitsett was granted asylum in 2022, the German court did NOT condemn the US registry (even stating it served a legitimate purpose). Asylum status was granted because Florida had told German authorities that Whitsett would be receiving 18 years for FTR and potential civil commitment, which Germany considered excessive punishment. Asylum was also temporarily granted in Germany to an Arizona registrant who fled the country to avoid being subjected to ammonia “aversion therapy” and was facing 15-45 years for FTR; the judge considered the ammonia therapy to be “torture”. According to Whitsett, Germany has revised their rules to specifically exclude people convicted of sex crimes from applying for asylum status in February 2024, but have not closed emigration to those who apply for immigrant status through a work visa.

A few anecdotal cases do not guarantee you will be given the same consideration if you apply for asylum status. A common thread in these anecdotal examples that the offense was either not a crime in the destination country or the punishment for the offense or for the “administrative act” of Failure To Register (FTR) was excessive. In another German case, a Registrant was denied asylum status for a probation violation where he was facing up to six years for failing to allow a PO to access his electronic devices and having sex toys.

Fleeing to a nation that lacks an extradition treaty with the US does not mean you can escape a FTR charge. The USDOJ website notes that, “Generally under U. S. law (18 USC §3184), extradition may be granted only pursuant to a treaty. However, some countries grant extradition without a treaty, and of those that do, most require an offer of reciprocity.” US News and World Report’s website states, “Non-extradition countries can always choose to extradite criminals. These countries just do so on a case-by-case basis, rather than due to the automatic obligations that arise out of a treaty. They may also find other ways to hold criminals accountable. Non-extradition countries can decide to deport or expel someone due to their wrongdoing. And the countries can always choose to prosecute the criminal in their own courts.” They add that not having a treaty does NOT imply you cannot be extradited; one or both nations may simply desire not to have one for various reasons, such as hostility or uneven dependence upon the resources supplied by a nation. Furthermore, virtually all countries that lack extradition treaties can be found in Africa, the former Soviet nations, the Middle East, SE Asia, and Indonesia; these are primarily countries that are openly hostile to US travelers and immigrants.

According to the World Population Review website, the US has extradition treaties with 107 out of the 193 UN-recognized nations as of July 2024. Even in nations with treaties in place, geopolitical issues or legal concerns can lead to disputes over extradition. For example, countries that have extradition treaties with the United States, but which are known to often refuse extradition requests anyway include Ecuador, Cuba, Bolivia, Nicaragua, Iceland, Switzerland, Venezuela, and Zimbabwe. On the other hand, countries such as Spain and Yemen are known for returning fugitives even without an official extradition treaty. As a rule, extradition is highly likely when both countries involved have an established extradition treaty. When the two countries involved lack a formal treaty, but have existing diplomatic relations, extradition is entirely possible, but with reduced likelihood. Extradition is least likely in countries that have neither a treaty nor diplomatic relations with one another. The only counties without any

diplomatic ties whatsoever to the US are Bhutan, Iran, North Korea, Palestine, Syria, Taiwan, and Western Sahara. (Source: <https://worldpopulationreview.com/country-rankings/countries-without-extradition>)

Legal emigration also does not guarantee you will avoid the stigma of the registry, either. Some states, like Florida and New York, will continue to list you publicly even after you move out of the state. Additionally, if you register your intent to travel or emigrate to a foreign nation, officials at the US Department of State forward your travel plans to INTERPOL, which then forwards your information to officials in your destination country. This procedure is part of “International Megan’s Law” (notably their “Angel Watch” program), and it may lead to harassment or denial of entry.

One Registrant who emigrated to Germany along with his foreign wife in 2021 has reported experiencing similar harassment issues they faced while living in the US. The Angel Watch program had notified Germany of the RP’s status to German officials, and not long after settling into their new home, began experiencing social ostracism they attribute to US agents telling German officials about the man’s registrant status. The couple reported that a number of services have been refused to them, including services from doctors, landlords, lawyers, shopkeepers, even the post office. They even stated they experienced hardships while traveling to Italy during vacation.

In general, you will find emigration to be a tough uphill climb even if you were not on the registry. Many countries share similar immigration beliefs to the US, meaning they do not want people moving there without resources or talents they can bring with them. One response from a web browser search summarized the challenge as follows: “A poor person can emigrate, but there are some restrictions. The Cato Institute says that legal immigration is nearly impossible because of four broad categories of requirements for immigration: health, criminal history, security profile, and immigration law violations. One exception is employment-based self-sponsorship, which is for those who are “extraordinary,” have works of “national importance,” or can afford to make at least \$800k in investments in the US. However, employer sponsorship is almost insurmountable due to bureaucratic red tape. According to one thread on Quora, unless you have immediate family (e.g., spouse) who are US citizens, or are highly educated and skilled and have a US employer willing to sponsor you, you are generally out of luck. You probably can't just move and expect full government benefits without meeting criteria for residency or citizenship.”

At this time there are no statistics or studies reviewing the rate by which RPs have successfully left the US. A count of RPs from the NY Division of Criminal Justice Services in 2016 found that 165 out of 39,377 RPs (0.4%), including 28 who were classified as Level III (“high-risk”) were residing outside of the US. Thus, it is not impossible to emigrate, just difficult.

In short, if you want to leave the US, do it the right way—legally, with a work visa leading to naturalization, and be sure to register before leaving the US. Don’t rely on tricks like asylum status or fleeing to a nation without extradition treaties; you may just find yourself in greater danger than being forced to register in the US.

### YOU GET REMOVED FROM THE REGISTRY. WHAT NEXT?

First and foremost, please understand that the Sex Offense Registry is NOT your criminal record. Removal from the registry does NOT remove your sex offense conviction from your criminal record. All that changes is that you no longer check in to register and your information no longer appears on the government SOR. Your sex offense conviction will still turn up in criminal background checks and act as a barrier to housing and employment. It will still show up in police checks against the National Crime Information Center (NCIC) databases. You could still be excluded from certain activities that may involve minors, especially if background checks are conducted. Most states exclude sex offense convictions from expungements except if exonerated, while some may even exclude RPs from obtaining pardons.

No thanks to the modern Internet, removal from the registry may not be the end of all problems we face due to former inclusion the public registry, either. There are many websites that list mugshots and outdated registry information, including Family Watchdog or Homefacts. Mugshot websites and extortion websites may continue to post information about you that have been otherwise removed from the registry. If your offense made the news or if someone made posts about you on blogs or social media, it may still show up on a Google search. Some Internet posts may even be saved by online Internet archives like Webarchive.org.

Many states do not exactly honor relief from another state's registry. Statutes in only EIGHT states IMPLY that persons no longer required to register in their home state would not have to register (AR, CT, ME, MO, OH, RI, and WI). As previously noted in my "Finding Housing" chapter, states have different requirements—some follow federal AWA guidelines, some have laws requiring you to re-register if the offense would have netted a longer registration period in that state, and some states have mandatory lifetime registration for all registrants. It is your responsibility to thoroughly research the state you plan on moving to and decide if it is worth the risk of being relisted on the public registry.

If you have been removed from the registry in one state but are being 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.N.C., 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," Assistant State Attorney Shanna Sue Hourihan wrote in the memo.

#### THE 2022 "FINAL RULE" ON SORNA

Another issue you may face is the ongoing legal battle over the retroactive application of the AWA to those no longer required to register with their state of residence. The AWA granted the US Attorney General (USAG) the authority to decide who must register under SORNA. In December 2022, USAG Merrick Garland issued the "final rule" on SORNA, entitled "*Registration Requirements Under the Sex Offender Registration and Notification Act*," 86 Fed. Reg. 69856 (Dec. 8, 2021). According to the new rule, SORNA applies to "all sex offenders" "regardless of when the conviction . . . occurred" and "regardless of whether a jurisdiction has substantially implemented the Act." (Page 69884) This would apply even to convictions that were expunged, as "only pardons on the grounds of innocence terminate registration obligations under SORNA." (Page 69,866)

A legal brief challenging the new rule noted, "...if a local jurisdiction does not comply with SORNA registration requirements, then a registrant is guilty of the crime of failing to register unless he proves at trial that registration was, in essence, impossible. That is, the new rule provides individuals who live in non-compliant states with an affirmative defense, but that defense is only available if they can prove at trial that "uncontrollable circumstances prevented the (RP) from complying with SORNA, [that] the (RP) did not contribute to the creation of those circumstances in reckless disregard of the requirement to comply and complied as soon as the circumstances preventing compliance ceased to exist." There is, of course, no guarantee that an individual will be able to prevail on this defense and they must undergo the time and expense of a trial to find out if their state's non-compliance has turned them into a felon." (Page 69,886)

In *Doe v. Department of Justice*, No. 22-855 (C.D. Cal. 2023), US District Judge Jesus G. Bernal ruled in favor of those no longer required to register under California law, adding the USAG rule violates due process. "May the Government attempt to imprison California registrants like Plaintiffs for up to a decade for failing to do the impossible, unless they, not the Government, prove impossibility?" Bernal writes. "This Court holds that the answer is no." This ruling only applies to those in California. There are a handful of cases currently working their way through the courts in other jurisdictions where persons no longer required to register have been arrested for FTR under SORNA.

“HOW TO LEGALLY AVOID THE REGISTRY” WILL SEND YOU BACK TO PRISON

I still field questions from prisoners about a guide entitled “How to Legally Avoid Being Placed on the Sex Offender Registry,” originally published by Dennis Sobin of the Safe Streets Arts Foundation (aka Prisons Foundation or Rehabilitation Foundation), a prison advocacy group in Washington DC. (There may be similar guides by now with similar names; as with anything online, information can easily be stolen. So I’m sticking specifically with critiquing this particular guide.)

As of 2022 this “guide” is still offered by Sobin’s agency for \$12 or a book of stamps. In return, the buyer receives a 2-page suggestion for “avoiding the registry” as well as a 2015 version of the ACSOL spreadsheet covering the registration and residency restriction laws of 50 states, verified by mail forwarded by a federal prisoner.

The Sobin guide claims you can simply move frequently to avoid registration, but the logic is fatally flawed. The guide begins, “When we began our research for this guide, we thought that men and women subject to the SOR should follow these examples: either moving to a place that does not have a public SOR (such as Canada) or by going into hiding or even changing their identity (with the help of easy-to follow instruction books like New Name, New Identity available and well-reviewed on Amazon.com). But as we did further research we found there is one major statutory difference between the Sex Offender Registry, that makes it completely voluntary, and other registries.”

Canada does not allow Americans with criminal records into their country, although you can apply for a “Certificate of Rehabilitation” with the Canadian Consulate, and if granted, you could enter Canada. (As an aside, there has been a push to publicize the registry for years so it could happen at some point.) Emigration from the US is indeed an option but there is no guarantee another country would allow you to emigrate. “Going into hiding” makes you a fugitive subject to immediate arrest, and if you cross state lines, FTRs become federal cases, and most FTRs carry up to 10 year prison sentences. Furthermore, some states have laws specifically blocking RPs from changing their names. Finally, registration is voluntary as much as you have a choice to give a gun-toting robber all your money or not when asked.

The guide continues: “...the Sex Offender Registry is a complex compilation of varying statutes that exist and are enforced on a state-by-state basis. So if you don't like the Sex Offender Registry statute in one state, you can move legally and quickly to another state, literally overnight. And if you don't like the Sex Offender Registry in any state, you can still be a US citizen without any fixed address. You can travel constantly from state to state, not calling any one state your residence. Homeless people do it all the time. Such flexibility in movement is your right as a free citizen in a free society, and the basis for you to not be on any registry, regardless of your past.”

As I discussed in a previous chapter, you can move to other states as a Registrant but the process is far from “literally overnight.” Some states require registration before moving to the new state. There is a flaw in the logic in assuming no fixed address means you don’t have to register. In some states, even the incarcerated are registered, and when you leave prison, you’re expected to go register ASAP. States generally only allow between 1-5 days for initial registration.

The guide then states, “Now here's what you need to do if you're currently on a Sex Offender Registry. Call up your registrar and declare that you're moving out of state and demand to be removed immediately, and of course don't show up to re-register since you are no longer a state resident. If you are asked where you're moving, simply say that you wish that to be private. Then officially become a homeless person without any fixed address. All you need do is declare yourself one. Get a PO Box for your mail. Keep your cell phone, even your home, vehicle and apartment. The fact that you own property in one or more states and that you are storing your belongings at one or more locations does not mean you live there, even with your name on a lease or deed. You can even keep your current job, though you will now be officially commuting to it from out-of-state (when you are not staying briefly with friends and family within state). You don't have to tell anyone where you live, or that you don't have a fixed address. The US has strong privacy rights and as a free citizen, your business is your own.”

You still have to prove you are moving to another location, so telling them you aren’t telling them where you are going could get you immediately arrested. Some states, like Florida, keep you on the registry even after you move



away. Vehicles and work addresses are still registered, and some states may require you to register property you own, even if you don't live there. Just because some information is not released publicly does not mean you don't register such information at all. And yes, homeless Registrants are required to register; in fact, many states require more frequent registration if you are transient. Furthermore, some states count aggregate days you sleep at a location. In Illinois, you must register if you visit any location in the state overnight for three nights in a given year, so if you visit Chicago overnight on January 1, Effingham on July 4, and East St Louis on December 31, then you MUST register in that state.

At least the guide had the decency to tell you this guide won't help you if you are "On Paper"!

Some interpreted this guide as suggesting living on a boat and using it to move from state to state. There are a couple of problems with this strategy. First, there is a question of which state actually "possesses" the river. For example, I could walk across a bridge in Cincinnati, Ohio, across the Ohio River, and into Newport, Kentucky. So when did I cross the state line? SCOTUS ruled in 1966 that Kentucky owns the entire river all the way to the Ohio shoreline. Thus, the "boat trick" would not work on the Ohio River.

Second, consider the court ruling in *US v. Demarco*, 634 F. App'x 253 (11th Cir. 2015). Demarco was registered in Alabama but was arrested for failing to disclose his work status on two tow boats in Louisiana. An Alabama LEO informed Demarco that he had to register in every county or parish in which he was working. He failed to disclose his work status and was arrested. "Consistent with that theory, the evidence proved that DeMarco's continuing offense began in Alabama, where DeMarco had registered with authorities and started "his interstate journey," and continued as he traveled through interstate commerce to and worked in Louisiana for four tow boat companies without updating his registration to reflect the change in his location."

The Court added, "In a prosecution for a violation [of a failure to register or update a registration], it is an affirmative defense that uncontrollable circumstances prevented the individual from complying." 18 USC 2250(b)(1). DeMarco argues that he "would immediately board a boat" and when he disembarked "his employment had concluded and he had nothing to report," but DeMarco's coworkers testified that DeMarco was onshore periodically and could have updated his registration... DeMarco worked onboard a tow boat from March 12 to March 27, but he first visited Morris's office in Louisiana for orientation... DeMarco worked on two ships during July and August of 2012 and that he was scheduled to work 14 days offshore and 7 days onshore in Louisiana... DeMarco was employed for 25 days and that his boat would have been moored to the dock at least once for him to disembark. The district court reasonably determined that DeMarco's employment did not create an uncontrollable circumstance that prevented him from updating his registration." In short, the Courts reasoned that any offshore activity provided an opportunity for registration.

Finally, consider in *Nichols v US*, 578 US 104 (2016), Nichols flew from Kansas to the Philippines without updating his location pursuant to SORNA. Authorities in the Philippines took Nichols into custody and returned him to the US where he was charged with an FTR. While SCOTUS ultimately sided with Nichols, they noted that the newly passed "International Megan's Law" requires notice of international travel or residence. While Nichols got off the hook, anyone today who moves to a new country without first notifying the US of the intent to move will be charged with FTR under IML.

There is a path for some Registrants to get off the registry, be it through pardon, through the courts, timing out of the registry if you're a low-level Registrant, or even by emigration. Each of these pathways is not something you'll immediately achieve. The only way to not have to register upon your release is if your offense is not a registrable offense or if your conviction is overturned. Anyone or any agency promising strategies and "life hacks" to dodge registration requirements is either misguided, has faulty research, or an outright scammer.

## FINAL THOUGHTS

This guide is filled with plenty of gloom and doom. It may seem overwhelming and frightful, but many people have learned to adapt. But getting prepared starts from within. What can you do to better yourself and become a “productive member of society?” This does not necessarily mean go out and get a job and pay your taxes. There are many ways to do to help others, like volunteer work, picking up trash, or supporting—and joining—the efforts to change these harmful laws.

I have lived on this registry for over 21 years now, and while I hate the principle of registering, I prepared this guide with the intent of helping you endure the registry. It is up to you to keep up with the rules and follow them for the sake of your freedom. I would like to emphasize once again, “Your Mileage May Vary.” You may struggle more than some and less than others. Some have thrived in states I consider the worse, while some have experienced great hardship in a state I thought was not as tough. As with anything we do, we eventually get better at building a life around it. Despite 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 most well-received ICoN inspirational pieces in hopes they encourage you. I’m not going to lie and pretend the life I have experienced the past two decades were easy for me. However, I’ve found ways to enjoy life in spite of the efforts of some people at causing harm to my life. You must find your own happiness while enduring your life on “the list.”

### 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 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 provide the necessary information needed to navigate the confusing world of registration. (OnceFallen.com celebrated its 10-year anniversary on December 5, 2017).`

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

My slogan for OnceFallen.com is “Through Knowledge and Wisdom, We Rise from the Ashes,” and the symbol for OnceFallen.com is the Phoenix to symbolize “rebirth” or “a new life.” 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 any situation you currently face. Many of us find contentment, peace, and 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 won't be measured by income or material possessions, but in finding happiness in any situation. 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 roughly one million Registrants 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 the hate. 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 of 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” really 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. 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 the “S.O.” 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. As RPs, we should remember that we are the “least of 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 a paltry SSI check and food stamps. But I have a roof over my head, food 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.

#### A LESSON FROM GERRY WITH A “G”

I believe we can learn a valuable lesson from Gerry Sandusky. No, not Jerry Sandusky with a J, but Gerry with a G, and as he’ll tell you, “no relation to the former Penn State assistant coach.” Gerry is an announcer for the Baltimore Ravens football team, and when the high-profile allegations of abuse against the other Sandusky was first publicized, the internet lynch mob stated sending Gerry some very nasty messages, including death threats. Gerry Sandusky still works as the Baltimore Ravens announcer, but he also works as a life coach. I believe there are some valuable lessons we can learn from his experiences with being mistaken for a person accused of a sex offense.

“All these years later I still get the flinch, the visible look of startle in people's eyes when they hear my name. “What?” Nine years later. Yes, former Penn State coach Jerry Sandusky—Jerry with a J—is still in prison. And I am still Gerry Sandusky—Gerry with a G—& unrelated to the former Penn State coach. I still remember the day the story first broke thinking, \$%!) this is going to be a nightmare marathon. Even to this day I get several recommendations a week on social media that I should change my name. I just chuckle & wonder how those people handle the challenges in their lives.”

Gerry stated that “changing my name was not an option. I had a few good reasons at the time:

1. My parents are gone & this is the name they left in my stewardship
2. What am I teaching my children if I run & hide from challenges?”

Gerry’s father stormed the beach in Normandy in WWII and later played for the Cleveland Browns the last time they won a championship, so he felt changing his name to appeal to the ignorant masses was not plausible. Gerry continues:

“There is something I call ‘The Penn State Principle.’ It's the principle that school forgot in the original handling of the case: The easy decision in the short term is rarely the right decision in the long term. Lessons Learned: There is a higher good we are all called to serve at different times in life. When the storm hits, when the unpredictable challenge presents itself you have the opportunity to be one of two things:

1. A lighthouse that shows others the way in a storm
2. An outhouse, the kind of person who is full of ‘you know what’ & falls apart in the storm

It’s really that simple. Whether you lead a family, a business, a community or any other group of people, here is the most important lesson I can share with you from my experience. Do you want to be a lighthouse or an outhouse? No

matter what life throws at us, we can always choose our response.” (Source: “Okay, Let's Talk About the Name” by Gerry Sandusky, 10/2/2020. <https://www.sanduskygroup.com/okay-letx27s-talk-about-the-name>)

Gerry states that he does not retell his story for “laughs” but “because it's the elephant in the room & if I don't address it the audience will spend so much time wondering if I'm related to the former Penn State coach who is in prison (not related!), that they'll actually stop listening to what I am saying...”

Any issue that everyone present knows about & is uncomfortable talking about is an elephant in the room. You have three options when it comes to dealing with the elephant:

1. You bring it up.
2. Wait for them to bring it up.
3. Ignore it.

Option 1 is best. Here's why. When you address the elephant you earn the audience's respect because they're uncomfortable talking about it too, & you control the narrative. If you wait for them to bring it up or ignore it all together, you lose the audience's respect & they wonder if you handle all tough situations by avoiding the uncomfortable thing. Here's the most powerful part: No matter which option you choose, your audience (in person, virtual, or written) will reach their positive or negative conclusion of how you handle the elephant in a few minutes, sometimes a few seconds!

Yes, it takes courage & humility to address the elephant in the room—regardless if the elephant was or was not your creation. And if you worry that you don't or won't have the courage to address the elephant, remember this: If you are standing in the presence of a five ton elephant & pretend he isn't there, there's a good chance the elephant will ignore you too & accidentally step on you. When you address the elephant in the room, the elephant usually goes away & the room always has more respect for you.” (Source: “The Elephant in the Room” by Gerry Sandusky, 5/29/2024, <https://www.linkedin.com/pulse/elephant-room-gerry-sandusky-kkvse/>)

I hope my 21+ years of experience and my dedication to providing the best possible advice to you helps you survive your life on “the list.” I hope you survive—and thrive—despite the difficulties you may face. It is never easy to create a guide like this. While I try to provide a lighthouse for the potential storm you will face upon release, I am sometimes treated like an outhouse by those who have read this book and who feel the contents of this book is simply fearmongering or exaggerating. Many readers of this book who are currently incarcerated fall into two categories – the “No Hopes” and the “Too Much Hopes.” The “No Hopes” believe they have no chance at living a normal life while forced to register; many of these are the “state shoppers” or those who obsess over emigration. The “Too Much Hopes” dismiss the warnings in this book and accuse me of fearmongering.

The intent of this book is simply a means to prepare you for a potential problem you face while living under the complex web of post-conviction sanctions you may face upon release. If you're soon-to-be released or newly released, don't fall victim to the “Free At Long Last” Syndrome. Sex offense laws are constantly changing. I have repeated the phrase “your mileage may vary” throughout this book. If you do not experience some of the hardships discussed in this guide, consider yourself fortunate. Stay vigilant and be adequately prepared, because disasters can occur at any time or a new law may pass which could disrupt your life on a moment's notice, even if you've gone for years without experiencing the added hardship of being on the registry. It is better to be prepared for a disaster that never occurs than not be prepared for a disaster that arrives.

Life on “the list” can be difficult, but it is not impossible to succeed, even if you reside in the worst state for a Registered Person to reside. If you are adequately prepared, you can handle nearly any situation without a problem. It is your responsibility to learn and obey the rules you must follow, since “ignorance of the law is no excuse.” I can give you only so much advice. Only YOU can decide how well you adjust to life on “the list.” My advice to you is to live your “best life” under these laws to the best of your ability, educate yourself, and join an advocacy group so we may work towards bettering the lives of all RPs.

--Derek W. Logue of OnceFallen.com

**APPENDIX 1—ADDITIONAL RESOURCES:  
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 stuck in my mind long after I walked out the gate. One of the individuals in the group said my chances of lasting three years on the streets were extremely slim. At first, I thought it was a personal attack, but after 17 years of beating the odds, I believe now I fully understand what that man was trying to say.

As I previously discussed in chapter 1, 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 call the “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 our complex system 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. We need resources to survive on this registry and become a “productive member of society,” including assistance finding housing, employment or an alternate means of financial support like Social Security, and social support.

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.

Note: Many resources listed in this chapter (with a few exceptions) are exclusively online, which may be an issue for those subjected to Internet restrictions as a supervision requirement. Some prisons have censored correspondence from the resources listed in this chapter, so those currently incarcerated may not be allowed to reach out to some of the resources 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, Ph# 802-247-3132, Web: <https://safersocietypress.org/>
- B4U-ACT, Inc., P.O. Box 1754, Westminster, MD 21158, Ph# 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), Website: <https://www.b4uact.org/> Virtuous Pedophiles (A site for those diagnosed with pedophilia but recognize sexual abuse is wrong) <https://www.virped.org/>, email: [virpeds@gmail.com](mailto:virpeds@gmail.com)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Stop It Now, Mailing address: 351 Pleasant Street, Suite B-319, Northampton, MA 01060, Helpline: 1-888-PREVENT (888-773-8368) or Tel: 413-587-3500
- CURE-SORT, P.O. Box 1022, Norman, OK 73070-1022, Ph# 405-639-7262, Web: <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, Ph# 859-824-4444, Web: <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” (i.e., the Registrant) 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; and 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. Some activist groups may offer support services, either in a one-on-one setting or in a group, either in-person or through an online streaming service like Zoom.

### 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. NOTE: These are only listed for informational purposes; this does not imply any of the groups listed are affiliated with, associate with, or support each other. This info is accurate as of the day this book was published.

Below are the three largest and well-known nationwide advocacy organizations that are fighting to reform the public registry:

- Women Against Registry Family Foundation, 8 The Green Suite #8219, Dover DE 19901, Ph# 800-311-3764, email: [contact@womenagainstregistry.com](mailto:contact@womenagainstregistry.com), Web: <https://ww1.womenagainstregistry.org/>
- Alliance for Constitutional Sex Offense Laws (ACSOL), 2110 K St., Sacramento CA 95816, Ph# 818-305-5984, Web: <https://all4consolaws.org/>
- National Association for Rational Sex Offense Laws (NARSOL), PO Box 36123, Albuquerque NM 87176, Web: <https://narsol.org/>

In addition to these three groups, there are many state-specific groups. Many of the groups listed below are affiliated with the National Association for Rational Sex Offense Laws (NARSOL), but some are independent. I encourage RPs interested in activism to get involved with and support activism within their own state:

- AZ: Arizonans for Rational Sex Offenses Laws, PO Box 10551, Phoenix, AZ 85064, Ph# 623-296-2904, Email: [az.rsol.contact@gmail.com](mailto:az.rsol.contact@gmail.com), Web: <http://azrsol.org>
- AR: Arkansas Time After Time. PO Box 11491, Conway, AR 72034, Ph# 501-444-2828, Email: [rsol@arkansastimeaftertime.org](mailto:rsol@arkansastimeaftertime.org), Web: <http://arkansastimeaftertime.org>
- CO: Colorado Advocates for Change, PO Box 103392 Denver, CO 80250, Ph# 720-329-9096, Email: [advocates4changeafc@gmail.com](mailto:advocates4changeafc@gmail.com), Web: <http://advocates4change.org>

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- CT: One Standard of Justice, PO Box 461, New Canaan CT. 06840, Ph# 203-680-0567, Email: cindytpri@icloud.com, Website: <http://onestandardofjustice.org>
- DE: Delaware Advocates for the Reform of Sexual Offense Laws (DARSOL), PO Box 9472, Newark DE 19714, Ph#: 302-635-0468, Email: darsol42@aol.com, Web: <https://www.darsol.org/>
- FL: Florida Action Committee, 6615 W. Boynton Beach Blvd, #414, Boynton Beach FL 33437, Ph# 833-273-7325, Email: [info@floridaactioncommittee.org](mailto:info@floridaactioncommittee.org), Web: <http://floridaactioncommittee.org>
- IL: Illinois Voices, PO Box 523, Dekalb, IL 60115, Ph#: 888-686-4237, Email: [info@ilvoices.com](mailto:info@ilvoices.com), Web: <http://ilvoices.com>
- IA Iowans Unafraid, PO Box 64, Altoona, IA 50009, Ph# 515-518-7189, Email: [info@iowansunafraid.org](mailto:info@iowansunafraid.org), Web: <https://www.iowansunafraid.org/>
- MD: Families Advocating Intelligent Registries, PO Box 8402, Elkridge, MD 21075, Ph# 301-779-1965, Email: [info@fairregistry.org](mailto:info@fairregistry.org), Website: <http://fairregistry.org>
- NE: Nebraskans Unafraid, PO Box 6705, Omaha, NE 68106, Ph# 402-403-9250, Web: <https://nebraskansunafraid.org/>
- NH: Citizens for Criminal Justice Reform—New Hampshire, PO Box 39212, Concord, NH 03302, Ph# 603-882-1555, Email: [info@ccjrn.org](mailto:info@ccjrn.org), Website: <http://ccjrn.org>
- NM: Liberty and Justice Coalition, PO Box 36123, Albuquerque NM 87176, Ph# 505-832-4291, Email: [libjusco.com@gmail.com](mailto:libjusco.com@gmail.com), Web: <http://libjusco.net>
- NC: NCRSOL, PO Box 25423, Raleigh NC 27611, Ph# 919-780-4510, Email: [contact@ncrsol.org](mailto:contact@ncrsol.org) Web: <http://ncrsol.org>
- OK: OKRSOL, PO Box 1527, Noble OK 73068, Ph# 405-294-4299, Email: [okrsol.info@gmail.com](mailto:okrsol.info@gmail.com), Web: <http://ok-rsol.org>
- OR: Oregon Voices, PO Box 13175, Salem, OR 97309, Ph# 971-317-6868, Email: [jgn990@gmail.com](mailto:jgn990@gmail.com), Web: <http://oregonvolces.org>
- PA: PARSOL, PO Box 399, New Freedom, PA 17349, Ph# 717-820-2237, Email: [robertsont@parsol.org](mailto:robertsont@parsol.org), Web: <http://parsol.org>
- TX: Texas Voices for Reason and Justice, PO Box 23539, San Antonio, TX 78223, Ph# 877-215-6688, Email: [marysueintx@yahoo.com](mailto:marysueintx@yahoo.com), Web: <http://texasvoices.org>
- VT: Vermonters for Criminal Justice, PO Box 8753, Burlington VT 05402 Ph# 802-503-0601, Email: [dalton@vcjr.org](mailto:dalton@vcjr.org), Web: <http://vcjr.org>
- VA: Safer Virginia, PO Box 4289, Richmond VA 23220 Ph# 276-744-5664, Email: [info@safervirginia.org](mailto:info@safervirginia.org), Web: <https://safervirginia.org/>
- WV: WVRSOL, PO Box 42, Scott Depot WV 25560-0042, Web: [wvrsol.org](http://wvrsol.org)

FOR MORE RESOURCES, go to -- <https://oncefallen.com/links-page/>

### 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 Registry Laws and their impact:*

- ❖ 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



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ IMPACTS OF SEX CRIME LAWS ON THE FEMALE PARTNERS OF CONVICTED OFFENDERS (2021) by Lisa Anne Zilney
- ❖ FROM RAGE TO REASON: WHY WE NEED SEX CRIME LAWS BASED ON FACTS, NOT FEAR. (2023) by 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
- ❖ THE DEVIL WAS LISTENING (2018) by Stanley G. Rothenberg
- ❖ STRANGER DANGER: FAMILY VALUES, CHILDHOOD, AND THE AMERICAN CARCERAL STATE (2020) by Paul M. Renfro
- ❖ CAN I TELL YOU SOMETHING? WORDS OF HOPE AND ENCOURAGEMENT FOR THE MODERN DAY LEPER (2021) By Bob Van Domelen

### *Books written by Registrants, their loved ones, and/or Anti-Registry Activists:*

- ❖ 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", <https://ccresourcecenter.org/wp-content/uploads/2020/09/The-Many-Roads-to-Reintegration.pdf>
- ❖ 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 information for prisoner reentry
- ❖ <https://mitchellhamline.edu/sex-offense-litigation-policy/>-- The Sex Offense Litigation and Policy Resource Center at Mitchell Hamline School of Law collects and disseminates information about cases on issues of sexual violence policy, and facilitates communication, sharing, and the development of strategies among the lawyers, advocates and academics who seek a more sensible and effective public policy on sexual violence prevention.

## APPENDIX 2— SUMMARY OF STATE/TERRITORY 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.

DISCLAIMERS: 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. These laws can change frequently, as new legislation alters the definition or scope of existing restrictions or introduce new restrictions. 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 Indigenous Peoples Tribes that are largely sovereign nations. Laws are enforced at the local level and many LEOs have not been properly educated on the laws. Complaints about the enforcement of the law should be argued in a courtroom.

This guide is NOT a replacement for contacting local registry offices to determine what laws apply to you while residing or visiting a particular location. This is merely a guide to understand many of the restrictions you may face based on existing information of registry laws at the time of publication.

This Appendix was originally 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, including the “State and Territory Implementation Progress Check”, 25 Jan 2022. <https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/SORNA%20progress%20check%2001252022.pdf>
- ❖ Shawn Rolfe. “When a Sex Offender Comes to Visit: A National Assessment of Travel Restrictions.” *Criminal Justice Policy Review* · November 2017
- ❖ Malik Pickett, Emily Satifka, and Riya Saha Shah. “LABELED FOR LIFE: A Review of Youth Sex Offender Registration Laws.” *Juvenile Law Center*. 2020.
- ❖ “Summary of State and Territorial Registration Laws Concerning Visiting and Temporary Residence by Adults” by AtwoZee, <https://a2twozee.blogspot.com/>
- ❖ “Criminal Disenfranchisement Laws Across the United States,” Brennan Center for Justice, Aug. 2022. <https://www.brennancenter.org/our-work/research-reports/criminal-disenfranchisement-laws-across-united-states>
- ❖ 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 Indigenous Peoples 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Qualifying event (whether conviction, incarceration, date of offense, or release date by date registry established triggers registration)
- Online Date: The date the registry was first published in that state/territory. 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 information 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.) See the Federal notes on AWA tiers.
- Lists all RPs on Internet website?: This segment specifically covers whether or not a state lists every RP on the public Internet website, which in turn would include you in the NSOPW. Registrants not listed publicly still have to register, but will simply not be listed either on the official online state or national registry websites.
- 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. If you work, go to school, volunteer, or visit another location long enough, you'll have to register those places, and thus register in multiple registration offices if these locations are in a location not covered by your primary registration office.
- Post-Release Supervision: Rules related to post-release supervision, specifically time frames, and notes on potential electronic monitoring rules
- 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.
- Extra-jurisdictional/"Out-of-State" Convictions: Rules you have to follow if your conviction was not in that state/territory; i.e., conviction from a different state/US territory, a federal conviction, or even a conviction in a foreign court.
- 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 households or multi-family buildings (i.e., apartment complexes), or within close proximity to another RP.
- 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 individual jobs that cannot/will not hire anyone with criminal records or felonies, only jobs excluded exclusively by state statutes.
- 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 registry rules when visiting from 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.
- Voting Rights: Your right to vote as a Registrant (does not cover other offenses that disqualify you from voting)
- 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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

### ADDITIONAL NOTES:

Language: It is not entirely possible to avoid using terms like “sex offender”, “predator”, and other dehumanizing language in this section due to the use in statutory language, especially where direct quotes are used. However, as much as possible, “offender” is replaced with RP, and in a direct quote, it will be in parentheses. “Sex Offender” is shortened to SO and “Sexual Violent Predator” to SVP whenever possible.

Private Entities: The absence of state or local statutes barring you from certain jobs, residences, or public or private establishments does not imply that you have the right to obtain a job or residence or to visit a particular establishment. The US Constitution only regulates conduct by the government. Private entities can only be successfully sued for discrimination if they are targeting a class of people that is considered “protected.” We are not a protected class, so private citizens and business can (and likely will) discriminate against you with impunity.

### ALABAMA (AL)

COMMENT: While Florida is often considered the worst state for an RP to live, a strong case can be made for Alabama having the worst set of laws in the nation. The most onerous of these laws are severe restrictions on “loitering” & 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. (Thankfully, the man was acquitted of the charges in 2019, confirmed through court records.) In 2009, AL had added colleges to residency restrictions (AL Code §15-20-26), but when the residency restriction law was moved to AL Code §15-20A-11, colleges were removed; it was moot since students on the registry could attend college but could not live on/near the campus.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. The ALEA website states, “Not all offenders are available for public dissemination due to juvenile, YOA, or out-of-state status.”
- ❖ Where to register: In-person at local Sheriff’s Office
- ❖ When to register: Initial registration & updates to registry information must be done “immediately.” (Within three business days.) Ala. Code §15-20A-10, 15-20A-14. “Reside” is defined as “to be habitually or systematically present at a place,” & 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). This is applied equally when visiting, & AL does not remove visitors from the registry when the stay has ended. AL requires RPs fill out a travel permit if traveling out of county of residence 3+ days, & requires 21-day advance notice of International travel. See AL Code § 15-20A-15
- ❖ Frequency/Length of registration:
  - All SOs register in Alabama FOR LIFE. Homeless RPs report once every 7 calendar days. Code of Ala. §15-20A-12. All others quarterly. Ala. Code §15-20A-10.
  - Juveniles/"youthful offenders": Life/10 years, depending on offense, date of offense, & recidivist status. Ala. Code §15-20A-3(c), (d), (e), (f); §15-20A-28(a), (c), (e); §15-20A-35.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Ala. Code §15-20A-5(35), (37), 15-20A-14, Any offense that requires registration in any court of conviction requires registration; Does not directly address length of registration code, suggesting all extra-jurisdictional RPs also register quarterly for life.
- ❖ Post-Release Supervision: Those convicted of Class A/B felonies involving a “child” (a hands on offense against a minor under age 12 or a CP offense) cannot receive parole (Ala. Code §15-22-27.3) or receive probation or a “split sentence” (Ala. Code §15-18-8 (a)). Those designated SVP or convicted of a Class A felony receive a minimum 10 years post-release supervision (Ala. Code §13A-5-6(c)), & must wear a GPS

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- device for a minimum of 10 years (Ala. Code §15-20A-20); can also be subject to castration (see below); no offense involving a “child” is eligible for probation (Ala. Code §13A-5-2(d))
- ❖ Registry fees: \$10 quarterly; Failing to pay is a Class B/A Misdemeanor, but fee can be waived if declared indigent by the court. Ala. Code §15-20A-22
  - ❖ Community Notification: Alabama notifies all neighbors within 1000-2000 ft of the RP & all schools within 3 miles. Ala. Code §15-20A-21
  - ❖ Residence Restrictions: 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. An RP may petition the court for relief from the residency restriction pursuant to Ala. Code §15-20A-11(a) during the time the RP is terminally ill or permanently immobile. Ala. Code §15-20A-23. Under Ala. Code §15-20A-11(d), RPs convicted of offenses as an adult cannot live in a household with a minor (anyone under 18) unless the RP is a the parent, grandparent, stepparent, sibling, or stepsibling of the minor, but cannot live with ANY minors under the following circumstances:
    - The RP’s parental rights have been terminated, or in the process of being terminated;
    - The RP was convicted of offenses involving underage relatives or any minors living in the household;
    - The RP was convicted of a sex offense against a “child” (under age 12) or any CP offense;
    - The RP was convicted of a forcible offense against a minor (under age 18).
  - ❖ Anti-Clustering: No RP can live in the same household with another RP in Jefferson County (Birmingham). Ala. Code §13A-11-204
  - ❖ Employment Restrictions: Cannot work at any school, childcare facility, mobile vending business that provides services primarily to children, or any other business or organization that provides services primarily to children, or any amusement or water park, nor work within 2,000 ft. of school or childcare facility; & 500 ft. of playground, park, athletic field or facility, or child-focused business or facility if convicted of an offense against a minor, Ala. Code §15-20A-13. RPs cannot obtain a liquor license no matter how long ago the conviction, Ala. Code §28-3A-23; RPs likely cannot get a license to work in the funeral services industry, Ala. Code §34-13-56(a)(1).
  - ❖ Presence Restrictions: 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; RP must be asked to leave by “authorized person.” Ala. Code §15-20A-17.
  - ❖ Travel regulations: RPs 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
  - ❖ Parental Rights: AL’s laws are complex & 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 & §12-15-319 to bar anyone convicted of 1<sup>st</sup> Degree rape, 1<sup>st</sup> 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 RPs who are adults from living with anyone under age 18 or allowing minors to have overnight visits unless that RP 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
  - ❖ Voting Rights: Permanent disenfranchisement. However, you CAN get your voting rights back by “partial pardon,” even though state officials claim that is false. I have received this pardon through the Alabama parole board so I know it is possible, albeit extremely rare.
  - ❖ ID Card Law: Pursuant to Ala. Code §15-20A-18: In compliance with the recent judgment entered in *Doe v. Marshall*, 2:15-CV-606-WKW, State ID/DLs replaced the words "CRIMINAL SEX OFFENDER" & replacing it with a code that will appear on the face of the card (“CV606”, a reference to the *Doe v. Marshall* case). In addition, RPs may be required to carry a separate card issued by the local Sheriff’s Office at all times & must be presented if an officer asks for ID.
  - ❖ Castration: “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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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 RP shall pay the costs unless declared indigent & determined to be unable to pay for the foreseeable future. Ala. Code §15-22-27.4

### ❖ Relief from SO Legal Restrictions:

- Act 2024-191 (HB81, 2024) signed into law, prohibiting those with offenses involving minors are ineligible for pardons.
- 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 & was only a crime due to age of the victim; & (2) at the time of offense, victim was 13 years or older & 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 & find by "clear & convincing evidence that the (RP) does not pose a substantial risk of perpetrating any future sex offense." Ala. Code §15-20A-24(h).
- Lifetime juvenile RP relief: No subsequent youthful offender/sex offense 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 & must be "satisfied by clear & convincing evidence that the juvenile (RP) is rehabilitated & does not pose a threat to the safety of the public." Ala. Code §15-20A-34(g), (h).
- Employment: Only less serious offenses, none involving a minor, may petition county court for relief from employment proximity restrictions 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: RPs 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, & if 30 days' notice given to victim. Ala. Code §15-22-36(c), (e). (NOTE: Alabama’s Pardon website states that they can give a pardon to a federal or extra-jurisdictional/“out-of-state” prisoner, BUT that pardon, if granted, is only good in Alabama. At one time, they noted less than 2% of pardons granted for sex offenses.)

### ALASKA (AK)

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Register with the Dept. of Corrections if the “sex offender” or child kidnapper is incarcerated, or in person at the AK state trooper post or municipal police department located nearest to where the “sex offender” or child kidnapper resides at the time of registration. (AS §12.63.0109B)). There is no statewide requirement to report International travel, but the state SOR provides a link to the USDOJ form for this purpose, stating federal law requires it & requests you provide them a copy of the notice.
- ❖ 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Tier I: Annual registration for 15 years (Countdown does not start until you are off probation/parole; you register while on paper in addition to the 15 years)
- Tier II: Quarterly registration for life (Anyone convicted between 8/10/1994 & 1/1/1999 does not register quarterly), if convicted of an aggravated offense or two of any sex crime or kidnapping offense
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Only mentions registration required if offense is similar to any registrable offense in AK; does not mention resolving conflict in registration length between conflicting jurisdictions.
- ❖ Registry fees: None
- ❖ Community Notification: None
- ❖ Residence Restrictions: None Statewide; Matanuska-Susitna (Mat-Su) Borough (equivalent of county) adopted an ordinance on 7/18/23 banning RPs from living within 1000 ft. of schools, daycare facilities or public parks.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: AS § 28.15.046, cannot work as school bus drivers
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ 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. There is no rule regarding the number of total visits per year.
- ❖ Parental Rights: AK only terminates parental rights of RPs 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
- ❖ Voting Rights: Voting rights are restored upon completion of sentence, including prison, parole, & probation
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - "ASORA violates due process by requiring all (RPs) to register without providing a procedure for them to establish that they do not represent a threat to the public." A person may file a civil action in the superior court in which they will be permitted to attempt to prove that they "no longer pose...a risk to the public that justifies continued registration," & if they prevail, they will be relieved of registration requirements. *Doe v. State*, 444 P.3d 116 (Alaska 2019).
  - Early termination is also available upon reversal of conviction. Set aside/pardon does not provide relief. § 12.63.100(3) (registration required "regardless of whether the judgment was set aside under § 12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency"). But see *Maves v. Alaska Dep't of Pub. Safety*, No. S-17492 (Alaska 2021) (1994 version of ASORA was not intended to apply to set-aside convictions).
  - No registration for juvenile offenses

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

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? N/A
- ❖ Qualifying event: Conviction
- ❖ Online since: 2017
- ❖ Statutes: Am. Samoa Code Ann. §46.2801 through §46.2806
- ❖ Substantially AWA Compliant? Yes
- ❖ Lists all RPs on Internet website? 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 (RPs) 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 are required within 10 days, & 21 days advance notice for International travel is required (not codified into territory law). 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)
  - ASCA §46.2802 considers anyone who committed an offense against a minor under 12, caused physical injury, or repeat offenses a “sexually violent predator” & must register for life. FTR for SVPs is a class C felony.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Mentions the Dept. of Public Safety will maintain records of non-resident RPs 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 §46.2805 only mentions registration is required for “covered offenses against victims who are minors or of sexually violent offenses” & does not specify if time is adjusted if registration length conflicts with territorial law, implying not some offenses not involving minors may not be registrable. As an AWA state, classification is offense-based & assumed that you’ll be categorized by AWA guidelines.
- ❖ Community Notification: only through a written request to the registry office
- ❖ Registry fees: None
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: There is no specific provision in the statutes for visiting RPs
- ❖ Parental Rights: N/A
- ❖ Voting Rights: Citizens of US territories cannot vote in federal & state elections; voting is only allowed for territory & non-voting delegates. While not explicitly stated, ASCA §6.0221 allows those who have lost voting rights due to a felony conviction the ability to appeal the voting ban in a court hearing.
- ❖ 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 RP is pardoned, continuing registration is not required. The SMART Office notes that American Samoa permits Tier I to petition for reduction of their registration period if they have maintained a clean record for 10 consecutive years. Tier IIIs 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 IIs. ASCA §46.2803 (2011).

## **ARIZONA (AZ)**

Comment: Gov. Doug Ducey vetoed HB 2674 (2021), which would have allowed petitions for registry relief for some minor offenses. Ducey signed SB 1168 (2022) into law, which allows municipalities to conduct registry background checks on prospective “short-term leases” (like Air BNB), & can suspend licenses of providers of such services if they intentionally lease property to an RP. RPs cannot be housed in short-term leases under ARS §9-500.39

- ❖ Date Registry Established: 1983
- ❖ Registry Retroactive? Yes
- ❖ Qualifying event: All types as far back as 9/1/1978
- ❖ Online since: 1998
- ❖ Statutes: Ariz. Rev. Stats. §13-3821 through §13-3829, ARS §13- 3727
- ❖ Substantially AWA Compliant? No



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Lists all RPs on Internet website? No. Arizona does not list Tier I unless convicted of sexual assault, commercial or non-commercial sexual exploitation of a minor, child prostitution, child sex trafficking, or the following if victim was under 12—luring or aggravated luring of a child for sexual exploitation, sexual abuse or continuous sexual abuse, child molestation, sexual conduct with a minor, taking a child for the purpose of prostitution.
- ❖ Where to register: County Sheriff
- ❖ When to register: Initial registration required “within 10 days of entering & remaining in any county.” ARS §13-3821. RPs 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 & other updates required within 72 hours (business days only). ARS §13-3822. There is no statewide mandate requiring reporting International travel but SMART reports many local agencies are requiring RPs to report International travel.
- ❖ Frequency/Length of registration:
  - Those convicted of Kidnapping of a Minor (ARS §13-1304) or False Imprisonment (ARS §13-1303), who are required to register for 10 years AFTER release of ALL obligations, including supervision & payment of restitution. All other convictions require lifetime registration. Transients report every 90 days. All others annually.
  - Juvenile adjudication: Automatic termination at age 25. ARS §13-3821(F).
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Only mentions registration required if offense is similar to any registrable offense in AZ; does not mention resolving conflict in registration length between conflicting jurisdictions, so assumption is all register for life.
- ❖ Registry fees: None
- ❖ Community Notification: Non-electronic notification of those designated Tier II & III. §13-3825; Only Tiers II & III are listed publicly on the internet registry website. ARS §13-3827. Community notification can be required by court order.
- ❖ Residence Restrictions: Certain RPs with offenses against children & those classified as Tier III cannot live within 1000 feet of schools, daycares, or residences of the victim. Will not be forced to move if school/daycare opens after you established residence. ARS §13-3727. HOAs are allowed to pass residency bans against Tiers II & III (ARS §33-1260.01(H) & §33-1806.01(H)).
- ❖ Anti-Clustering: None (repealed in 2011)
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment? Yes (ARS §36-3701 to §36-3724)
- ❖ Travel regulations: Must register within 72 hours, excluding weekends & legal holidays, after entering & remaining for at least 72 hours in any county. ARS § §13-3821. Temporary address may be verified by police. A procedure is available for removal from registry after departure.
- ❖ Parental Rights: RPs must prove they are not a danger to the child before they can be awarded parental rights; if you are a parent dating an RP or allowing an RP to live with you or visit, you must let the other parent know about the Registrant’s status; an RP has no parental rights if the child is conceived through rape. ARS, §25-403.5; ARS §25-416
- ❖ Voting Rights: Those on probation, in prison or on parole cannot vote. A first time offender has his or her right to vote restored automatically upon completion of sentence, as long as there are no outstanding financial obligations to the state. Permanent disenfranchisement for those with 2+ criminal convictions, unless restoration is granted by pardon or a judge.
- ❖ 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 SO registration. Failure to obtain this credential is a Class 6 felony with a mandatory \$250 assessment. (AZRSOL has stated in an email that State ID/DL cards are not physically marked.)
- ❖ 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

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 (AR)**

Comment: Those on Levels III & IV from buying, owning, or using an "unmanned aircraft" or "drones." (ACA §5-14-138).

- ❖ 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 SOR 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
- ❖ Lists all RPs on Internet website? No. ACA §12-12-913(j)(1)(A) mandates that information on RPs determined to pose the highest level of risk to the public (Lvl 3/4), must be available on the AR SOR website by 1/1/2004. Recent changes in the law have added public access to information regarding Level IIs who were 18 or older & the victim was 14 or younger at the time of the offense.
- ❖ Where to register: The law enforcement agency having jurisdiction over residence (i.e., municipal police if in an incorporated area, & 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 within state, register 10 days before or 3 business days after an eviction or natural disaster. ACA§12-12-904, §12-12-909. Must give 21 day notice for International travel. ACA §12-12-925
- ❖ Frequency/Length of registration:
  - Duration: Lifetime for all. If convicted of aggravated offense, classified Level IV, 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 & you'll need a lawyer.). (ACA §12-12-919)
  - Frequency: Homeless report monthly; SVPs register quarterly; all others register biannually.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Requires registration if registrable in conviction jurisdiction even if not registrable in AR (ACA §12-12-206(a)(2)). A 2021 law added, "Actual registration in the other state is not required under this section, & it is sufficient that the (RP) was required by law to register in the other state." Does not explicitly state procedure for addressing conflict between jurisdictions, as it is assumed everyone registers for life.
- ❖ 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. Failure to pay is a Class A misdemeanor. ACA §12-12-906
- ❖ Community Notification:
  - Level I: Only Law Enforcement & residents in the household
  - Level II: Persons considered the RPs "preferred victim" who may come in contact with the RP
  - Level III: Those in the community
  - Level IV: "Highest & most visible means of community notification is required"

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Residence Restrictions: For Levels III & IV: 2,000 ft. of elementary or secondary school, Public Park, day care center, youth center, 2,000 ft. of victim. Level IVs have an additional restriction of 2,000 ft. of church. No restrictions for Levels I & II.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: Under ACA §17-3-102, most sex offenses make you ineligible to “receive or hold a license issued by a licensing entity.” Certain offenses are lifetime bans; certain lower level offenses could be eligible for a license after 5 years. (If you received a license before this law passed in 2019, you can keep your license); ACA §12-12-927, RPs are banned from providing goods or services under the Medicaid program
- ❖ Presence Restrictions: Levels III & IV cannot enter a water park, wave pool, splash pad, water slide, or other area dedicated to aquatic activities for children run by local governments & open to the general public. ACA §5-14-133
- ❖ Halloween/Holiday Restrictions: 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 RP, 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 & not removed. May be subject to residence restrictions.
- ❖ Parental Rights: RPs 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 & child support while the RP has no legal visitation/custodial rights. ACA, §9-13-101; §9-10-121; §9-13-105
- ❖ Voting Rights: Voting rights are restored upon completion of sentence, including prison, parole, & probation, & all fines or fees related to the conviction have been paid.
- ❖ 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. Can be granted to extra-jurisdictional/“out-of-state” convictions but you must be in the state at least 15 years to qualify. (Act 881 of 2021 added “in the jurisdiction in which he or she was convicted” but is unclear if this also applies to extra-jurisdictional/“out-of-state” RPs)
  - Not available for Level IV/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), RP 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)
  - For §5-24-221-based registration: "Preponderance of the evidence that the facts underlying the offense for which the offender is required to register no longer support a requirement to register." ACA §12-12-919(b)(3)(B).

### **CALIFORNIA (CA)**

Comment: CA is the birthplace of the registry; Los Angeles County established a “Convict Registry” in the 1930s in response to organized crime but shifted focus to sex offenses in the 1940s. 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. CA transitioned from a lifetime registration scheme to a three-tiered system stating 1/1/2021; however, RPs in the lower tiers will have to petition the courts to be removed from the registry after a minimum registration period, so removal is not automatic. Tiers are designated using a combination of offense-based (i.e., your conviction) & risk-based scores using CA’s own risk evaluation scheme known as “State Authorized Risk Assessment Tools for SOs” (SARATSO). One flaw in CA’s new classification scheme is that CP offenses are considered Tier III offenses. It is a crime for an RP to visit the CA’s registry website (Pen. Code, § 290.46(i)).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Date Registry Established: 1947, New law taking effect 1/1/2021
- ❖ Registry Retroactive? Yes, 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. & Inst. Code § 6608.5. See also SB 384 (2017) where major changes to the law will begin 1/1/2021
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet Website? No. RPs whose only registrable offenses are for the following offenses may apply for exclusion from the public registry: (1) felony sexual battery by restraint (Pen. Code §243.4(a)); (2) misdemeanor child molestation (Pen. Code §647.6), or former §647(a); (3) any offense which did not involve penetration or oral copulation, the victim of which was a child, stepchild, grandchild, or sibling of the offender, & for which the offender successfully completed or is successfully completing probation; or 4) felony child pornography convictions (Pen. Code §311.1, 311.2(b), (c) or (d), 311.3, 311.4, 311.10, or 311.11) if the victim was 16+ years of age or older & that fact is documented in an official court document which you must submit to DOJ.
- ❖ Where to register: At municipal police, with Sheriff (if living in unincorporated area), &/or with University/Campus police (if attending community college or University)
- ❖ When to register: All must register within 5 working days of coming into jurisdiction; updates also within 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. ACSOL states that Intrastate travel must be reported if the RP is away from primary residence more than 5 days. There is no statewide law requiring 21 day advance notice for International travel.
- ❖ Frequency/Length of registration: Before 2021, Lifetime. SVPs update every 90 days; all others update annually. Cal. Penal Code §290.012. Effective 1/1/2021, CA has adopted a 3-Tier registration system with MINIMUM registration periods of 10 years, 20 years, & life (or, if conviction in juvenile court, a 5 or 10 year registration period). Removal after minimum period is NOT automatic; 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 & stay on longer than the minimum period & up to life) 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).
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Shall be classified by comparing offense to similar offense in state law; if registration requirement is the is based solely on the requirement of registration in another jurisdiction, and there is no equivalent CA registrable offense, the person shall be subject to registration as a Tier II, except that the person is subject to registration as a Tier III if the person’s risk level on the static risk assessment instrument (SARATSO) is well above average risk at the time of release on the index sex offense into the community, if convicted of multiple offenses, or had ever been civilly committed or classified as an SVP. The FAQ on SB 384 adds, “If (an RP) has a non-CA conviction for which they are no longer required to register in the state of conviction, they may still be required to register in CA. Pursuant to Penal Code §290(d)(4), if the CADOJ determines that the individual’s non-CA conviction is equivalent to a registrable offense listed in §290(c), they are required to meet the mandatory minimum registration requirements for the applicable tier for that offense before petitioning for termination from the requirement to register...” Recidivists or those who were committed to a state mental hospital or mental health facility in a proceeding substantially similar to civil commitment as an SVP by CA standards are also classified as an SVP.
- ❖ Registry fees: None (Cal. Penal Code §290.012 prohibits collecting registry fees)
- ❖ Community Notification: No notification outside the online registry; Depending on the offense of conviction, CA either (1) displays different amounts of information about the RP or (2) does not display the RP on the public registry website.
- ❖ Residence Restrictions:
  - Certain parolees classified “high risk CDC-R caseload shall not be placed or reside, during parole, within 1/2 mile of any school including any or all of kindergarten & grades 1-8, inclusive.” Cal. Penal Code §3003.5(g)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- The statute prohibiting RPs from living within 2,000 ft. of schools & parks was declared unconstitutional as applied to certain parolees by *In re Taylor*, 60 Cal. 4th 1019 (2015) & is no longer being enforced by the state. However, local governments may still have such ordinances on the books & may try to enforce them.
- RPs are not banned from nursing homes BUT they must disclose their registry status when applying to a Community Care Center (nursing homes, foster homes, homes for disabled, etc.) HSC §1522.01. Additionally, an RP cannot live in a community care facility that is within one mile of a school. (HSC § 1564); must show proof of registration in nursing home application (HSC § 1312)
- ❖ Anti-Clustering: Cannot live with another RP while on parole unless related by blood, marriage, or adoption. Cal. Penal Code §3003.5(a).
- ❖ Employment Restrictions:
  - Under Cal. Penal Code §290.4, employers are prohibited from using registry information to deny employment except “to protect a person at risk.”
  - Under Cal. Penal Code §290.95, RPs 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 RP would be working directly & in an unaccompanied setting with minor children on more than an incidental & 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 RPs can work with minors under these circumstances BUT must give notice of registration status to employer.
  - Those with victims age 17+ can work with minors but must give notice of registry status, & cannot work with children in occupations that involve having to be in physical contact with children “on more than an occasional basis.” (Ca. Penal Code, §290.95)
- ❖ Presence Restrictions: RPs 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. Cannot loiter near schools/elder care facilities. Ca. Penal Code §653b, 653c. (Note: State courts have overturned certain local presence restrictions; some municipal laws may be on the books but cannot be legally enforced.)
- ❖ Halloween Restrictions: No statewide but noted for having some local ordinances &/or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes (See CA WEL & INST §6600 to §6609.3)
- ❖ Travel regulations: Visitors may be required to register at Sheriff’s Office if visit is 5 days or longer; Police may verify temporary address; May be placed on state registry during visit & not removed. (ACSOL states there is a procedure to remove visitors from the registry once they leave.) May be subject to local restrictions.
- ❖ Parental Rights: (Cal. Fam. Code §3030; §3030.5; Cal. Welf. & Inst. Code §355.1): RPs 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 an RP 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.
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: None
- ❖ Chemical Castration: Cal. Penal Code §645 gives courts the discretion to make chemical castration a condition for parole if the RP 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 (See Cal. Penal Code §290.5)
  - Starting 7/1/21, those classified Tier I (after 10 year minimum) or Tier II (after 20 year minimum) may file a petition in the superior court in the county in which the person is registered for termination from the registry on or after their next birthday. RPs must initiate the petition process by completing the petition forms, requesting proof of current registration from their individual registering law enforcement agencies, filing their petitions, & serving copies of their filed petitions on the required parties.
  - In determining whether to order continued registration, the court shall consider: the nature & facts of the registrable offense; the age & number of victims; whether any victim was a stranger at the time of the offense (known to the offender for less than 24 hours); criminal & relevant noncriminal behavior before & after conviction for the registrable offense; the time period during which the person has not reoffended; successful completion, if any, of a SOMB-certified SO treatment program; & the person’s current risk of sexual or violent re-offense, including the person’s risk levels on SARATSO static, dynamic, & violence

risk assessment instruments, if available. Any judicial determination made pursuant to this section may be heard & determined upon declarations, affidavits, police reports, or any other evidence submitted by the parties which is reliable, material, & relevant.

- A Tier II may petition the superior court for termination from the registry after 10 years from release from custody on the registrable offense if all of the following apply: (A) the registrable offense involved no more than one victim 14 to 17 years of age, inclusive; (B) the offender was under 21 years of age at the time of the offense; (C) the registrable offense is not specified in subdivision (c) of Section 667.5, except subdivision (a) of Section 288; & (D) the registrable offense is not specified in Section 236.1.
- Other Tier IIs & those classified Tier III “based solely on the person’s risk level” can petition the court for removal after 20 years.
- If petitions are rejected, Tier Is & Tier IIs can reapply after at least 1 year; those classified Tier III based on risk alone can reapply after a 3 year minimum.
- Tier IIIs have no relief option under the 2021 law. Tier IIIs were never eligible for a “Certificate of Rehabilitation.” While Governor’s pardons are possible in theory, ACSOL has noted no RP has ever received a pardon in the state as of 2024, & that the AG’s office stated that a gubernatorial pardon will NOT terminate registry requirements unless the Governor makes an express finding that the grantee is factually innocent.

### COLORADO (CO)

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 & violated the 8th Amendment, but that ruling was overturned in Sept. 2020. Court-mandated Treatment may employ the use of polygraphs & PPGs. Per Governor’s Executive Order D-2020-029, photograph/fingerprint collections were suspended, & the option for non-contact registration allowed during the COVID-19 pandemic.

- ❖ Date Registry Established: For those with offenses against children, 7/1/1991; for all other RPs, 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
- ❖ Lists all RPs on Internet Website? No. Colorado does not list juveniles or misdemeanor offenses. See CRS §16-22-110 to 111
- ❖ Where to register: Local Police (or County Sheriff if in unincorporated area)
- ❖ When to register: Initial registration & updates within 5 business days. “Residence” is defined as 14 consecutive days or 30 days/yr. in another CO jurisdiction; temporary residents must register within 5 business days of arrival. Transient RPs subject to annual registration must report every 3 mo. Transient RPs subject to quarterly registration must report monthly. CRS §16-22-105 through §16-22-108. Requires 21 days advance notice for International travel (not codified into state law).
- ❖ Frequency/Length of registration: Lifetime for all, with frequency broken into 2 tiers. Quarterly for SVPs & those convicted extra-jurisdictional/“out-of-state” & required to register quarterly in state of convictions. All others register annually. CRS §16-22-108
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for any offense registrable in conviction jurisdiction OR would be a registrable offense in CO; registration length follows CO law, but you 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. CRS §16-22-103(3) As noted above, all RPs register for life, & if required to register quarterly in conviction jurisdiction, you will register quarterly in CO.
- ❖ 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 RPs 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Registry fees: Municipalities can charge up to \$75 initial/\$25 renewal (CRS §16-22-108 (7)). Fees can be waived if indigent; failure to pay fees can be addressed by “civil collection process or any other lawful means” but CO agents must process registration even if RP refuses to pay.
- ❖ Residence Restrictions: No statewide restrictions but municipal ordinances exist, & some restrictions may be applied to those On Paper.
- ❖ Anti-Clustering: No statewide law but municipal ordinances may exist
- ❖ Employment Restrictions: In addition to employment that bans those with criminal records in general, the following licenses/jobs are specifically restricted/prohibited for RPs:
  - 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 & 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 & technical educator, literacy instructor, & 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 & 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 Restrictions: None
- ❖ Halloween/Holiday Restrictions: No statewide but noted for having some local ordinances &/or compliance check operations specific to Halloween.
- ❖ Civil Commitment: Yes. See CRS §18-1.3-908
- ❖ Travel regulations: Visitors are required to register if staying 14+ consecutive business days or 30 total days in a year; may pay registration fees; & may be placed on state registry website. May be subject to local residence restrictions. (Some local police may try to claim otherwise.)
- ❖ Parental Rights: A sex offense conviction can be used as the basis for terminating parental rights, & the RP has the burden of proof for showing the RP is not a danger to the child. The court can order an RP to take a psychological evaluation at the RP’s expense. The parent of a child conceived through rape can petition the court to terminate the rights of the RP, but termination of rights does not terminate child support obligations. CRS §14-10-129; §19-5-105.5; §19-5-105.7
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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. See 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).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 & also may not have a pending sex offense prosecution.
- Disability: RPs 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). 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, & is not likely to commit a subsequent offense of or involving unlawful sexual behavior." CRS §16-22-113(2.5).
- 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).
- 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 & 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 (CT)

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 an RP 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: State Police (Department of Emergency Services & Public Protection)
- ❖ When to register: Registration 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. Court Support Services Division (CSSD) policy defines a "residence" as a place where a person is living or staying, including a temporary residence or lodging, home, or place where he or she habitually lives, such as a homeless, emergency, or other shelter; or recreational or other vehicle. SMART notes no statewide provision for International travel notice but adds "Interpol is notified about offenders relocating to other countries."
- ❖ 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 returning form mailed by registry office. CGS §54-257.
- ❖ Extra-jurisdictional/"Out-of-State Convictions: Registration required if offense requires registration in conviction jurisdiction or is comparable to CT registration offenses. Registration length determined by jurisdiction of conviction for all RPs who moved to the state from 10/1/1998. CGS §54-253
- ❖ Community Notification: Under CGS §54-255, public registry information can be restricted if RP was under age 18 at time of offense. Otherwise, information sent to superintendent of schools & chief executive officer of community of residence.
- ❖ Registry fees: None



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Residence Restrictions: None statewide, but if on paper, probation officers must investigate & pre-approve residence & proposed relocation
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Must register if stay is 5+ days (May have to provide contact information if less than 5 days); May be placed on state registry website & not removed. Visitors who reside “on a recurring basis for less than five days” shall “notify” law enforcement of “temporary residence” (but not required to fully register) CGS §54-253.
- ❖ Parental Rights: The court can move to terminate the rights of an RP if the child was conceived by rape. CGS §17a-111b
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Laws: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - “Absolute Pardon” “erases” conviction & person “deemed to have never been arrested,” though no authority directly on point. CGS §54-142a(e). Can apply 3yrs after misdemeanor conviction or 5yrs after felony conviction; cannot be “On Paper” when applying.
  - No other provision for early termination.
  - No registration for juvenile adjudications.

### **DELAWARE (DE)**

Comment: Delaware State Police continued requiring registration during the COVID-19 pandemic. Delaware may have been the first state to pass & enforce statewide residency restriction laws against all RPs (1995 Ch. 279/SB 196, effective 7/25/1995). Florida passed residency restrictions around a month prior to Delaware’s restrictions, but FL’s law was restricted to those On Paper with offenses with minors & was not effective until Oct. 1, 1995.

- ❖ 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
- ❖ Lists all RPs on Internet website? No; Tier Is are not listed publicly.
- ❖ Where to register: State Bureau of Identification (SBI) in Dover, or at SBI-North at State Police Troop 2 in Glasgow. RPs on probation may request that their PO update their registry information.
- ❖ When to register: Initial registration & updates within 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 14 total days in a 1-year period. 11 Del. C. §4120. SOR interprets “day” as beginning when you spend a night. 21-day advance notice of International travel required (not codified into state law).
- ❖ 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 RPs: Tier I reports quarterly; Tier II reports 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.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if conviction comparable to registrable offenses in DE. According to state registry FAQ, “All out of state offenders will be assigned a tier by the superior court after a motion is made by the AG's office requesting a tier.”

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Community Notification: Tier 1s are not listed on the public registry; information is limited to law enforcement agencies. For Tier II/III, schools & daycare centers are notified when the RP 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 Restrictions:
  - Statewide: May not reside within 500 ft. of school property. 11 Del. C. §1112.
  - “Reside” means to dwell permanently or continuously or to occupy a dwelling or home as one’s permanent or temporary place of abode.
  - “School” means any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution which has as its primary purpose the education or instruction of children under 16 years of age.
  - Under 22 Del. C §117, municipalities cannot pass or enforce any restrictions beyond the state guidelines. The following municipalities had statutes on the books exceeding this law: Bridgeville, Dover, Felton, Harrington, Houston, Greenwood, Milton, Smyrna. Such laws may still be on the books but cannot be enforced.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - Dover: Tier II/III cannot work within 500 feet of a day care center unless RP was working within zone prior to 4/9/2012, or if RP was a juvenile at conviction. Under 22 Del. C §117, municipalities cannot pass or enforce any restrictions beyond the state guidelines; thus, this ordinance may be unenforceable.
- ❖ Presence Restrictions:
  - Statewide: May not loiter within 500 ft. of school property. 11 Del. C §1112.
  - Under 22 Del. C §117, municipalities cannot pass or enforce any restrictions beyond the state guidelines. The following municipalities had (or may still have) local ordinances that exceed state law & thus cannot be enforced: Greenwood, Smyrna.
  - “Loiter” means:
    - a. Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school property, while not having reason or relationship involving custody of or responsibility for a pupil or any other specific or legitimate reason for being there; or
    - b. Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school property, for the purpose of engaging or soliciting another person to engage in sexual intercourse, sexual penetration, sexual contact, or sexual harassment, sexual extortion, or indecent exposure.
- ❖ 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. SOR interprets “day” as beginning when you spend a night. Can be removed from registry after departing.
- ❖ Parental Rights: All RPs are assumed dangerous & 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, & 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
- ❖ Voting Rights: Permanently disenfranchised if convicted for felony sex offense unless pardoned
- ❖ ID Card Laws: As noted by the DE DMV, there is a \$5.00 fee to add a “Y” restriction to the state ID/DL card. (See 21 Del. C. §2718(e, f)) However, as verified by a photo provided by an RP, the state spells out the designation in addition to the letter; thus, the card types “Y – Sex Offender” under the “Restrictions” section on the back of the card.
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Tier II/III misdemeanor RPs where victim was not under 13 (if RP was 18 or older at time of commission) may petition the superior court for relief immediately. 11 Del. C. § 4121(d)(6).
  - Tier I RPs 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 RPs may petition for re-designation & eventually reach a Tier I designation, though certain waiting periods & eligibility criteria apply. See 11 Del. C. §4121(e)(2).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 & 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 RPs: 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 RPs: 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 (DC)**

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Court Services & Offender Supervision Agency
- ❖ When to register: Initial registration is required within 3 business days for those released from incarceration, or "who enter the District of Columbia from another jurisdiction to live, work, or attend school." Updates to registry information 3 days. DC Code §6-A406.2, §6-A412. SMART notes that DC does not require 21-day advance notice of international travel or report intent to relocate to another country.
- ❖ 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).
  - DC classifies RPs into 3 classes based on offense type:
    - Class A: Quarterly for Life (those convicted of high-level crimes i.e., victim <12, a hands-on offense, or rape; are recidivists; or labeled Sexual Psychopath)
    - Class B: Annually for 10 years (all sex crimes not listed as Class A or Class C)
    - Class C: Annually for 10 years, not listed online (only those convicted of certain non-rape offenses against a victim age 18+)
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if conviction is substantially similar to registrable offense in DC; DC Code §22-4002 suggests that it places extra-jurisdictional/"out-of-state" convictions into their tiers using the criteria below & counts time served on extra-jurisdictional/"out-of-state" registry towards the 10 year requirement.
- ❖ 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, & media releases. In practice, residents can find out about RPs through attending the regular PSA, CAC, & ANC meetings, stop by any DC Police District & check the open registry, or online. Only Class A & B RPs are listed online.
- ❖ Registry fees: None
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: None

- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: No provision exists for visits to DC.
- ❖ ID Cards: None
- ❖ Parental Rights: RPs whose children were conceived by rape have no parental rights but can be compelled to pay child support. DC Code §16-914
- ❖ Voting Rights: No disenfranchisement for people with criminal convictions
- ❖ 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 & do so within 30 days; otherwise must seek review within 3 years "but only for good cause shown & 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 (FL)**

Comment: Flori-DUH has the reputation as being the worst state for RPs in America (though a strong case could be made for Alabama being #1). FL may have been the first state to pass legislation to create residency restrictions (Chapter 95-283, SB Nos. 2944 & 2206, approved on 6/15/1995), but FL's restrictions only applied to those On Paper & for those with offenses against those under age 18. FL allows municipalities to create regulations far exceeding the state registry guidelines; over 160 municipalities have restrictions exceeding state law. Local residency & presence restriction ordinances of 2500 feet or more are common, particularly in Miami-Dade & Broward Counties, where RPs have been forced to congregate in the few areas not covered by the restrictions such as overpasses & industrial parks. Some counties have placed red signs in RPs' yards. FL keeps the names of "Out-of-State", out-of-country, deported, incarcerated, & deceased RPs on their website, even those who never resided, but visited long enough to require registration. For now, FL law does not have regulations on social media usage unless On Paper. "Miya's Law", effective 7/1/2022, requires background checks for apartment-complex employees. For 2023, FL reinstated the death penalty for certain sex offense cases not involving murder ("capital sexual battery"), which requires only 8 out of 12 jurors to condemn the convicted person to death. FL also tried passing 3 bad bills in 2024—Restrictions on "Short Term rentals" (i.e., Requiring RPs to register if staying in Air BNB for only 24 hrs.), Green Car Tags, & red lettering on State IDs/DLs (although FL already marks state ID/DLs, they aren't in red letters). All three bills failed to fully advance in time, so these bills could pop up in future legislative sessions.

- ❖ 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 & 10/1/1997 for all SOs
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Commission of the offense, or if you were on probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility & released on or after 10/1/1997
- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: County Sheriff
- ❖ When to register:
  - RPs must appear to register with law enforcement within 48 hours of establishing a permanent or temporary residence, & must appear to provide any updates within 48 hours.
  - Transient RPs update every 30 days. RPs 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."

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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)
- Must register intended travel 48 hours in advance for interstate travel (if 3 days as defined by “residence”) or 21 days in advance for International travel regardless of length of stay. Unexpected travel (within the previously mentioned time limits) must be registered ASAP. See FS §943.0435(4)(e)(7) & FS §775.21(6)(i)
- “Permanent residence” means a place where the person abides, lodges, or resides for 3 or more consecutive days. For the purpose of calculating a permanent residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day. FS §775.21(2)(k)
- “Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. For the purpose of calculating a temporary residence under this paragraph, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day. & FS §775.21(2)(n)
- “Transient residence” means a county where the person lives, remains, or is located for the purpose of abiding, lodging, or residing for a period of 3 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For the purpose of calculating a transient residence under this paragraph, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day. FS §775.21(2)(o)
- ❖ Frequency/Length of registration:
  - Everyone registers for life. “Predators,” some classified as offenders, & all juvenile offenders must register quarterly. Other RPs biannually.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if offense is similar to registrable offense in FL; Registration is for life, & FL’s registry website states that “Removal from another state’s registration requirement does not guarantee removal from the requirement to register in Florida.” (NOTE: FS §775.21 adds the phrase “is not limited to”, implying registration officers have the discretion to add an RP onto FL’s registry even offense is not similar to FL law.)
- ❖ 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, & 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 RPs are listed online; Residents can sign up for email “FL Offender Alert System.”
- ❖ Registry fees: None
- ❖ Residence Restrictions: FS §775.215
  - Florida conviction for offenses that occur on or after October 1, 2004, & for extra-jurisdictional/“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 & 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. As of November 2018, there were 166 local residence restrictions in 48 Florida counties, including 29 county & 137 municipal ordinances.
  - While there is no state law regarding hurricane shelters, many counties banned RPs from staying in hurricane shelters or sent RPs to separate shelters including jails.
- ❖ Anti-Clustering: No statewide law but local ordinances may exist

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Employment Restrictions: Nothing explicitly stated by state law, but 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, (RPs) cannot volunteer or work at any business, school, day care, park, playground, or other place where children regularly are present.”
- ❖ Presence Restrictions:
  - RPs with conviction involving a minor cannot be within 300 feet “of place where children are congregating,” & face restrictions on ability to be present in schools & parks with exceptions. FS §856.022
  - For those whose offense was committed on or after May 26, 2010: It is unlawful for an RP 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. FS §856.022
  - RPs on supervision cannot visit schools, child care facilities, parks, & playgrounds except with approval, & is there for religious reasons or if the parent of a child using the area. FS §948.30
- ❖ Halloween/Holiday Restriction: (Enacted 2010) FS 947.1405 & 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 3 total days in a year “establishing a residence” thus requiring registration (a “day” is defined as including “any part of a day”); RPs will be placed on state registry & not removed even after death, the police may verify address, & you may be subject to state & 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,” & there is no obligation of child welfare services to engage in any activity related to family reunification. (FS §39.806). There is a rebuttable presumption that living in a household with an RP with an offense against a minor is a detriment to the child’s safety for purposes of time-sharing. (FS §61.13(2)(c)(2))
- ❖ Voting Rights: Florida passed a law in Nov. 2018 that restored voting rights for all once they have completed the terms of their sentence, including probation & parole, EXCEPT murder & felony SOs. In 2022, many ineligible voters were arrested but most charges were dismissed because government officials mislead them into voting.
- ❖ ID Card Laws: Florida RPs 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). IDs are marked with a blue identifier in the lower-right portion of the card; 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). While not advertised on the DMV website, but noted by card owners, the letters “SO” are also printed on the card’s holographic ink that will appear if viewed from a certain angle.
- ❖ Castration Laws: FS §794.0235 gives courts the discretion to make chemical castration a condition for parole if the RP 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 (GA)**

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 the date of conviction. Under HB188 (2023), some RPs can be sentenced to life in prison or a split sentence with lifetime probation & GPS monitoring (if previously convicted of a “sexual felony”).

- ❖ 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. & Regs. R. 140-2-18.
- ❖ Substantially AWA Compliant? No
- ❖ Lists all RPs on Internet website? Yes
- ❖ 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). Those in nursing homes & related places need only register any time during the birth month. OCGA §42-1-12(f)(4.1), effective 1/1/2021. SMART notes GA doesn't require 21-days advance notice for international travel.
- ❖ 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 & required to wear EM device.
  - All others (Level I & Level II) update annually within 72 hours of birthday.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: OCGA § 42-1-12(e) requires registration within 72 hours “regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.” Registration is for life, but can apply for removal from GA’s registry in the Superior Court where RP resides (OCGA §42-1-19 (b)(1))
- ❖ Community Notification: GA allows individuals to sign up to receive email alerts whenever an RP moves into or out of a chosen community or location, but no information about employment or school address is shared. Otherwise, sheriffs have discretion over how info is posted publicly.
- ❖ Registry fees: As passed by HB 1059 (2005), If the RP 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 Restrictions: 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, & public/community swimming pools
  - 7/1/2008 & 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 Restrictions: OCGA § 42-1-15 to §42-1-16
  - Any individual who committed an act between July 1, 2006, & 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, & 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 & 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 Restrictions: 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 &/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 RPs are placed on state's website & are not removed. Per SOR office, residency & presence restrictions applying to visitors are those applying to you in your state of registry; GA doesn't apply restrictions "where minors congregate" to visitors.
- ❖ 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
- ❖ Voting Rights: Restored upon completion of incarceration, probation, & parole, & all fines/fees related to the case are paid.
- ❖ ID Card Law: None
- ❖ Castration law repealed: Georgia's castration statute, once located at OCGA §16-6-4 (2002) & 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 & 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 RPs, 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, & 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 & restitution must be paid. Considerations include results of mandatory polygraph & 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 RPs: 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) (GU)**

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
- ❖ Lists all RPs on Internet website? 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). Requires 21-day advance notice of international travel. 9GCA §89.03(b)(4)(L)
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for any conviction comparable to 42 USC §16911(5) or §89.01(b), (c), or (d), including juveniles & are classified by offense type (which determines registration length); Guam honors pardons from other jurisdictions
- ❖ Frequency/Length of registration: Guam uses a 3-Level system with inverted ranking scheme compared to other tiered registries.
  - Level I: Highest classification, quarterly for life
  - Level II: Biannually for life
  - Level III: Annually for 15 years
- ❖ Registry fees: None
- ❖ Community Notification: 9 GCA §89.11 – Done by email request only
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment restrictions:
  - 9 GCA §89.15. An RP 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 & 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...(3) listed on SOR...
  - 5 GCA §5253 - No person convicted of a sex offense or who is listed on the Registry, & 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 Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: No express provision regarding visitors, but “resides” means present in jurisdiction for at least 30 days.
- ❖ Parental Rights: N/A
- ❖ Voting Rights: You can vote so long as you are not currently incarcerated following a conviction.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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 RP’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 Māgā’lahen Guāhan, or who has been pardoned by the designated agency or individual of any jurisdiction as defined in this code.

### **HAWAII (HI)**

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local police/Sheriff’s office
- ❖ When to register: 3 working days for initial registration & updates. For purposes of travel, HRS §846E-6 defines “establishing a new residence” triggering registration within 3 working days as “any period in which the person is absent from the person's registered residence” 10+ days. SMART claims HI requires 21-day advance notice for international travel but not codified into state law.
- ❖ Frequency/Length of registration: Lifetime. Updates required within 30 days of birthday. HRS §846E-2. All Tiers register in person annually, & 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.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Those required to register in conviction jurisdiction must register in HI even if the offense is not registrable under HI law, unless the RP petitions the AG with proof the offense is not a “covered” (registrable) offense or evidence that the RP has been removed from the SOR in their conviction jurisdiction. If unsatisfied with the AG’s decision, the RP can appeal through civil court. HI allows relief from SOR under same rules for state convictions.
- ❖ 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 Restrictions: None, but restrictions may exist for those On Paper
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None, but restrictions may exist for those On Paper
- ❖ Presence Restrictions: 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Parental Rights: An RP 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
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 II offenses: may petition after 25 years, HRS §846E-10(c); certain Tier I offenses after 10 years, HRS §846E-10(d).
  - 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" & no "repeat covered offender[s]." HRS §846E-10(c), (d), §846E-1.
  - 40/25/10 year relief: Substantial evidence & more than proof by a preponderance of the evidence that the person is very unlikely to commit a covered offense ever again, & registration will not assist in protecting the safety of the public or any member thereof. HRS §846E-10(f)

### IDAHO (ID)

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local police/County Sheriff
- ❖ When to register: 2 business days for initial registration & updates. Transient RPs must report location every 7 days. IC §18-8307, §18-8308. For any visits away from home, any “lodging lasting 7 days or more” must be registered, regardless of whether the lodging would be considered a residence as defined in section 18-8303” (IC §18-8309(2)). "Residence" means the RP’s present place of abode. SMART indicates that ID requires 21 days advance notice for international travel.
- ❖ 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 & the SMART 2019 report both state the information 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 RPs 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 RPs convicted on/after 7/1/2011: Register in person annually, & on the 4th & 8th month from annual registration, receive a registration form which must be completed & delivered in-person within 7 days.
  - Juvenile RPs: Register until age 21.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if conviction is “substantially equivalent” to a registrable offense in ID, or is required to register by the conviction jurisdiction. IC §18-8304. Registration is for life; state law does not address relief from registration or honoring time on registry set by another jurisdiction.
- ❖ 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 pays \$80 annual fee (I.C. § 18-8307(2)). May also be required to pay for psychosexual evaluation unless indigent. IC §18-8318
- ❖ Residence Restrictions: May not reside or loiter within 500 ft. of school. IC §18-8331, §18-8332.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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 Restrictions: 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. Those entering the state to work as 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).
- ❖ Presence Restrictions: 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 RPs are placed on state’s website & not removed. Temporary address may be verified by police.
- ❖ Parental Rights: Assumes that terminating the parental rights of an RP when the child was conceived by rape or the RP committed an offense against the child is in the child’s best interests but can be challenged. Id. C. §16-2005
- ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ 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 & 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 & 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 & treatment program. Id. C. §18-8310(1)(a), (e).
  - Employment/proximity: Clear & 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 (IL)**

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. RPs cannot legally change names unless that person verifies under oath that the petition for the name change is due to marriage, religious beliefs, status as a victim of trafficking or gender-related identity as defined by the Illinois Human Rights Act; the new name must be registered within 3 days (735 ILCS §5/21-101 & 730 ILCS 150/10). Many of IL’s laws are repetitive, vague, & contradictory. Trying to obtain an accurate summary of the state’s laws have been largely an exercise in futility, & even the official state registry’s FAQ page leaves a lot to be desired.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Date Registry Established: 8/15/1986
- ❖ Registry Retroactive? Yes, under some circumstances. Public Act 97-0578 (effective 1/1/2012) requires retroactive registration. Those who were not previously been required to register under the IL-SORA have a duty to register if the person has been convicted of any felony offense after 7/1/2011. A person who previously was required to register for 10 years & successfully completed that registration period has a duty to register if: (i) the person has been convicted of any felony offense after 7/1/2011, & (ii) the offense for which the 10 year registration was served currently requires a registration period of more than 10 years. Public Act 97-0578 explains further retroactive registration requirements regarding sexual predator offenses, & all offenses which have an exact effective date.
- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Sheriff's office
- ❖ When to register: 3 days for initial registration & updates. Students & employees present for 5 or more days or for an aggregate of 30 days in a calendar year must register. Transient RPs must report weekly. Those traveling away from home 3+ days must notify & provide itinerary. 730 ILCS §150/3. While not explicitly stated in state law, SMART claims IL requires 21-day advance notice for international travel.
- ❖ 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
  - A person not currently required to register will be forced to register anew if convicted of any felony after 7/1/11
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Requires registration if offense is substantially equivalent" to IL registrable offenses; based on wording of both the statutes & the state police FAQ, it appears IL will require registration based on their state guidelines (10 yrs. or life)
- ❖ Registry fees: \$100 Initial; \$100/yr; 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 RPs in the county; they have the option to notify beyond the minimum notification requirements
- ❖ Residence Restrictions:
  - "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, & (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 (an RP) or if the Identified Offender Report & Recommendation reveals that the identified offender poses a significant risk of harm to others within the facility, the (RP) 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: None
- ❖ Employment Restrictions:
  - All RPs (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 Management Services (18 ILCS §8b.1), Serve on the Direct Child Welfare Service Employee License Board (20 ILCS §505/5d); or the Department of Children & 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)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 Workers (430 ILCS §85/2-20): Exclusions were expanded to operating, managing, employment by, or association with any carnival, amusement enterprise, or county or state fair when persons under the age of 18 are present. (SB3019 (2022), see 720 ILCS 5/11-9.3)
- 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): This applies to all with a felony record; however, Public Act 103-0280 (2023) states a person who has been convicted of a felony is qualified to act as an executor if: (i) the testator names that person as an executor & expressly acknowledges in the will that the testator is aware that the person has been convicted of a felony prior to the execution of the will or codicil; (ii) the person is not prohibited by law from receiving a share of the testator's estate; & (iii) the person is otherwise qualified to act as an executor.
- 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));
  - RPs 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 RP 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 & must vote by mail-in ballot or vote early if another option given. (10 ILCS §5/11-4.1 (d))
- ❖ Presence Restrictions:
  - 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 & to approach, contact, or communicate with a child under 18 years of age, unless the RP is a parent or guardian of a person under 18 years of age present in the building

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- or on the grounds. 720 ILCS §5/11-9.3 (a-10). However, in 720 ILCS §5/11-9.4, it is unlawful for someone classified as a “sexual predator” or a “child SO” 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 within 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” & “Child SOs” cannot be present in public parks, nor loiter within 500 feet of a public park. 720 ILCS §5/11-9.4-1. This has been interpreted as including Chicago’s “Millennium Park” & all attractions contained therein.
- ❖ Halloween/Holiday Restrictions: Halloween restrictions apply to all parolees & all RPs with offenses against anyone under age 18. See below.
    - Parolees: Unless the RP “is a parent or guardian of the person under 18 years of age present in the home & 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. 730 ILCS §5/3-3-7 (a)(16), 730 ILCS §5/5-6-3.1 (c) (18), & 730 ILCS §5/5-6-3 (a) (10).
    - “Child SOs”: “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...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 & other non-familial minors are not present.” 720 ILCS §5/11-9.3 (c-2),
  - ❖ 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, & will be placed on the state registry (4th day triggers registration). May be required to pay registry fee, & may be subjected to residency restrictions. Adams Co. Sheriff Dept., interprets the law as counting “partial days (i.e. arrival & departure days) but only if you stay over at least one night, i.e. If you drive through IL but don’t stay one night, that partial day will not count toward your 3 days.”
  - ❖ Parental Rights: 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 RPs cannot serve as foster/adoptive parent (20 ILCS §505/5) & ineligible to have relative child placed in home by social services (20 ILCS §505/11.1)
  - ❖ Voting Rights: Voting rights restored automatically after release from prison
  - ❖ 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 ILCS §2630/12(a). Pardon may relieve if expungement authorized (Noting that this only applies to few offenses, such as trafficking when the evidence suggests the convicted person was a victim of trafficking)
    - 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). RP poses no risk to the community (by a preponderance of the evidence based upon enumerated factors). §150/3-5(d),(e).

**INDIANA (IN)**

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

Indiana has adopted a formal complaint procedure for those on the Sex & Violent Offender Registry. This allows you to argue about changes made to your entry on the registry; or to argue that requested changes were not made on your behalf. This procedure allows you to file an appeal if your complaint is denied, but it has a number of rules that you must follow in order to preserve your rights to complain & to appeal. Those rules provide, among other things, that if you file a formal complaint in the proper manner with the local official who maintains the Registry, & if that official does not respond to you within 30 days, you may ask the IDOC to review your complaint. The rules provide, however, that after the 30th day with no response from the local official, you must submit your request to IDOC within 7 days. If you wait longer than 7 days, it will be too late & you will lose the right to have the IDOC consider any & all the issues raised in your complaint. If this applies to you, the complaint form can be found at [https://www.in.gov/idoc/files/Indiana\\_Registration\\_Appeal\\_Procedure\\_for\\_Non-Incarcerated\\_Registrants.pdf](https://www.in.gov/idoc/files/Indiana_Registration_Appeal_Procedure_for_Non-Incarcerated_Registrants.pdf)

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Sheriff's office
- ❖ When to register: 3 days for Initial registration & 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 RPs once per year (or quarterly for SVPs) to verify residency. IC §11-8-8-13. IC 11-8-8-12 specifically defines “temporary residence” as “a residence: (1) that is established to provide transitional housing for a person without another residence; & (2) in which a person is not typically permitted to reside for more than 30 days in a 60 day period.” IC 11-8-8-3 defines "principal residence" as “the residence where a sex or violent offender spends the most time” & can include places where the RP is not on the lease. SMART notes IN does not require 21-days advance notice for international travel.
- ❖ Frequency/Length of registration: IC §11-8-8-14
  - “SVPs, those convicted of a sex offense against a victim who was under the age of 12, those convicted of using force or the threat of force must register quarterly for life.
  - 10 Year RPs update annually.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: “...shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer” (IC §11-8-8-19(f)) IN law does not explicitly state whether registration status is determined by comparing offenses to state law or if conviction jurisdiction requires registration.
- ❖ Registry fees: Counties authorized to impose up to \$50 annual fee & \$5 per address change (IC §36-2-13-5.6)
- ❖ Community Notification: Only provides online registry, & notices to some agencies like schools
- ❖ Residence Restrictions:
  - Paroled RPs cannot live within 1000 feet of schools or 1 mile of victims. IC §11-13-3-4
  - SVP/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)
  - Additional municipal-level restrictions are allowed.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: 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 Restrictions: A “Serious SO” (SVP/recidivist/offense against a child) cannot knowingly or intentionally enters school property (IC §35-42-4-14)



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Halloween/Holiday Restrictions: No statewide law, but noted for having some local ordinances and/or compliance check operations specific to Halloween.
- ❖ Civil Commitment: No
- ❖ Travel regulations: Registration is required if in state for period of 7 days (“including part of a day”) w/in 180-day period, or work in the state for 7 consecutive days or 14 aggregate days/yr. §11-8-8-7(a)(1)(A) & (g). SVPs must register within 3 days. §11-8-8-7(h). State law adds “partial” days count towards the 7-day total. You may be placed on the registry website (& not removed), & temporary addresses may be verified.
- ❖ Parental Rights: Parental rights can be terminated if the victim is a child of the RP or was conceived by rape. IC §31-35-3-4, §31-35-3.5-1 to §31-35-3.5-12
- ❖ Voting Rights: Voting rights are restored automatically after release from prison
- ❖ ID Card law: You must have & 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; the SOR will simply note the record was expunged. See IC §35-38-9-6(e). Pardon may relieve but no authority on point.
  - No relief provisions specific to juveniles/youthful convictions.
  - A person classified as an SVP can challenge the SVP label after 10 years after the SVP determination was made or 10 years after release from prison or civil commitment. Cannot apply if you are a recidivist (i.e., you have “two or more unrelated sex offense convictions.”). Does not grant relief from the registry but can grant relief from certain SVP penalties life lifetime parole or GPS monitoring. If the petition is denied, can reapply in a year. IC §35-38-1-7.5(g)

### **IOWA (IA)**

Comment: Iowa was among the first to enforce strict residency restrictions in 2005, causing a drastic increase in homelessness, absconding, and RPs 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 RPs still struggling to find adequate housing.

- ❖ Date Registry Established: 7/1/1995
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction or 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
- ❖ Lists all RPs on Internet website? No. Does not post an offense if RP was under the age of 20 at the time of offense and was convicted under IC 709.4(1)(b)(3)(d) [prior to 7/1/13 was under IC §709.4(2)(c)(4)]. Only this specific code section qualifies for the exemption. (Specifically, where a couple 4+ years apart in age cohabiting as married couple)
- ❖ Where to register: Sheriff’s Office
- ❖ When to register: 5 business days for initial registration and updates, travel away from residence for 5+ days, and visitors who enter the state; requirement to register may be triggered by being present for 5 calendar days in the state. Ia. C. §692A.104, §692A.105. SMART notes IA does not require 21-days advance notice of international travel.
- ❖ Frequency/Length of registration:
  - Frequency: Tier levels only impact 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. (IAC §692A.108);
    - TI – annually
    - TII – biannually
    - TIII – quarterly
  - Duration (IAC §692A.106)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- For most RPs: 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
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if offense is “comparable” to IA law (IAC §692A.101.27). In 2021, HF 201 was passed, which added to IAC §692A.102 a provision requiring RPs to register for the longer registration period between original jurisdiction and Iowa law
- ❖ Registry fees: \$25 annual fee. \$200 civil fee for registry offense committed after 7/1/1995; \$250 for offenses committed after 7/1/2009. IAC §692A.110
- ❖ Community Notification: Residents can sign up for email alerts in addition to viewing the online registry. RPs who were less than 20 years old at the time of offense and whose conviction was for IAC §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 an RP.
- ❖ Residence Restrictions: RPs with convictions involving minors for “sexual abuse” in the 1st or 2nd degree, or in the 3d degree except for a conviction under IAC §709.4(2)(c)(4), may not reside within 2,000 ft. of schools & daycares. (\*Sex Abuse 1st, 2nd, or 3rd are for Iowa convictions. If an RP was convicted of a statute outside Iowa AND the victim was a minor, the restriction applies until the out of state statute is compared to Iowa Code by the Iowa SOR. Under IAC §692A.127, no “political subdivision” of the state (cities, counties, etc.) can create and enforce their own residency restriction laws.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - RPs 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 & shall not loiter on the premises or grounds of a facility or at an event providing such services or programming.
  - RPs with victims who were minors who & are employment restricted 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 & dispensing of ice cream or other food products to minors.
    - HF 710 (2021): Any RP w/offense against minor who has “control” or “unsupervised access” to a child is guilty of child endangerment unless that RP is the parent/guardian of the minor. This is being interpreted as including babysitting or related work.
- ❖ Presence Restrictions: RPs with convictions involving minors may nor loiter or be present within 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 RP may loiter, volunteer, or be employed at residence facility for dependent adults.
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: Yes (IAC §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 RPs are placed on state’s website, & may be subject to residency restrictions. IAC §692A.104, §692A.105. Procedure for removal from registry after departure is set forth in §692A.106
- ❖ Parental Rights: Parental rights can be terminated if that parent is an RP with a minor victim, the parent was convicted of a sex crime requiring 5+ years in prison, if the RP 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 & a parent can be arrested for child

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

endangerment for allowing an RP unsupervised time with the child unless the parent is an RP or married to the RP. Exposing the child to obscene material is also considered child abuse. IAC §232.68; §232.116; §598.41; §600A.8; 726.6. HF 710 (2021): Any RP w/offense against a minor who has “control” or “unsupervised access” to a child is guilty of child endangerment unless that RP is the parent/guardian of the minor.

- ❖ Voting Rights: Iowa Governor Kim Reynolds signed Executive Order 7 (2020), granting the right to vote once a person is free from confinement, parole, probation, supervised release, or upon completion of any special sentence. Only murder offenses were excluded.
- ❖ ID Card Law: None
- ❖ Chemical Castration: IAC §903B.10 gives courts the discretion to make chemical castration a condition for parole if the RP 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 may petition the district court for modification of registration requirements after 2 years; Tiers II & III after 5 years. IAC §692A.128(1)-(6).
  - Registration not required for deferred judgment that has been set aside. IAC §692A.101(7).
  - Pardon may relieve but no authority on point.
  - Juvenile court may waive registration requirement in most instances. IAC §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. IAC §692A.103(5); see also § 232.54(1)(i).
  - Sealing under IAC §232.150 does not provide relief. IAC §692A.101(7).
  - 2/5 year relief: Risk assessment must classify person as a low risk to reoffend. Must complete required treatment. IAC §692A.128(2). Persons still on conditional release of any kind must additionally obtain stipulation of district 9DOC director. IAC §692A.128(2)(e).

### KANSAS (KS)

Comment: The Kansas Offender registry covers sex, violent, & 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, & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police/Sheriff
- ❖ When to register: 3 business days for initial registration & 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 (or within 3 business days if it is a travel emergency). 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 – Lifetime
  - 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, & 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, & 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, & December.
    - Transient: Report monthly

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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).
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Term required by jurisdiction of conviction or KS, whichever is longer (KSA §22-4906(k)(l)). Registration required if offense is “comparable” to KS statutes (KSA §22-4902(b)(7))
- ❖ 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, & KBI Offender Registration Policies #10 & #11 clearly indicate the information that must be made available to law enforcement agencies, usage of the SORNA Exchange Portal, & general community notification through KsSORT. The SMART Office has been working closely with KS to implement the SOR Tool, & the state has contracted with a vendor to begin customization.
- ❖ Residence Restrictions: None; local residence restrictions are expressly prohibited by KSA §22-4913
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: 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 period. Per SOR office, obligation to register occurs on third “consecutive day or parts of days” in state §22-4902(j). Visitors are removed from the public website after departure.
- ❖ Parental Rights: An RP’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 RP is unfit to care for a child if the child is a victim or conceived by rape by the RP, or the RP has been convicted of trafficking offenses. KSA §23-3203; §38-2269
- ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ ID Card Law: Required to renew State ID/DL annually, & 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.
  - Juveniles under 14: Court may waive registration requirement for "substantial & compelling reasons" & may require that registration information shall not be open to inspection by the public or posted on the internet. KSA §22-4906(f).

### **KENTUCKY (KY)**

Comment: RPs are prohibited from using certain social media & chat rooms, & 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..

- ❖ 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police/Sheriff
- ❖ When to register: 5 working days for initial registration & updates. RPs 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. Homeless RPs on paper must register every 30 days. KRS §17.510.
- ❖ Frequency/Length of registration: KRS §17.520.
  - Quarterly for Life for RPs 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 RPs moving into KY & 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 KY State Police for completion & return by mail. RPs are required to report every two years to have new photographs taken.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: KRS § 17.520(5) states convictions from other jurisdictions that require registration will register in KY “based on the conviction in the foreign jurisdiction. The Justice & Public Safety Cabinet shall promulgate administrative regulations to carry out the provisions of this subsection.” KY SOR FAQ implies that registration length is determined by the same rules as KY RPs (20 yrs. or life)
- ❖ Registry fees: None
- ❖ Community Notification: Does not seem to take any steps beyond the registry website.
- ❖ Residence Restrictions:
  - 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 restricted business opens. KRS §17.545. The KY State Police does 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 Restrictions: Cannot work at any child care center. KRS §17.165; cannot “work in or operate” any mobile business within 1000 feet of a school, public or private playground, licensed daycare facility, or publicly owned or leased swimming pool or splash pad. KRS §17.545 (signed 3/27/2023 & cannot be applied retroactively)
- ❖ Presence Restrictions:
  - May not be present or loiter within 1000 feet of clearly defined grounds of a high school, middle school, elementary school, preschool, publicly owned or leased playground, licensed day care facility, or publicly owned or leased swimming pool or splash pad, 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 full disclosure of the person's status as an RP. KRS §17.545.
  - “Publicly leased playground” was added on 7/15/2020 to list of restrictions, but cannot be applied retroactively. The loitering provision & addition of publicly owned or leased swimming pool or splash pad was signed 3/27/2023 & 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. (Confirmed by KYSOR office.) Visiting RPs are placed on state’s website but can removed after departure, may be subject to residency restrictions, & police may verify temporary address.
- ❖ Parental Rights:
  - RPs 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 & collection of child support. KRS §403.322; §405.028
  - An RP who is 18 years or older & has committed a criminal offense against a victim who is a minor cannot have the same residence as a minor unless the RP is the spouse, parent, grandparent, stepparent, sibling, stepsibling, or court-appointed guardian of the minor, unless the spouse, child, grandchild, stepchild,

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

sibling, stepsibling, or ward was a victim of the RP. Applies to offenses against minors committed after 7/14/2018. KRS §17.545

- ❖ Voting Rights: Gov. Andy Beshear signed an Executive Order on December 12, 2019 restoring voting rights to most felons automatically, but “human trafficking” & “violent offenses”, including many “hands on” offenses, are not included in automatic restoration. Those who don’t qualify for automatic restoration of rights can print the “Restoration of Civil Rights” application from the KY DOC website or obtaining one from the local state probation/parole office.
- ❖ 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 convictions.
  - 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 (LA)**

Comment: Louisiana laws are particularly onerous, particularly community notification requirements & registry fees that can cost over \$1000/yr. Under LA Rev. Stat §15:543.2, RPs must provide notice of status if seeking emergency shelter, & under §29.726E(14)9c(i), that RP is removed & sent to a segregated shelter. One segregated shelter was destroyed by Hurricane Gustav in 2008. In 2024, the state passed SB371, allowing a person to be sentenced to mandatory surgical castration (noting that the state already had chemical castration laws).

- ❖ 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., & 15:544. La. R.S. §§14:91.2, 14:91.5, 14:91.9, 14:313, 14:313.1, 15:551, & 15:553 La. R.S. §§40:1321(J) & 32:412(I)
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local/Parish Police
- ❖ When to register: 3 business days for initial registration & updates. LRS §15-542. New residents to the state have 3 business days to register & to provide information to police & the community as required by LRS §15:542.1.3 & §15:542.1. Employees & students must register within 3 business days of beginning their job or class. LRS §542.1.3(C), (D). Must provide 21-day advance notice for international travel. LRS §542C(n)(ii)
- ❖ 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)
  - Homeless: Every 14 days
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required by jurisdiction of conviction or LA, whichever is longer. (LRS §15:544(C)); registration required if offense is “equivalent” or “comparable” to LA laws, “unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness & due process for the accused as provided by the federal guidelines adopted pursuant to” the AWA (LRS §541:15)
- ❖ Registry fees: \$60 annually; failing to pay within 30 days constitutes FTR; courts can establish own rules to determine indigence. Inability to pay fees is a crime. (LRS §15:542(D)) Counties are allowed to charge additional fees, done either as a flat fee or a sliding scale fee dependent on number of notifications sent out. Small parishes, like Tensas Parish, may choose to impose a flat fee because of the small population. Larger Parishes will calculate the price according to how many residences the government must notify. See Brief for Petitioner, *State v. Jones*, 182 So. 3d 1218 (2015), where Jones originally had to pay \$1,200 for registration & notification fees in Orleans Parish, most of which would have been notification costs. The notification fees in Jefferson Parish were \$580 likely because Jones moved to an area with less population density.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Community Notification: LRS §15:542.1 – Every 5 years, all RPs 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), & 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 & a three-tenths of a mile radius in an urban or suburban area of the RP’s address, and all adults residing in the residence.
  - The superintendent of the school district where the RP will reside, who shall notify the principal of every school located within a 1-mile radius of the address where the offender will reside & may notify the principals of other schools as he deems appropriate.
  - The lessor, landlord, or owner of the residence or the property on which the RP resides.
  - The superintendent of any park, playground, or recreation districts within the designated area where the RP will reside, who shall notify the custodians of the parks, playgrounds, & recreational facilities in the designated area & may notify the custodians of other parks, playgrounds, & recreational facilities as he deems appropriate.
  - Registry office may publish notification requirements, including but not limited to newspaper notices, signs, handbills, bumper stickers, or clothing labeled to that effect.
- ❖ Residence Restrictions: LRS §14:91.2
  - RPs 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.
  - RPs convicted of aggravated offenses against anyone under 13 cannot reside near playgrounds & 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
  - Cannot obtain a license plate for a tow truck; cannot get a Hazmat endorsement for 5 years after release (7 years if released from an insanity plea)
  - HB135 (2023) Prohibits an RSO or child predator from serving as an election commissioner or election watcher
- ❖ Presence Restrictions:
  - RPs 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; & cannot be present on a school bus.
  - RPs 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), RPs are prohibited from wearing masks, hoods or disguise of any kind with the intent to cover one's identity.
- ❖ Civil Commitment: No
- ❖ Travel regulations: RPs 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 RPs are placed on state’s website.
- ❖ Parental Rights: RPs have no custody rights when a child is conceived by rape or if the RP abused the child, but the child maintains inheritance rights; the RP may be compelled to pay court costs & child/victim support for these cases. La. Civ. Code §137; La. Child Code §1004; §1015; §1015.1
- ❖ Voting Rights: Voting rights were restored for those on probation or parole, if they were never incarcerated; or if they were incarcerated before the supervision period, voting rights are restored 5 years after their release date. Those who are not on paper have no barriers to voting.
- ❖ ID Card Laws: Requires annual in-person renewal, thus not allowing ID/DL renewals by mail (LRS §32:412(I); LRS §40:1321). RPs are disqualified from obtaining free ID cards. LRS §40:1321(H). State ID is required on the RP at all times. R.S. 40:1321(J), which required RPs to carry State ID/DLs imprinted with the phrase “Sex

Offender” in red letters, was overturned by the LA Supreme Court (*State of Louisiana v. Tazin Ardell Hill*, #2020-KA-00323 (La. 2020); an attempt to replace the statement with “T1,” “T2,” & “T3” failed to pass in the 2021 legislature. However, R.S. 40:1321(J) is still listed in the state statutes of Sept. 2024.

- ❖ Chemical Castration: LRS §14:43.6 gives courts the discretion to make chemical castration a condition for parole if the RP 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), & 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 (RP) 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 RPs 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 & no subsequent felony convictions. LRS §15:544(E)(3), (E)(4)(c). Must successfully complete any period of supervised release/SO 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 & convincing evidence that "the (RP) does not pose a substantial risk of committing another offense requiring registration." LRS §15:544(F)(2).

### MAINE (ME)

Comment: Maine does not register any offenses committed as juveniles. Also, the laws applicable to you depend on your conviction date. Under MRS §17-A-256, a person can be arrested for “visual sexual aggression” of a child under certain circumstances, whether or not surveillance equipment are used.

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police or Sheriff
- ❖ When to register:
  - Convictions before 1/1/2013: RPs have 5 days to register with the state Bureau of Identification (generally in writing) & 24 hours to register with local law enforcement using a form provided by the Bureau. MRS §34-A-11222-§11223. Employees & students (& probably visitors) in the state must register with the bureau within 5 days & with local law enforcement within 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 1/1/2013: RPs have 3 days to register with the state Bureau of Identification (generally in writing) & 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).



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- RPs traveling internationally must give 21-days advance notice. MRS §11286
- ❖ Frequency/Length of registration: Duration of registration requirement & frequency of updates are determined by date convicted & Tier. MRS §34-A-11222, §11285.
  - Convicted before 1/1/2013
    - Tier I: 10 years
    - Tier II: Life
  - Convicted on/after 1/1/2013
    - Tier I: Annually for 10 years
    - Tier II: Biannually for 25 years
    - Tier III: Quarterly for Life
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Classification is an offense-based system. Registration required if offense is similar to ME law even if registration is not required in conviction jurisdiction. (MRS) §11273. Same periods as Maine; pardon & set-aside relief also apply. (MRS §34-A-11285(2),(4),(6),(9))
- ❖ 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 RP resides. Some low-level offenses are not listed on the public registry.
- ❖ Residence Restrictions: No statewide restrictions, but municipalities are allowed to make ordinances restricting RPs (possibly up to 750 feet) with offenses against anyone under age 14, & can be a condition of probation/parole. Cities known to have such laws include Auburn, Augusta, Bangor, Biddeford, Buxton, Canaan, Falmouth, Farmingdale, Lewiston, Lyman, Mexico, Old Orchard Beach, Oldtown, Orrington, Scarborough, Sebago, South Portland, Waterville, Windham, & Yarmouth.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
- ❖ Presence Restrictions: For RPs convicted after June 30, 1992 of an offense against a person younger than 14, Maine prohibits the knowing initiation of direct or indirect contact with a person younger than 14 in a “SO restricted zone,” unless the parent consents or the contact is for employment purposes. “SO restricted zones” include schools other than high schools, day cares, parks, playgrounds, & other places “where children are the primary users.” “Indirect” contact includes taking pictures/videos. MRS. §17-A-261.
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Visiting RPs are placed on state’s website & 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+ total 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 RPs are denied when a child was conceived by rape unless the victim objects & can show the activity was consensual. It is presumed an RP is a danger to a child if that child is a prior victim of the RP. MRS §19-A-1653; §19-A-1658; §22-4055
- ❖ Voting Rights: No disenfranchisement for people with criminal convictions
- ❖ 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 (MD)**

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). SB57 (2023) allows for certain offenses committed after 10/1/2010 to be subject to lifetime supervision.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police/Sheriff
- ❖ When to register:
  - 3 days for initial registration & updates for permanent or temporary residents, those who “habitually live” in the state, students, transients, & those employed within 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).
  - MCCP §11-705(h): 21-day advance notice must be given “to commence residence, employment, or attend school in a foreign country.”
  - MCCP §11-705(i)(1): Registration required (1) when the RP obtains a temporary residence or alters the location where the RP resides or habitually lives for more than 5 days or (2) when the RP will be absent from the RP’s residence or location where the RP resides or habitually lives for more than 7 days.”
- ❖ 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 RPs: 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; & (4) 90 days before juvenile court jurisdiction terminates, the court, upon request from the State's Attorney or Dept. of Juvenile Services, finds by clear & 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 or Tier III 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, & was at least age 14 at the time of act. MCCP §11-704.1.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if required to register in another jurisdiction, MCCP §11-704(a)(4). Statute is unclear on how registration is determined but is an AWA state, so it is assumed that tiers are determined by offense type.
- ❖ Registry fees: None
- ❖ Community Notification: Residents can go online to send a mail request for RP info. Victims or the parents of a victim who is a minor can get automatic alerts.
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: Cannot work at a school. MCCP §11-722(c)
- ❖ Presence Restrictions: 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: Transients (including visitors) 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, must register within 3 days. §11-701(r). The state defines “habitually lives” as 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; & where a person visits for longer than 5 hours per visit more than 5 times within a 30-day period. Visiting RPs

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

are placed on state's website but procedure in place for removal after departure, police may verify temporary address.

- ❖ Parental Rights: No parental rights for an RP if child was conceived by rape but may be compelled to pay child support. Md. Fam. Law Code §5-1402
- ❖ Voting Rights: Effective, March 10, 2016, if you have been convicted of a felony & have completed serving a court-ordered sentence of imprisonment, you are eligible to register to vote
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I registration may be reduced to 10 years with a petition. 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: 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 & treatment program. MCCP §11-707(c)(3), (4).

### MASSACHUSETTS (MA)

Comment: Homeless RPs "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 utilizes a "SO Registry Board" which conducts risk assessments to determine tier level. 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: N/A
- ❖ Registry Retroactive? To 8/1/1981
- ❖ Qualifying event: Release Date
- ❖ Online since: 8/1/2004
- ❖ Statutes: A.L.M.G.L. Ch. 6, §178C through 178Q
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? No. Level I cannot be accessed by the public. The public can only access Level II data on the internet for RPs classified after 7/12/2013. Complete Level II data including those classified prior to 7/12/2013 is accessible through police departments & by named individual SORI requests through the SOR Board.
- ❖ Where to register:
  - If you're an Unclassified or Level I, you must print out the form available at <<https://www.mass.gov/how-to/register-as-a-sex-offender>> then send it by mail to SORB, PO Box 392, North Billerica, MA 01862
  - If you are a Level II/III, you must register in-person at the local police department.
- ❖ When to register: 2 days for initial registration 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 within 2 days by mail. Those planning to work or attend college must register 10 days before commencement by mail. While not codified into state law, the online registration form states "In accordance with federal law, you must report any international travel to your registering authority no less than 21 days prior to travel."
- ❖ Frequency/Length of registration: 20 years to life. MGL §178G. Updates based on Tier: MGL §178E; §178F1/2
  - Unclassified & Tier I – Annually by mail
  - Tier II & Tier III – annually in person.
  - Those classified as SVP register every 45 days.
  - Homeless RPs & those living at shelters must register monthly & wear EM device.
  - Court may waive registration if not sentenced to immediate confinement, unless recidivist/serious offender. MGL §178E(f).
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if conviction comparable to registrable offenses in MA; not explicitly stated but the state registry FAQ implies all "unclassified" RPs will be subjected to an evaluation by the SORB.
- ❖ Registry fees: \$75 Initial; \$75 annually; can be waived for indigence (MGL §178Q.)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Community Notification:
  - Level I: 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 II: Registration in person at the local police station; some dissemination to the public & internet dissemination for RPs classified after July 12, 2013.
  - Level III: Registration in person at the local police station; Extensive dissemination to the public, including internet dissemination.
- ❖ Residence Restrictions: None; due to *Doe v. City of Lynn*, 472 Mass. 521 (2015), it appears that local ordinances are unconstitutional. Level IIIs, however, cannot live in convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded which meets the requirements of the department of public health under section 71 of chapter 111. MGL §178K(2)(e)
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: May not engage in ice cream truck vending. MGL c.265, § 48
- ❖ Presence Restrictions: 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. Per MA SOR office supervisor, the 4-day rule applies if you have a location you “routinely” go to like a relative’s house or favorite Air BNB. Visiting RPs are placed on state’s website & not removed (though Tier I RPs are not listed publicly), & police may verify temporary address.
- ❖ Parental Rights: RPs have no parental rights for a child conceived by rape, but visitation rights may be granted if the child is old enough & agrees to visitation. MGL§ 209C.3.
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 RPs may petition the SOR 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 RPs: No subsequent sex offense conviction within the 10 years preceding the petition. Clear & convicting evidence that the person is not likely to pose a danger to the safety of others. MGL §178G.

### **MICHIGAN (MI)**

Comment: Michigan’s registry law changes made in 2006 (including residency/presence restrictions) & 2011 (including placing RPs 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)). This 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. In January 2021, MI passed HB 5679, which reinstated registry laws in the state & made some good changes (repealed residency laws & Tier levels on registry site) but added some bad provisions (adding Internet identifiers to reporting requirements, but only to those convicted after 7/1/2011). Under MCL §750.227g, an exception to prohibition on body armor possession for employment safety must be approved by the chief of police or sheriff.

- ❖ 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.)
- ❖ Qualifying event: Conviction
- ❖ Online since: 1999
- ❖ Statutes: M.C.L. §28.721 through §28.736

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? No. Does not list RPs who are registered for a single offense of one of the following offenses: MCL §750.520E: Criminal sexual conduct in the fourth degree; misdemeanor-Adult victim; MCL §750.520G2: Assault with intent to commit criminal sexual conduct; felony-Adult victim, no penetration; MCL 750.10A: Sexually delinquent persons; MCL §750.335A(2)(C): Indecent Exposure by a Sexually Delinquent Person; MCL §750.449A(2): A person who engages or offers to engage the services of another person, who is less than 18 years of age & who is not his or her spouse, for the purpose of prostitution, lewdness, or assignation, by the payment in money or other forms of consideration; Any violation of state law or local ordinance that by its nature constitutes a sexual offense against an individual who is less than 18 years of age.
- ❖ Where to register: Sheriff's Office
- ❖ When to register: Initial registration & updates are required "immediately" (within 3 days, although state police memo states 3 "business" days) including disclosure of any "temporary lodging information," defined as a residence for more than 7 days. §§28.724- 28.725, but §28.727 uses the standard "away from residence" for more than 7 days. A "residence" is any place that "has a regular place of lodging." MCL §28.722(p). While MI SOR FAQ page only notes 21-day notice must be given if moving to a foreign country, SMART notes 21-day notice for 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 & 6 months after birthday month)
  - Tier III – Quarterly for life (every 3 months after birthday month)
  - Under MI's old laws (pre-2011), RPs were required to register for either 25 years or life, with no possibility for removal.
  - A person no longer required to register can be required to register anew if convicted of a felony after 7/1/2011
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if conviction is "substantially similar" to registrable offenses in MI. Not explicitly stated but MI is an AWA state so it is assumed classification is determined by offense type.
- ❖ 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 RP. Juveniles & some classified Tier I with a single conviction (with the exception of certain crimes involving minors) are not listed publicly.
- ❖ Residence Restrictions: REPEALED as of March 24, 2021
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: REPEALED as of March 24, 2021
- ❖ Presence Restrictions: REPEALED as of March 24, 2021
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Per MI SOR office, visitors staying more than 7 days must register within 3 business days of arrival. "Temporary lodging information" for purposes of "immediate" registration defined as a residence for more than 7 days. MCL §28.724- 28.725. Visiting RPs are placed on state's website, may pay registry fees, & police may verify temporary address. Per MI SOR office, those required to register can "check out" where they "checked-in" to be removed from the MI registry (placed on "inactive status").
- ❖ Parental Rights: Courts are not required (but can) make reasonable efforts to reunite a child with a parent who is an RP, & can impose visitation restrictions. RPs are denied parental rights if the child was conceived by rape. MCL, §712A.13a; §712A.18f; §712A.19a; §722.25; §722.1445
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: Must maintain a current state ID/DL (Mich. Comp. Laws S 28.725a(7)); exclusion made for those who are homeless.
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I may petition the court for relief after 10 years. MCL §28.728c(12).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Any RP 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 provide relief. MCL §28.725(16)
- 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 convictions 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 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, & victim impact statement. MCL §28.728c(11). Must successfully complete supervised release/parole/probation & treatment program. MCL §28.728c(12), (13).

### **MINNESOTA (MN)**

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: N/A
- ❖ Online since: 1/1/1997
- ❖ Statutes: Minn. Stat. §243.166
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? No. Only Tiers IIIs are listed on the state SOR. See Minn. Stat. §244.052, sub. 4
- ❖ Where to register: Local law enforcement agency
- ❖ When to register: 5 days for initial registration & updates. RPs without a primary address must register within 24 hours of entering a new jurisdiction, & shall provide updates in-person weekly. “Dwelling” means “the building where the person lives under a formal or informal agreement to do so” but does not include a temporary homeless shelter. Statutes do not address travel in their statutes, & SMART states they do not require 21-day advance notice for international travel.
- ❖ Frequency/Length of registration:
  - 10 years (or end of probation period, whichever is longer) for most RPs;
  - Lifetime reporting if an SVP/recidivist/aggravated offender or from a state where an RP had lifetime reporting.
  - Updates for all RPs required annually; weekly updates are required for those lacking a permanent residence. Civilly committed RPs or extra-jurisdictional/“out-of-state” RPs with frequent reporting requirements report quarterly in MN. MS §243.166.
  - If you are a 10 year RP convicted for an FTR, your time starts over plus & extra 5 years added to total registration length.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: See MS §243.166(1b)(b)(3), (6)(4)(e) (Registration for period required by MN law unless longer period in jurisdiction of conviction). Registration required if offense is comparable to MN registration offenses.
- ❖ Registry fees: None
- ❖ Community Notification:
  - Level I: Law Enforcement agencies, the victim, & those living in the immediate household.
  - Level II: Add agencies & groups including the staff members of public & private educational institutions, day care establishments, & establishments & organizations that primarily serve individuals likely to be victimized by the offender to list of Level I notifications.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 IIIs is only available through the public registry website & upon request to law enforcement, via community meetings.
- ❖ Residence Restrictions:
  - 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).
    - (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 IIIs & 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 & discovers or is informed that a tenant is a level III after signing a lease or otherwise renting to the RP, the owner or property manager may evict the RP.
- ❖ 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 Restrictions: None
- ❖ Presence Restrictions: 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: You must register if staying for 14+ consecutive days or 30 total days in a calendar year. MS §243.166(1b). Might be required to pay a fee, & police may verify temporary address (no authority on point)
- ❖ Parental Rights: Parental rights can be terminated if RP committed an offense against any child in the household (even if that child was not the victim) or if RP 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). If you are a Tier III under state supervision, the corrections agency shall notify the appropriate child protection agency before authorizing you to live in a household where children are residing (MS §244.057).
- ❖ Voting rights: Restored upon release from prison. See HF 28 (2023-2024)
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - No specific provision for early termination nor any provisions for juveniles/youthful offenders
  - 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 & not executive branch records. See *State v. M.D.T.*, 831 N.W.2d 276 (Minn. 2013).

### **MISSISSIPPI (MS)**

Comment: During the COVID-19 pandemic, RPs were unable to register with local authorities; instead, they were required to register at one of only nine state Highway troop stations, meaning some RPs had to travel great distances to register, even as other essential functions were shut down. Mississippi’s State ID/DL laws & 3000 foot restrictions make Mississippi onerous for RPs. Misuse or sale of registry information 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
- ❖ Lists all RPs on Internet website? Yes

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Where to register: Both Sheriff's Office & Department of Public Safety (DPS) for both initial & updates & to renew license every time you register.
- ❖ When to register: 3 business days to register with law enforcement, & 3 days to register at the DPS "Driver's License station." Also must notify law enforcement within 3 business days of first residing in or returning to state, or changes to address. MCA §45-33-29. Under MCA §45-33-28, RPs seeking emergency shelter during a disaster must notify the manager of the shelter, the Sheriff, & the Chief of Police (if inside a municipality) of RP's status. If moving to MS, you must also contact DPS 10 days before the move into the state; 7 day stays are considered establishing "temporary" residence, 14 days considered "permanent" residence. While not mentioned in state statutes or SOR FAQ, SMART claims 21-day advance notice is required for international travel.
- ❖ Frequency/Length of registration: Lifetime for all, but those on Tier I, II, or those adjudicated in a juvenile court for a Tier III offense can petition the courts for removal from the registry after 15 years or 25 years, depending on the offense.
  - Frequency: Updates are required quarterly, in person at the Drivers' License station to obtain a new "SO card." RPs who are electronically monitored must reregister annually. MCA §45-33-31. The DPS does NOT send out any notices for re-registration.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required for convictions/insanity pleas if required to register in other jurisdiction OR if the offense would be registrable in MS (MCA § 45-33-25); "Registration in any other jurisdiction does not reduce the minimum time requirement for maintaining registration in MS, which uses offense-based classification due to AWA compliance (MCA § 45-33-47)
- ❖ Registry fees: MCA §45-33-57 -- The Department of Public Safety may adopt regulations to establish fees to be charged to RPs for registration & reregistration, & verification or change of address. (Note: As of May 2017, the Miss. Dept. of Public Safety was charging an \$11 "Compliant SO" fee.)
- ❖ Community Notification: Local jurisdictions receiving notification & that have the ability may notify residents when an RP 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. Information is automatically sent to child agencies, prosecutor's offices, police agencies, & background check services. § 45-33-36
- ❖ Residence Restrictions: RPs shall not reside within 3,000 ft 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 age 18 years. Does not apply only in limited circumstances. MCA §45-33-25(4)
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - RPs must disclose their status if volunteering with a program offering services to children which would include direct, unsupervised contact. MCA §45-33-32
  - RPs must disclose registry status to employer if job will bring RP into close proximity with children. MCA §45-33-59
  - Child care providers cannot employ or accept volunteer position with anyone on the Registry. MCA §43-15-303
- ❖ Presence Restrictions: May not loiter within 500 ft. of school, & may not enter school without permission; exceptions apply to both. May not visit, "be in or about any public beach or public campground." MCA §45-33-26
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Temporary residence" defined as "resides for a period of 7 or more consecutive days." §45-33-23(i). Per MS SOR office, partial days count & the 7th day triggers obligation to register! Also, all residence & presence restrictions apply to visitors! However, per SOR office there is no limit on return visits per month or year. Visiting RPs are placed on state's website & not removed, may be subject to residency restrictions, & police may verify temporary address.
- ❖ Parental Rights: RPs have no parental rights if the child was conceived by rape. If the child is a victim of the RP, the RP may win some parental rights back only after treatment for both RP & victim is completed, & the courts determine the RP poses no danger to the child. MCA §93-15-119; §97-5-42
- ❖ Voting Rights: Rape & statutory rape offenses are among the 23 crimes that prevent you from voting. Furthermore, it seems to apply only to convictions committed within the state.



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ ID Card Law: RPs ages six & above (MCA §45-35-3) must report to the Drivers' License station quarterly to obtain a new "SO card" & pay \$11.00 each time (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 & subsequent criminal behavior. MCA §45-33-47(3). Must show that "future registration... will not serve the purposes of [the law] & the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety." MCA §45-33-47(3)

### MISSOURI (MO)

Comment: Missouri switched from mandatory lifetime registration to a Tiered registry in 2018. However, the removal statute has failed to benefit RPs in practice, because the provision only applies to one of the eight statutory registration requirements. Because of this limitation, the removal provision is ineffective for many MO Registrants who are subject to more than one registration obligation. In *Smith v. St. Louis County Police*, No. SC99715 (Mo. 2023), The MO Supreme Court concluded that the plain language of MO-SORA requires lifetime registration for both Smith and Ford based on the interaction between MO-SORA and federal SORNA. "Thus, the registration requirement pursuant to §589.400.1(7) continues even after the individual's federal registration obligation pursuant to SORNA has expired because 'the state registration requirement is based on the person's present status as a (RP) who 'has been' required to register pursuant to SORNA.'" One judge dissented, concluding that the principal opinion reads §589.400.1(7) out of context and leads to an absurd result noting that under the principal opinion's interpretation "almost no one will be entitled to the benefit of the tiered [registration] scheme or the provision permitting removal from the registry, and the General Assembly's newly enacted provisions have little effect."

In reality, MO remains a lifetime for all state with little hope for registry removal.

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police/County Sheriff
- ❖ When to register: 3 days for initial registration & updates. "Residence" is defined as "any place where an (RP) sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period" RSM §589.404(5). While not codified into state law, SMART & state registry forms state 21-days advance notice for international travel is required, & 14 days advance notice if traveling outside the state for 7+ days.
- ❖ Frequency/Length of registration: (RSM §589.400) 2 years to life. Updates based on Tier.
  - Tier I: 15-year registration requirement & shall report to the Chief Law Enforcement Officer (CLEO) in person on your birth month.
  - Tier II: 25-year registration requirement & shall report to the CLEO in person semiannually on your birth month & 6 months thereafter.
  - Tier III: life time registration requirement & shall report to the CLEO in person every 90 days. Tier IIIs are not eligible to file petition for removal from the registry, unless the requirement to register results from an

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- adjudicated delinquent (juvenile) adjudication, after 25 years, & the clean record removal is met. (RSM §589.401)
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for anyone “who has been or is required to register” (RSM §589.400); if no longer required to register in other jurisdiction, RP must petition the court for removal from the MO registry, but relief will not be granted if the RP is a Tier III unless the offense was committed as a juvenile (RSM §589.401); as MO is an AWA state, it is assumed RPs will be classified by offense type
  - ❖ Registry fees: A sheriff can charge an RP up to \$10 for processing an initial registration & \$5 to process an update. See RS Mo. §589.400(6,7).
  - ❖ Community Notification: Can view all RPs within a certain distance online or monitor a specific RP using an email alert system. Citizens can also call a special number from the Highway Patrol, & Sheriff’s Departments are allowed to have registry information published in newspapers.
  - ❖ Residence Restrictions: Certain RPs (mostly those w/ offenses against minors) may not reside within 1,000 ft. of school, child care center, or victim’s residence. RSM §566.147.
  - ❖ Anti-Clustering: None
  - ❖ Employment Restrictions: Certain RPs 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 Restrictions:
    - Certain RPs are prohibited from knowingly being physically present in or loitering within 500 feet of or approaching, contacting, or communicating with any child under age 18 in any child care facility building or child care facility property when children under age 18 are present in the building or on the grounds unless the RP is the parent, guardian, or custodian of the child in the building or on the grounds. (RSM §566.148)
    - Certain RPs 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, state conservation areas & children’s athletic areas; exception can made if the RP is the parent of a child participating in a MO Dept. of Conservation educational program & who has permission to be on the property. (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," & leave outdoor lights off from 5pm-10:30pm. NOTE: A US Dist. Ct. has ruled the state cannot force RPs to post signs declaring “No Candy At This Residence.” See Sanderson v. Bailey, No. 4:23-cv-01242-JAR (E.D. Mo. 10/2/2024)
  - ❖ 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). R.S. Mo. §589.400.11 states that a “temporary residence” placement on registry shall be “for the duration of such person’s temporary residency.” May have to pay fees & abide by residency laws, & police may verify temporary address.
  - ❖ Parental Rights: RPs have no parental rights if the child was conceived by rape or if the RP abused a child under the RP’s care. If the RP is a child & 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
  - ❖ Voting Rights: Voting rights restored upon completion of sentence, including prison, parole, & probation.
  - ❖ 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 & the victim was the child, or nonsexual child abuse, shall be removed from the registry. RSM §589.400(8).
    - In addition, § 589.400(9) authorizes a person to petition to remove the registration requirement for certain types of conduct & 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, & 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).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Tier I/Tier III juvenile relief: no sex offense/felony conviction during preceding 10/25 years, & no pending sex offense/felony charges. RSM §589.400(5), §589.401(11). Must successfully complete any period of supervised release/parole/probation & treatment program, & court must find that the person "is not a current or potential threat to public safety." RSM §589.400(5), §589.401(11).

### MONTANA (MT)

Comment: Montana places both sexual offenses & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police/Sheriff's office
- ❖ When to register: 3 business days for initial registration & updates; transients shall register within 3 business days of entering state. "Residence" means the location at which a person regularly resides, regardless of the number of days or nights spent at that location, does not include homeless shelter (MT Code §46-23-502). Registration required if absent from home more than 10 days, the 11th day triggers registration (MT Code §46-23-505). Not codified into law but SMART states 21-day advance notice required for international travel.
- ❖ Frequency/Length of registration: MT Code § 46-23-506(1): Lifetime. Updates based on Tier:
  - Level I: annual by mail, can petition for relief after 10 years
  - Level II: every 180 days by mail, can petition for relief after 25 years
  - Level III: 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 RP who is convicted in another state, territory or tribe of an offense "reasonably equivalent" to a Montana registrable offense & thus required to register. MT Code §46-23-502(9)(b). Level 0 is a special classification for RPs from outside MT with no easily comparable conviction; they report 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 (RP) to the public."
- ❖ Residence Restrictions: A "high-risk" RP 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 Restrictions:
  - A 'high risk' RP 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 & 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 Restrictions:
  - A judge sentencing a person convicted of a sexual offense involving a minor & designated as a Level III 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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” RPs 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 a total of 30 days in calendar year. MT Code §46-23-504, §46-23-505. Visiting RPs are placed on state’s website & not removed, temporary address may be verified by police, & may be subject to residency restrictions.
  - ❖ Parental Rights: RPs have no parental rights if child was conceived by rape, but may be compelled to pay child support & offer inheritance. Under 45-5-513, a “high risk” RP cannot establish a residence or any other living accommodation in a place where a minor resides, except that the RP may reside with a minor if the RP is the parent, grandparent, or stepparent of the minor unless his parental rights are terminated or the RO was convicted for abusing a child in the home. MT Code §40-6-1001; §41-3-609; §45-5-503
  - ❖ Voting Rights: Voting rights restored automatically after release from prison
  - ❖ ID Card Law: None
  - ❖ Chemical Castration: (MT Code §45-5-212) Courts may impose chemical castration on first conviction for certain sex crimes & for subsequent convictions for certain other sex crimes. Those not mandated can opt to voluntary take chemical castration drugs at state expense.
  - ❖ Relief from SO Legal Restrictions:
    - Less serious level Is may petition court for relief after 10 years; Level IIs 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 & 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 & 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 (NE)**

Comment: The Nebraska State Supreme Court ruled registering internet identifiers is unconstitutional. On the downside, Nebraska’s registry information is accessible by Google & 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: Neb. Rev. Stat., Art. 40, §§29-4001 through 29-4013.
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: City police/county sheriff, but may have to initially register with state police.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ When to register: Within 3 working/business days for initial registration, & temporary employment lasting 14 days or an aggregate of 30 days in a calendar year; “habitual living location” is any place away from home the RP stays for 3+ days, & “temporary domicile” are stays at temporary locations of 3 days. Homeless persons must register once every 30 days. Advance notification must be given before moving Out-of-State or out of the US (§29-4004). State law does not address international travel, but SMART claims NE requires 21-day advance notice.
- ❖ 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 RPs with the SVP designation on 12/31/2009. Those still classified SVP register for life.
  - Homeless report monthly regardless of Tier.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Must register if NE has comparable offense; does honor a pardon from another state. (NRS §29-4003); while not explicitly stated, it is assumed that NE classifies RPs according to their own rules, i.e., Tier I if offense was a misdemeanor, Tier II if offense was felony, or Tier III if considered a lifetime RP in any jurisdiction, has two or more offenses or convicted of an “aggravated offense” (i.e., victim under age 13, victim 13+ if involved penetration, or if victim was incapacitated/unable to give consent)
- ❖ Post-Release Supervision: Recidivists who are convicted and/or completes a term of incarceration after 7/14/2006 are subject to lifetime supervision which can include GPS tracking (NRS §83-174.03)
- ❖ Registry fees: None
- ❖ Community Notification: As of 1/1/2010, only option for community notification is signing up for email alerts.
- ❖ Residence Restrictions: Nebraska has a statute allowing local residency restrictions from schools & daycares except in certain narrow circumstances (e.g., 500 ft. exclusion zones applicable to all SVPs). NRS §29-4017. Numerous cities across the state have such ordinances on the books, although 4 municipal ordinances (La Vista, Lincoln, Norfolk, Omaha) only apply these laws to school zones, not including daycares. A March 2023 survey of 108 NE municipal ordinances by OnceFallen.com found 78 municipalities, including the majority of NE’s largest municipalities, have the 500 foot restriction laws, the smallest of which has a population of only 428.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: 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. Per Neb. SOR office, partial days count & 3rd day triggers! 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, & police may verify temporary address. May be subjected to local residency restrictions.
- ❖ Parental Rights: RPs are assumed threats & custody can only be won if there is a determination that the RP is not a danger to the child. In custody matters, allowing an RP 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
- ❖ Voting Rights: Rights are restored two years after completion of prison, probation, & parole.
- ❖ 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 (RP) who has been pardoned would not be required to register...”).
  - Out-of-state pardon also given effect. NRS §4003(1)(a)(ii).

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 convictions. See [http://journalstar.com/news/local/judge-bars-state-from-adding-boy-to-state-sex/article\\_d0d21ddd-f912-532c-89b4-b0544e6de6f0.html](http://journalstar.com/news/local/judge-bars-state-from-adding-boy-to-state-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 & treatment program. §29-4005(2)(c), (d).

### **NEVADA (NV)**

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, & 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 RPs. 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 & §179D (Effective Oct. 1, 2018)
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? No. Only information regarding Tier I with child victims, all Tier II/III, & juveniles convicted of certain sex offenses pursuant to NRS 62F are posted on this site. The registry does not provide information on Tier I w/ adult victims. See NRS 179B.250
- ❖ Where to register: Local Police (Sheriff's Office if in unincorporated area)
- ❖ When to register: 48 hours for initial registration & updates; updates may be done in person or by sending in form; annual form can be returned by mail along with fingerprints & photograph. NRS §179D.460, NRS §179D.470, §479D.480. "Residence" implies any location where an RP is staying, even when not at a fixed location or homeless. Homeless RPs must register every 30 days. While not codified into state law, SMART claims 21-day advance notice for international travel required.
- ❖ 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
  - 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 RPs; All RPs 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.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: 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. NV is an AWA state & classifies all according to offense type.
- ❖ Registry fees: None
- ❖ Residence Restrictions: None
- ❖ Community Notification: Notices go out to background check companies, schools, & other agencies working directly with children; if RP 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Employment Restrictions: Businesses are generally barred from using information from the registry with exceptions. NRS §179B.270
- ❖ Presence Restrictions: 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: Registration required if staying 48 hours, NRS §179D.460. But stays under 30 days are placed on a separate LEA-only “SO-Visitor” registry. You must check in upon arrival & check out when departing.
- ❖ 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 an RP.
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 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 & 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 & 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 & community notification requirements, the court must find, considering several enumerated factors, "by clear & convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court & 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 & convincing evidence that the child is not likely to pose a threat to the safety of others." NRS §62F.320.

### **NEW HAMPSHIRE (NH)**

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: N/A
- ❖ Online since: 2001
- ❖ Statutes: §651-B:1 through 651-B:12; Admin. Code Saf-C 5501.01 through 5506.7
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? No. Those convicted of NHRSA §632-A:2, (Aggravated Felonious Sexual Assault) 18 USC 2241 (Aggravated Sexual Abuse) or 18 USC 2242 (Sexual Abuse) are not listed publicly if the victim is an adult & the RP has no prior sex offense conviction from any jurisdiction.
- ❖ Where to register: Local Law Enforcement Agency

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ When to register: 5 business days for initial registration & updates. §§651-B:4, B:5. “Residence” defined as any place than can be located by a street address for 5+ total days in a one-month period; According to SMART, an RP must give advance notice for international travel, but the RP is not required to do so by any certain period of time; statutes only require an RP to report international travel when the RP will be at the same international temporary lodging address for 5+ days.
- ❖ Frequency/Length of registration: NHRSA §651-B:6(I), (II); §651-B:1(VIII)-(X)
  - Tier System: The Department of Safety (NHSP) will place RPs in the appropriate tier based on the offense of which they were convicted.
    - Tier I - Most misdemeanor Sexual Assault convictions & Indecent Exposure convictions. (10 Years) – Required to register twice a year (not including changes).
    - Tier II - Felonious Sexual Assaults, most Child Pornography Offenses, Intentional Contribution to the Delinquency of a Minor. Required to register semi-annually. (LIFETIME)
    - Tier III - All murders, Aggravated Felonious Sexual Assault, kidnapping, anyone convicted of more than 2 sexual offenses or offenses against a child, anyone civilly committed as a sexually violent predator, or otherwise required to register for an equivalent offense in another state. Required to register quarterly (LIFETIME)
  - The juvenile court at disposition may require registration 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 RPs no longer required to register back on the registry if convicted for a subsequent non-sexual offense.
  - RP does NOT have to notify when traveling internationally IF staying at one location longer than four days & staying at a second location longer than 4 days.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if required to register in the jurisdiction of conviction, or if the offense is “reasonably equivalent to a violation” under NH law, including foreign convictions from Canada, Great Britain, Australia, & New Zealand, as well as “any other country that the US State Dept. has determined has an independent judiciary that generally enforces the right to a fair trial.” NHRSA §651-B:1.VII states that the Division of State Police, Department of Safety can determine Tiers for extra-jurisdictional convictions, as NH utilizes an offense-based classification scheme.
- ❖ Registry fees: \$50 to the Dept. of Safety within 10 days of the registration that occurs within the RP’s birth month. NHRSA §651-B:11. Failure to pay is a “violation” for first offense & a misdemeanor for subsequent offense. Can be waived if indigent.
- ❖ Community Notification: NH maintains separate registries for offenses against children/re-offenses & one for all other offenses. Does not appear to offer any notification outside inclusion on the public registry.
- ❖ Residence Restrictions: 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 & daycares, municipal restrictions in Dover & Franklin were struck down by courts.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: RSA §632-A:10 (expanded by 2024 HB1038/Ch.53) prohibits those convicted of most sex offenses from working/volunteering, “as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one-on-one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one-on-one work with other minor employees.”
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Travel regulations: Visitors: “Residence” defined as more than a total of 5 total days during a one-month period. §651-B:1(XIII). Visiting RPs are placed on state’s website but can be removed after departure, 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
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: None



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Tier II may petition the superior court for relief after 15 years; Tier I 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 eliminate[s] 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 & treatment program, & 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 & will be consistent with the public welfare. NHRSA §651-B:6(III)(b).
  - Tiers II & III convicted prior to January 1, 1993 can file a petition to be relieved of the registration requirements of the NH SOR. (Per SB 468 (2016))

### **NEW JERSEY (NJ)**

Comment: New Jersey was the state where Megan Kanka was murdered. The state law named in her honor was used when the national law bearing her name was passed as an amendment to the Jacob Wetterling Act in 1996.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. Website limited to all considered "high risk" (Tier III) & some moderate risk/Tier IIs; All juveniles (except for Tier III) are excluded; most Tier IIs whose crimes were committed against members of their families or households, & most Tier IIs whose crimes were considered statutory because of age also excluded. NJ Code at §2C:7-12 to §2C:7-19
- ❖ Where to register: Local Police Department
- ❖ When to register: 10 days for initial registration; updates to address due 10 days prior to move; updates to employment (14 days- consecutive or a total within a 30 day period) & school enrollment within 5 days. Statute only applies to residents, students, & nonresident employees. NJS §2C:7-2. Does not address travel issues; & SMART states NJ does not require 21-day advance notice of international travel.
- ❖ Frequency/Length of registration: Lifetime for all, though some RPs can apply for removal after 15 years. Updates for "compulsive or repeat" offenders are quarterly; all other update annually. NJS §2C:7-2
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if offense or registration requirement is "similar" to NJ law, see NJS §2C:7-2(b)(3). Lifetime for all.
- ❖ Registry fees: None
- ❖ Community Notification: Depending on Tier/Risk Level:
  - Tier I: Law enforcement agencies are notified.
  - Tier II: in addition to law enforcement agencies, schools, licensed day care centers, summer camps, & registered community organizations are notified.
  - Tier III: in addition to law enforcement agencies, schools, licensed day care centers, summer camps, registered community organizations, & members of the public are notified.
  - Those selling homes are NOT obligated to disclose nearby RPs.
  - Tier levels are determined by a Registrant Risk Assessment Scale (RRAS), a static 13-point scale of one's personal history to be completed by prosecutors.
- ❖ Residence Restrictions: 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Employment Restrictions: Cannot hold a position or otherwise participate, in a paid or unpaid capacity, in a “youth serving organization” (defined as a sports team, league, athletic association or any other corporation, association or organization, excluding public & nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age). N.J. Stat. NJS §2C:7-22 & 7-23
- ❖ Presence Restrictions: 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: RPs 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 & convincing evidence it is in the child’s best interest to stay with the RP. (This also covers child conceived by rape). The courts can keep child’s location confidential & victim is not required to go to court in person. NJS §9:2-4.1 ; Parolees may be required to undergo a “Living With Children Assessment” before being allowed to live with a minor. NJ Admin. Code §10A:72-2.5
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 convictions.
  - 15-year relief: Must not have "committed an offense within 15 years following conviction or release." NJS §2C:7-2(f). Recidivists not eligible. NJS §2C:7-2(g). Requires proof that RP "is not likely to pose a threat to the safety of others." NJS §2C:7-2(f).

### **NEW MEXICO (NM)**

Comment: N.M. Stat. Ann. §29-11A-4 states, “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 living in Indian country, & is not attending school or employed outside of Indian country, to comply with the requirements of SORNA. *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
- ❖ Lists all RPs on Internet website? No. The following offenses are not listed on the public website: §30-4-1 Kidnapping (of a minor); §30-4-3 False imprisonment; §30-9-1 Enticement of child; §30-9-11 Criminal sexual penetration 4th deg.; §30-9-12 Criminal sexual contact in the 4th deg.; §30-10-3 Incest; §30-28-3 Solicitation to commit sexual contact of a minor; §30-37-3.2 Child solicitation by electronic communication device.
- ❖ Where to register: County Sheriff’s Office
- ❖ When to register: 5 business days for initial registration & updates. NMS §29-11A-4. State law requires registration when: (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 "Habitually lives" means any place where an RP lives for 30+ in any 365-day period; while state law &

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

a SORNA review from 2020 do not require 21-day advance notice of international travel, SMART's 2022 progress report notes NM now requires it.

- ❖ Frequency/Length of registration: (NMS § 29-11A-4(L), §29-11A-5(D), (E), (F). 10 years to life. Updates are every 6 months or every 90 days depending on offense. NMS §29-11A-4
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: See NMS §29-11A-4(L)(3) (duration of time from convicting jurisdiction or NM, whichever is longer). Extra-jurisdictional/"Out-of-State" convictions only register if comparable to NM law (See *State v. Hall*, 294 P.3d 1235 (NM 2013))
- ❖ Registry fees: None
- ❖ Community Notification: The county sheriff shall contact every licensed daycare center, elementary school, middle school & high school within a one-mile radius of RP's residence; the public can also obtain information by reviewing the SORNA website or by contacting the County Sheriff.
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: 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 & 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 RPs are placed on state's website, & 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
- ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ 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 (NY)**

Comment: While NYS as a whole isn't among the worst states for RPs, 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 RP address verification checks on behalf of law enforcement. They are also pushing to require Level I RPs to register a minimum for 30 years & 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, RPs are required to state their status when entering emergency shelters. There was also a push to ban certain RPs from NYC subways in 2021 that was thankfully rejected.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. By law, DCJS only lists Levels II & III on its website. See NY COR § 168-q

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Where to register: New York State Division of Criminal Justice Services (DCJS)
- ❖ When to register:
  - 10 calendar days for initial registration & 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.
  - Must notify DCJS 10 days prior to international travel; if an RP relocates to another country, they must notify DCJS of their new address no later than 10 days after the move. However, DCJS does not notify the USMS or NCIC/NSOR of an RP's international travel.
- ❖ Frequency/Length of registration: (NY Corr. Law §168-h.)
  - LI: Annually for 20 years
  - LII, LIII, "sexual predator", "sexually violent offender", or "predicate SO" (If classified after 3/11/2002): Annually for life
  - Time on the registry out of state doesn't count towards time on the registry in NY. See *People v. Corr*, 2024 NY Slip Op 3379 (N.Y. Ct. of App. 2024)
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if offense has "similar elements to registrable offenses in NY law, if a felony (NY Corr. Law §168-a). State FAQ states, RPs "who establish residence in NY State but were convicted in other jurisdictions (e.g. federal, military, or another state/country) must register if they have been convicted of an offense that requires registration as determined by the NY State Board of Examiners of SOs... must notify DCJS no later than 10 days of establishing residency in New York, & then the Board of Examiners of SOs reviews their cases to determine if they have to register in NY State. If they are registrable, then a court where the (RP) resides will hold a hearing to determine his/her risk level."
- ❖ Registry fees: \$10 every instance an RP registers any change of address or any change of his or her status of enrollment, attendance, employment or residence at any institution of higher education §168-b
- ❖ Community Notification:
  - Local police may notify schools & other "entities with vulnerable populations" about the presence of any RPs they believe poses a threat to public safety. NY does not notify jurisdictions about changes in employment. DCJS allows individuals to sign up to receive alerts whenever a Level II or III moves into or out of a community or location. Complete registry information is available on those classified Tier II or higher
  - Parents For Megan's Law (PFML) aka "Crime Victims' Center" (CVC), a private business, lists information on Tier I living in Nassau & Suffolk Counties.
- ❖ Residence Restrictions: No statewide restrictions; municipal/county governments currently not allowed by court ruling to pass residency restriction ordinances. RPs "On Paper" can be banned 1,000 ft. of a school or other facility caring for children.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - Cannot drive a school bus. NYS Vehicle & 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 Levels II & III 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., RPs can't work with kids) or if employing the RP "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 Restrictions: 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 statute addresses visits, but the NY SOR office states that staying in a location for 10 consecutive days or 14 total per month requires registration. NOTE: Partial days count (except just passing through); e.g. if you're staying in NJ or CT & making daily trips into NYC to see the sights, each one of those trips will count toward your allowable total.
- ❖ 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 an RP if the child was conceived by rape but can be challenged. N.Y. Dom. Rel. §240; NY Fam. Ct. Act §651

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Levels IIs not designated sexual predator/sexually violent offender/predicate SO may petition the sentencing court (or the court that determined duration) for termination after 30 years. NY Corr. Law §168-o(1).
  - Levels II & III 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 II termination: Must prove by clear & convincing evidence that his or her risk of repeat offense & threat to public safety is such that registration or verification is no longer necessary. NY Corr. Law §168-o(1).

### **NORTH CAROLINA (NC)**

Comment: NC is considered one of the most onerous states for RPs. In *Doe v. Cooper*, 842 F.3d 833 (4th Cir. 2016), the Court found NC's presence restrictions were "unconstitutionally vague & thus violated the Due Process Clause." (The 300 ft presence ban was preventing RPs from attending town council meetings, going to church, visiting government offices, & 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 & whether the criteria is conviction, date of offense, or other. A list of registrable offenses & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: County Sheriff
- ❖ When to register:
  - 3 business days for initial registration & 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. RP'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). SMART & a state law review notes that NC does not require 21-day advance notice of international travel.
  - "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. (SVPs are classified as such by the court with help from a "board of experts"). "aggravated" defined as (i) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or (ii) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old."
  - Regular RPs registered before 12/1/2008: Registered biannually for life following the date of initial county registration unless the RP successfully petitions the superior court to shorten their registration period under NCGS §14-208.12A. RP first eligible to petition ten (10) years after the date of initial county registration in NC.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Regular RPs registered on or after 12/1/2008): Registered biannually for 30 years following the date of initial county registration unless the RP successfully petitions the superior court to shorten their registration period under NCGS §14-208.12A. RP first eligible to petition 10 years after the date of initial county registration in the state.
- Juveniles: earlier of 18 years old or termination of juvenile court's jurisdiction. NCGS §14-208.30.
- Letters by mail are sent out to RP's address when time to register; upon receipt of letter, RP has 3 days to complete enclosed form & return it to the Sheriff. NCGS § 14-208.9A, §14-208.11(a)(3), §14-208.24
- Extra-jurisdictional/"Out-of-State" Convictions: Registration required if offense is comparable to NC law OR of offense requires registration in conviction jurisdiction (NCGS §14-208.6). Registration period determined by offense type
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up email alerts when an RP moves within 1,3, or 5 miles of them.
- ❖ Residence Restrictions:
  - 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 RP 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 & 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 Restrictions:
  - RP'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 w/ offense against a minor cannot receive a Funeral services license. NCGS §90-210.25B
  - Cannot be employed in "home assistance services" (S.279 (2024), NCGS §131E-138(h)(3))
- ❖ Presence Restrictions: For all hands-on offenses under Article 7B (Rape & Other Sex Offenses, including statutory rape) involving a victim under 18 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, & 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, & 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 & 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 RPs are placed on state's website & not removed. May be subjected to residency restrictions. Police may verify temporary address. According to §14-208.16, residence & presence restrictions apply to "an offender who is required to register," so in theory, this does not apply to a visitor not establishing a residence & remains in the state for less than 15 days. However, NC SOR office says all residence & presence restrictions apply to visitors. Cumberland Co. (Fayetteville) has been singled out as strictly enforcing travel regulations beyond state law.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: Will not issue a State ID/DL unless RP 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 convictions.
  - 30 year RPs (& regular RPs 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 (ND)**

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 RPs 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 (RP)," the letter said, adding that agencies can work with RPs 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, 12.1-32-01 to 12.1-32.16, 12.1-34-06
- ❖ Substantially AWA Compliant: No
- ❖ Lists all RPs on Internet website? Yes; all RPs appear on the website, but not all RPs are shown with photographs & full details. RPs with a lifetime registry, those deemed "high-risk", & delinquent RPs are shown with full details & photographs. A searchable list of all RPs in ND (including moderate & low risk RPs) can be downloaded for a particular city, county, or the entire state, by clicking the link "List of all offenders" on the SOR website home page.
- ❖ Where to register: Local police (or county sheriff if in unincorporated area)
- ❖ When to register: 3 days for initial registration of "residence" (live permanently or be situated for a considerable time in a home or a particular place); 3 days for registration of "temporary domicile," i.e., staying or being physically present in ND for 30+ days in a calendar year or at a location for 10+ consecutive days, attending school for 10+ days, or maintaining employment in the jurisdiction for 10+ days, regardless of the state of the residence. If homeless (i.e., "living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a traditional dwelling" but not counting homeless shelters) must register every 3 days. Must give 21-day advance notice for international travel. NDCC §12.1-32.15
- ❖ 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 RPs must update every 3 days. NDCC §12.1-32.15(2).
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if offense is an "equivalent" to a registrable offense in ND (NDCC §12.1-32-15), From the ND SOR FAQ page, "SOs are assessed a low, moderate, or high risk level by a committee appointed by the Attorney General. The risk level is based on an actuarial risk assessment tool, psychological evaluations, & all available documentation from the (RP's) past... For (RPs) that come to ND from another state or the federal prison system it may take several weeks to gather the necessary records, assign the risk level, & provide the (RP) a due process hearing."

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Visitors: Per ND SOR office, visitors must register if staying 10+ consecutive days or 30+ total days per calendar year.
- ❖ Registry fees: None
- ❖ Community Notification: While all RPs are listed online, only “high risk” & “delinquent offenders” are shown with full details & photographs. Law Enforcement Agencies have some discretion regarding other methods of community notification, including use of news media, public meetings, or personal notification.
- ❖ Residence Restrictions:
  - State law does not prohibit low or moderate risk RPs from living near schools, parks, or daycare facilities unless a condition of probation prohibits it.
  - A high risk RP may not reside within 500 feet of a public or nonpublic preschool, elementary, middle or high school.
  - Those assigned a moderate or high-risk level by the state may not use a state park as a residence or residential address. Before arriving at a state park for overnight lodging or camping, those assigned a moderate or high-risk level must notify a parks-and-recreation LEO at the state park where the RP will be staying.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - RPs are 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, & any person who provides such early childhood services is prohibited from allowing RPs to be in the presence of a child receiving the services. NDCC §50-11.1-13.1
  - RPs are prohibited from working as a transport network company driver. 09-34-03
- ❖ Presence Restrictions: 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 registration 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 RP committed an offense against the child & presents a danger to the child. NDCC §27-20-17; §27-20-44
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 convictions.

### **NORTHERN MARIANA ISLANDS (US TERRITORY) (MP)**

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: Commonwealth Code, Title 6, Div. 1, Part 1, Ch. 3, Article 4, “CNMI-SORA” (6 CMC §1360-§1380)
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: SORA-Office/DPS
- ❖ When to register:



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Within 3 business days for initial registration if moving, attending school, or working
- Only requires 3 day notice if traveling internationally §1365(a)(16)
- Must give notice if away from home 72+ hours §1365(a)(16)
- “Recapture” provision to add person released for non-sex offense if RP had a past sex crime conviction §1368
- Natural disaster or other events requiring evacuation of residences shall not relieve an RP of the duty to register or any other duty imposed by this article. §1369(b)
- “Reside” is defined as “location of the individual's home or other place” where the RP “habitually lives or sleeps.”
- ❖ 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
- ❖ Out-of-Territory Conviction: Registration required for offenses similar to those listed in §1361, incl. foreign offenses in nations determined to have conducted a “fair trial.” Classification is AWA compliant & uses an offense-based scheme (§1362). “This obligation exists without regard to whether it was specifically listed in the Judgment of Conviction, sentence, or any other order of the court.” (§1363)
- ❖ Registry fees: 6 CMC §1380 establishes a “SO Revolving Fund” but no information 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 Restrictions: 6 CMC §1366 – RPs 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 & such location is commonly used by minors.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: No
- ❖ Presence Restrictions: 6 CMC §1366 – RPs 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: No
- ❖ Travel regulations: Registration law applies to visitors staying 24 hours or longer. 6 CMC §1361
- ❖ Parental Rights: Provision that RPs cannot live with minors has no apparent exceptions to RP parents
- ❖ Voting Rights: Restored after release from incarceration, probation, & parole.
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: 6 CMC §1371: Tier I can apply for registration reduction after 10 years with a clean record; Tier III can apply for reduction to 25 years with a clean record.

### OHIO (OH)

Comment: Ohio both was both the first state to adopt the AWA & first state to declare the AWA was punitive & cannot be applied retroactively. Residency restriction laws were also declared as punishment & cannot be applied retroactively. The laws you abide by depend on your date of conviction. Ohio has also tried (unsuccessfully thus far) passing a law requiring RPs 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Qualifying event: Ohio’s modern 1996 SORN applies only to those Ohio adult RPs who were incarcerated, under supervision, or convicted of an offense on or after July 1, 1997. Any adult RPs who had completed their sentences before that date are not subject to SORN requirements. For juveniles, the system started in 2002; that is, SORN applies only to those who committed an offense on or after Jan. 1, 2002, & were at least 14 years old at the time of the offense.
- ❖ Online since: January 1, 2001
- ❖ Statutes: O.R.C. Ann. §2950.01 to §2950.99, Ohio Admin. Code §109:5-2-02 to §109:5-2-06
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: County Sheriff’s Office
- ❖ When to register: 3 days for initial registration of residence or “temporary domicile” i.e., in the 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 within 3 days. ORC §2950.04. If the RP is homeless, they must provide a detailed description of the location where staying, & may register more frequently. SMART notes 21-day notice for international travel required.
- ❖ 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), but the Ohio Supreme Court ruled it is punitive & cannot be applied retroactively. See *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374
  - For people convicted before January 1, 2008, Tiers were assigned through risk assessments, or the equivalent Tier from the state you moved from:
    - Tier I (“Pre-AWA Sexually oriented” or “child-victim offender”): Annually for 10 years
    - Tier II (“Pre-AWA Habitual SO”): Biannually for 20 years
    - Tier III (“Pre-AWA Sexual Predator”): Quarterly for life
  - For those convicted after January 1, 2008, Tiers are assigned by offense charged in accordance with AWA rules.
    - Tier I: Annually for 15 years
    - Tier II: Biannually for 25 years
    - Tier III: 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.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if offense is “substantially equivalent” to a current or former registrable offense in OH (ORC §2950.01); will not be forced to register if not currently registered in stating moving from (ORC §2950.04(4)) or terminated by a court order (ORC §2950.04(5)). May apply for credit for time already spent in another jurisdiction ORC §2950.07(E)). OH is considered “substantially compliant with the AWA, but the AWA cannot be applied to those convicted before 1/1/2008; all pre-AWA RPs will be classified according to Ohio’s “Pre-AWA” statutes.
- ❖ Registry fees: ORC §311.171-172 gives Sheriffs the authority to charge up to \$100 annually (Many do not charge, however, & most take indigence into account.) Under ORC §2950.012, fees can be mandatory while on a “community control sanction.” Failure to pay is only a civil matter.
- ❖ Community Notification: For Tier III/Pre-AWA Sexual Predators, neighbors within 1200 feet are notified by mail.
- ❖ Residence Restrictions: 1,000 ft. from “any school premises, preschool or child care center premises, children's crisis care facility premises, or residential infant care center premises.” ORC §2950.034. This only applies to those convicted after July 31, 2003. (The children's crisis care facility premises, or residential infant care centers are added on 6/13/2022, so this shouldn’t apply to those convicted before this date.) 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. But some municipalities have local restrictions beyond these state levels.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: SB 16 (2023) bans all Tier II/III (or pre-AWA “sexual predators” & “habitual offenders”) or anyone with offenses against anyone under age 18 from “commenc(ing) service in a position as a volunteer with any person, group, or organization, in a capacity affording extensive contact with minor children.” (ORC §2950.035) "Capacity affording extensive contact with minor children" means any capacity in which a person would be working directly & in an unaccompanied setting with minor children on more than an incidental & occasional basis or would have supervision or disciplinary power over minor children. "Working

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

directly & in an unaccompanied setting" includes, but is not limited to, providing goods or services to minors. (ORC §2950.01(Y)and(Z))

- ❖ Presence Restrictions: 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: If staying in Ohio over 3 days, the 4th day triggers registration. Ohio SOR office interprets "day" as beginning when you spend a night; driving thru the state without stopping doesn't count toward your daily total even if you do this on multiple occasions per week, month or year. May be subjected to residency restrictions & registry fees if you stay long enough to have to register.
- ❖ Parental Rights: No parental rights if the child was conceived by rape; Ohio notes that mothers can also be convicted of rape & 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
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Law: None
- ❖ Castration Law: None
- ❖ Relief from SO Legal Restrictions:
  - Tier I 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 RPs may petition for termination after 25 years. ORC §2950.15(C)(2). Other juveniles may petition for reclassification/declassification three years after completion of disposition. ORC §2152.85.
  - Tier I /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 juveniles: Court considers enumerated factors including nature of offense/criminal history/public interest & safety. ORC §2152.85(C).
  - Under a 2021 law, certain persons convicted of "unlawful sexual conduct with a minor" who were under age 21 at the time of the offense may petition a court for an evaluation as to whether registration should be terminated, modified, or continued. § 2950.151

### **OKLAHOMA (OK)**

Comment: Oklahoma is one of the more onerous states for RPs. In 2006, local news media reported that OK's 2000 foot residency restriction eliminated 84% of potential housing in Oklahoma City & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local law enforcement (municipal police or county sheriff)
- ❖ When to register: 3 days for initial registration 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 extra-jurisdictional/"out-of-state" RPs with spouses residing in state. Not codified in state law but SMART claims 21-day advance notice required for international travel.
- ❖ Frequency/Length of registration: OS §57-583(C)
  - Tier I: Annually for 15 years
  - Tier II: Biannually for 25 years

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Tier III: Quarterly for life
- The OK Supreme Court ruled in *Starkey v. Dept. of Corrections*, 305 P.3d 1004 (Okla. 2013), that the retroactive extension of periods of registration based on the 4/26/2004 amendment to 57 OS §583 & the retroactive application of SO level assignments based on the 11/1/2007 amendment to 57 OS §582.1-582.5 violate the ex post facto clause of the OK Constitution. The level assignments are only to be applied prospectively.
- The following criteria is used to determine the registration period for RPs with Oklahoma convictions prior to 11/1/2007:
  - If convicted from November 1, 1989 – April 25, 2004, or deferred from 11/1/1999 – 4/25/2004, the registration period is 10 years from the original registration date, unless designated as aggravated or habitual.
  - If convicted or deferred from April 26, 4/26/2004 – 10/31/2007, the registration period is 10 years from completion of sentence, unless designated as aggravated or habitual.
  - Effective 11/1/2013, the registration period shall begin from the date of the completion of the sentence, & shall not conclude until the RP has been in compliance for the total amount of time required by law. The date of completion of sentence is defined as the day an RP completes all terms of incarceration & all periods of probation and/or parole supervision pertaining to their sentence.
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if convicted, received a suspended sentence, or deferred adjudication for an act that would be a crime/attempted crime/conspiracy in OK (OS §57-582). “Upon registering a person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses listed in §582 of this title, the local law enforcement authority shall forward the registration information to the SO level assignment committee of the Dept. of Corrections.” (§57-583(B)(3)) Based on OK’s registry summary page, extra-jurisdictional RPs are treated the same as those convicted in-state so classification rules above may be applied to extra-jurisdictional RPs.
- ❖ Registry fees: None
- ❖ Community Notification: In addition to the website, registry information can be released to public & private elementary schools, state licensed child care facilities & providers, & entities that provide services to children.
- ❖ Residence Restrictions: 2,000 ft. from their victims, school, “educational institution,” campsite used for children, parks, & day care facilities. OS §57-590.
- ❖ Anti-Clustering: RPs are banned from living in the same dwelling together. (Does not apply to properly zoned & established boarding house where RPs are separated into individual dwellings.) OS §57-590.1.
- ❖ Employment Restrictions: Cannot work at a school or a business providing services to children; cannot certified by the Council on Law Enforcement Education & Training (CLEET) as a peace officer, private investigator, or security guard, & cannot be employed as a criminal investigator. OS §57-589, Cannot operate an ice cream truck. OS §21-2100.1
- ❖ Presence Restrictions: May not loiter within 500 ft. of school, child care center, playground, or park if convicted for offense involving a minor. “Habitual or aggravated SOs” may not enter park. OS §21-1125. Certain exceptions exist to loitering restriction.
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: OK is a “dual registry state.” Per OK Notice of Duty.pdf: (1) ODOC registration required within 2 days of entry into Oklahoma if intending to remain in state for 5 consecutive days or longer (includes arrival day), employed more than 5 cumulative days in any 60 day period, and/or enrolled as a student. (2) Local law enforcement registration required within 3 days of entering jurisdiction with intent to reside for more than 7 consecutive days or 14 days in a 60-day period (includes arrival day), employed full or part-time, and/or enrolled as a full or part-time student. See [sexoffenderregistration@DOC.OK.gov](mailto:sexoffenderregistration@DOC.OK.gov) “Notice of Duty” Shorter registration periods apply to extra-jurisdictional/“out-of-state” RPs with spouses residing in state. May be subjected to residency restrictions, & police may verify temporary address.
- ❖ Parental Rights: RPs have no parental rights if the child was conceived by rape or if the child is the victim; Households with an RP residing cannot foster or adopt; parental guardianship affidavits contain provisions barring leaving children alone with RPs; It is assumed allowing child to live in the household of an RP or convicted of failing to report abuse is not in the best interests of the child; children cannot be placed in households where RPs reside without a court order. RPs cannot live in households where minors are present unless the RP is the parent, grandparent, or stepparent of the minor, the minor must not be the victim, & RPs

must report to the statewide centralized hotline of the Department of Human Services the name & date of birth of any & all minor children residing in the same household & the offenses for which the person is required to register within 3 days of intent to reside with a minor. 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 RPs 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
- ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Level I may petition the district court for termination after 10 arrest & 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 extra-jurisdictional/“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 I: No arrest or conviction for any felony or misdemeanor within preceding 10 years. OS §57-583(E).

## **OREGON (OR)**

Comment: Currently, Oregon only lists between 2%-5% of RPs publicly. (A 2019 news article stated, “853 of the tens of thousands of sex offenders — & that’s by design. As the site’s Frequently Asked Question section explains, "Oregon Law does not allow OSP to post the other 30,179 offenders’ information to this website.”) Oregon is slowly reclassifying in-state RPs 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 RPs 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 Activist 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
- ❖ Lists all RPs on Internet website? No. Website only lists Level IIIs (who present the highest risk of reoffending & require the widest range of notification) under ORS §163A.100. ORS §163A.215 directs the OR State Police (OSP) to release information about Level IIIs on a website, unless the RP is under supervision of the Psychiatric Security Review Board. PSRB may authorize OSP to release information on a Level III under their supervision, on this website, by request.
- ❖ 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 & updates; 10 days for a move into the state. RPs must report name changes within 10 days & international travel 21 days prior to leaving. ORS §163A.010 to §163A.020.
- ❖ 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 & after): RPs are classified as Level I (low risk), Level II (medium risk) or Level III (high risk). Still for life unless given relief from the registry.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if convicted of an offense that would require registration in Oregon or if required to register by the conviction jurisdiction regardless of whether offense is a registrable offense in OR (ORS §163A.010). OR conducts their own risk assessment & classification for extra-jurisdictional RPs (ORS §163A.105(4)(a)). Note, OR law is still life, though certain offenses may be eligible for registry relief even for extra-jurisdictional convictions.
- ❖ Registry fees: \$70/year; the penalty for refusing to pay 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 RP.
  - Level II (moderate): A person whom the RP is in a relationship with, residential neighbors & churches, community parks, schools, & child care centers, convenience stores & businesses, Other places that children or other potential victims may frequent, Long term & residential care facilities
  - Level III (high): All Items under Level II plus Local or regional media sources, Anyone who visits the Oregon State Police SOR Website
- ❖ Residence Restrictions: “Sexually violent dangerous offenders” & “predatory sex offenders” on paper may not reside “near locations where children are the primary occupants or users.” Does not apply to transitional housing. OAR §291-202-0040.
- ❖ Anti-Clustering: May not live in the same building with another RP while On Paper unless authorized or staying in a transitional home. See ORS §144.102
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: Beginning Jan. 1, 2019, neither “Sexually violent dangerous offenders” nor Tier IIIs may enter a “premises where persons under 18 years of age regularly congregate,” including schools, childcare centers, & playgrounds. ORS §163.476
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: State statutes do not address travel or provide a definition of establishing residence. One online resource states registration triggered if staying 14+ days but in an OR SOR response letter (2020), visitors are not required to register. However, to be safe, visitors should use the 10 day rule in §163A.020 as a guideline.
- ❖ 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
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ ID Card Laws: None
- ❖ Castration Laws: 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 & Scott 2003 report (See Reference Note 2), it appears the Oregon statutes were in regards to a "pilot program of 40-50 SOs per year."
- ❖ Relief from SO Legal Restrictions:
  - Oregon Voices has published a “OREGON RELIEF FROM REGISTRATION FOR ADULTS” that has more detailed info than what is published in this book. It can be downloaded and printed from the oregonvoices.org website under the menu item labeled “Registration & Relief”.
  - Not eligible for relief if: (1) classified as a sexually violent dangerous offender (SVDO); (2) found guilty or convicted of listed serious offenses; or (3) classified as Level III 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 I: may petition court for relief after 5 years at Level I classification. ORS §163A.125(1)(a), (1)(c). Level II & III may petition court for reclassification at a lower offense level after 10 years, ORS §163A.125(2), & ultimately for relief as Level I.
  - 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.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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, & 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 RPs 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 I: 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 & convincing evidence that petitioner is statistically unlikely to reoffend & 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 & convincing evidence that the petitioner is rehabilitated & that the petitioner does not pose a threat to the safety of the public. ORS §163A.120(3), §163A.130(4).

### PENNSYLVANIA (PA)

Comment: In-person reporting was suspended during the COVID-19 lockdowns; RPs registered by mail-in forms. This state is still a “battleground” state on the legality of the federal Adam Walsh Act for years, as challenges to recent revisions of the law in response to earlier rulings against the AWA continue to work their way through the courts.

- ❖ Date Registry Established: 4/21/1996
- ❖ Registry Retroactive? Those who are convicted of enumerated offenses that occurred between 4/22/1996 & 12/20/2012, & 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: Before 2012, conviction on or after 4/22/1996 or was incarcerated or under supervision on or after 4/22/1996; You fall under PA’s AWA law if your conviction date was on or after 12/20/2012
- ❖ 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, so SMART has demoted their status)
- ❖ Lists all RPs on Internet website? Yes
- ❖ 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 within a calendar year. “Temporary lodging” means place where staying when away from one’s residence 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. Requires 21-day advance notice for international travel. 42 Pa. CS § 9799.15(i)
- ❖ Frequency/Length of registration:
  - For AWA RPs (offense committed 12/20/2012 & 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 RPs (Offense committed before 12/20/2012)
    - 10 Year - Annually
    - Lifetime – Annually (quarterly if Sexually Violent Predator/SVP or Sexually Violent Delinquent Child/SVDC)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Per In re: J.B., No.87 MAP 2014, Juveniles only register in PA if classified as a SVDC
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for “period of time equal to the time for which the individual was required to register in another jurisdiction or foreign country” (42 Pa. CS §9799.15(a)(7)\_ & a “juvenile required to register where convicted must register even if not required in PA.” id. at (4.1).
  - On or After 12/20/2012: Implies those who are not required to register in conviction jurisdiction do not register in PA. If the extra-jurisdictional/“out-of-state” offender’s conviction is not enumerated under Tier classification, but nevertheless requires registration under another jurisdiction or foreign country, the RP shall be a Tier I & register for the length of time required by the other jurisdiction.
  - Before 12/20/2012: If the extra-jurisdictional/“out-of-state” RP’s conviction for a sexual offense is not enumerated under either a ten-year or lifetime registration classification, but nevertheless requires registration under a statute in another jurisdiction or foreign country, the RP shall be required to register for 10 years or for the length of time required by the other jurisdiction, whichever is greater.
- ❖ Registry fees: None
- ❖ Community Notification:
  - For SVP/SVDCs: Notices sent to persons who live or work within 250 feet of SVP/SPDC’s residence or the 25 most immediate residences & places of employment in proximity to RP’s residence, whichever is greater. If SVP/SVDC, notice is given to those persons who live or work within 250 feet of the location or the 25 most immediate residences & places of employment in proximity to the transient’s location, whichever is greater. Notices also sent to nearby schools, colleges, day cares, & youth centers.
  - All other RPs: Only passive notification by Internet website or by signing up for email alerts.
  - Real estate agents are not required to give out registry information to prospective buyers. 42 Pa. CS §9799.71
- ❖ Residence Restrictions: No statewide restrictions exist, & the PA Supreme Court & a US District Court ruling determined state law preempts any local laws. See *Fross v. County of Allegheny*, 848 F.Supp.2d 547 (2012). However, 42 Pa.C.S. §9799.25(f) & §9799.55(d) state that no more than five SVPs may live in a group-based home at any one time.
- ❖ Anti-Clustering: 42 Pa.CS §9799.25(f) & §9799.55(d) state that no more than five SVPs may live in a group-based home at any one time
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: Yes, but only for juveniles (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. The Lancaster State Police Office stated that PA has no specific time limit for visiting RPs, but staying 30+ days per calendar year or becoming employed or attending school establishes residency & would trigger a requirement to register.
- ❖ Parental Rights: Court considers many offenses during custody hearings; knowingly leaving a child unattended with an RP 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 RPs could be terminated based on inclusion on registry, including for extra-jurisdictional/“out-of-state” offenses. Pa. CS §23-2511; §23-4321; §23-5329
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 & 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



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

§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 (PR)**

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Police Headquarters of residence jurisdiction
- ❖ When to register: 3 business days for initial registration & 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 within 3 calendar days after arrival, “even if such offender does not intend to establish a residence.” Requires 21-day advance notice for international travel. 4 LPRa §536c.
- ❖ Frequency/Length of registration: Uses a standard 3-Tier System.
  - Tier I: Annually for 15 Years
  - Tier II: Biannually for 25 years
  - Tier III & those deemed “Dangerous Sexual Offender”: Quarterly for life
- ❖ Out-of-Territory Convictions: Registration required for “Persons who have been or are convicted of offenses similar to those listed in § 536 of this title, or the attempts or conspiracies thereof, by a federal, state, foreign, or military court, whose right to the due process of law has been safeguarded in the country where they were convicted...” 4 LPRa § 536a. PR uses offense-based classification
- ❖ Registry fees: None
- ❖ Community Notification: Only online or by in-person request. 4 LPRa §536e
- ❖ Residence Restrictions: Those with a “specified offense against a minor” cannot reside within 500 feet of any elementary, intermediate, or high school, or a child day care establishment duly certified & licensed by the corresponding agencies. 4 LPRa §536b
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None noted
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: No specific provision made for visitors. However, RPs “shall be evaluated by the [P.R.] Corrections Administration through its Probation Office” BEFORE gaining entry. §536b(i). This should be interpreted as that they consider stays of 3+ days to be “establishing a temporary residence” even though no definition of “temporary” residence exists in 4 LPRa §536. The SOR office told travelers they must register, get a photo & be placed on the public registry while there. The main SOR contact info is #787-721-2900 or email: sor@cjis.pr.gov
- ❖ Parental Rights: N/A
- ❖ Voting Rights: No disenfranchisement even while incarcerated
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: A Tier I RP can petition for removal from the registry after 10 years. 4 LPRa §536c

**RHODE ISLAND (RI)**

Comment: After years of temporary injunctions, it appears that residency restriction laws are now being enforced.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. Only those classified as a Tier II or III are listed publicly. RI General Laws §11-37.1-12
- ❖ Where to register: Local Police
- ❖ When to register: 24 hours for initial registration & updates for all RPs who are moving to state, working in state, or are students. RIGL §11-37.1-4. Must give 21-day advance notice for international travel. RIGL §11-37.1-3(e)(21)
- ❖ Frequency/Length of registration: Applies to before & 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).
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for offenses “substantially the equivalent” to RI registrable offenses or offenses listed in 34 USC §20911, or any acts “committed within the jurisdiction of this state, would require the person to register.” Includes convictions in “Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States state department in its country reports on human rights practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.” (RIGL §11-37.1-2(f, i, j,v); all shall register “register...in the same manner as if the offense were committed within RI” (RIGL §11-37.1-3), meaning RI determines how long you register (10 years or life)
- ❖ Registry fees: None
- ❖ Community Notification:
  - Only Level II & Level III RPs are listed on the public registry website.
  - If risk of re-offense is low, law enforcement agencies & 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) & (b)(2).
- ❖ Residence Restrictions: 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 Restrictions: RPs cannot work or own/operate any business in a "Child Safe Zone," i.e., the grounds of any carnival, school, child care facility, public library, or any arcade, amusement center, token-operated device for entertainment, movie theater that is primarily intended for children, or places primarily intended for children like playgrounds, recreation activity areas, swimming pools or beach. RIGL §11-37.3-2 & §11-37.3-3.
- ❖ Presence Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Statutes make no specific provision for visitors. RI SOR office states that visitors to RI for less than 7 days must “check in” at local police department within 24 hours for “temporary registration” which does not go on the public registry. Return to “check out” when departing the state, after which you will be removed from the visitor’s list.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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 RP engages in counseling & the court determines visitation is in the best interest of the child. RIGL §15-5-16
- ❖ Voting Rights: Voting rights restored automatically after release from prison
- ❖ 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 & 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 long as the court deems it appropriate to protect the community & 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 (SC)**

Comment: The SC Supreme Court ruled the state must provide a way for low-risk RPs to be removed from the registry. This does not alter the "lifetime registry for all" requirement but allows some RPs to petition for removal. 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 & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: County Sheriff's Office
- ❖ When to register: 3 business days for initial registration & 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. Not codified into state law but SMART notes SC requires 21-day advance notice for international travel.
- ❖ Frequency/Length of registration: Lifetime regardless of classification. SCC §23-3-460.
  - Tier I/II – Biannually
  - Tier III & SVP – Quarterly
  - In 2022, SC adopted a three tiered system based on AWA recommendations. Registration is still lifetime for all but Tier I & II can petition for removal after a certain time.
- ❖ Extra-jurisdictional/"Out-of-State" Conviction: Registration required if "convicted, adjudicated delinquent, pled guilty or nolo contendere, or found not guilty by reason of insanity in any comparable court in the United States, or a foreign country"; a foreign conviction can be argued it is not comparable to a conviction in SC court. (SCC §23-3-430).
- ❖ Registry fees: None
- ❖ Community Notification: Members of the public can make written requests for further info; sheriffs can release registry information to newspapers/publications. SCC §23-3-490. Real estate brokers are allowed to disseminate info. SCC §23-3-525. All register for life with registration frequency same as above
- ❖ Residence Restrictions:
  - For certain (hands on) 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 RP established residence before restricted zone established or before offense was committed, if in an approved

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- shelter/assisted living/nursing home. Under SCC §23-3-535(E), municipalities cannot make ordinances that add to or take away from the provisions in the state restriction law.
- 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.
  - Cannot live on the campus of an institution of higher learning if it is funded in any part by the state. SCC §23-3-465
- ❖ Anti-Clustering: None
  - ❖ Employment Restrictions:
    - 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.
    - Cannot work as a Transportation Network Carrier (TNC). SCC §58-23-1650
    - Child care providers cannot hire anyone on the registry. SCC §63-13-40
    - As of 2022, It is unlawful for an RP who has been convicted of any of the following offenses to operate, work for, be employed by, or volunteer for a child-oriented business: criminal sexual conduct with a minor, first degree; criminal sexual conduct with a minor, second degree; assault with intent to commit criminal sexual conduct with a minor; kidnapping a person under eighteen years of age; or trafficking of a person under eighteen years of age except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense. 'Child-oriented business' means any business whose primary service includes the education, care, or entertainment of children including, but not limited to: a school, daycare center, children's recreational facility, arcade, trampoline park, amusement park, public playground, or mobile food delivery whose primary business is the sale or delivery of ice cream or candy to children. SCC §23-3-538.
    - The owner of any business who knowingly employs a person in violation of this section after receiving notice by a member of law enforcement or other appropriate governmental agency shall be subject to a civil fine of up to one hundred dollars per day. SCC §23-3-538
  - ❖ Presence Restrictions: 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 RPs are placed on state's website & not removed. May also be required to pay a fee & 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 RP; no adoption or foster considerations for households with RPs over age 18, except if the offense is pardoned & the court decides there is no danger to the child. SCC §63-7-1640; §63-7-2350; §63-7-2570
  - ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
  - ❖ 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
    - H. 4075 (2022) established SCC §23-3-462 to allow the following:
      - Tier I: Can petition for removal after 15 years
      - Tier II: Can petition for removal after 25 years
      - Tier III: Can petition for registry removal after 30 years of release from incarceration, probation, & parole.
      - Extra-jurisdictional/"Out-of-State" RPs: Can petition for removal if eligible for registry removal in jurisdiction of original conviction.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- A juvenile convicted of an offense in family court & required to register, must be removed from the registry if they have had their records expunged or sealed; or if they have been pardoned. §23-3-437. Otherwise, same rules apply to juveniles required to register.
- Requirements for removal petition, filed through the SC Law Enforcement Division (SLED): No subsequent convictions for sex offense; at least 10 years w/o FTR charges; successfully complete required treatment; SLED can charge up to \$250 review fee; review must be done within 120 days; if you lose, you can reapply in 5 years; you can only appeal SLED decision in court. Fingerprints are required for the application & you may have to pay a fee to have them taken by LEAs or commercial providers.

### **SOUTH DAKOTA (SD)**

Comment: Both the state & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Sheriff's Office
- ❖ When to register: 3 business days for initial registration & updates. "Business day," is any calendar day except Sunday, or the following holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples Day, Veterans' Day, Thanksgiving Day, & Christmas Day; 21-day advance notice for international travel required. SDCL §22-24B-37
- ❖ Frequency/Length of registration: All RPs report biannually. (SDCL §22-24B-7). The presence of the term "minimum" in state statutes implies even a Tier I could be required to register for life if denied relief from the registry.
  - Tier I: Five years minimum (SB27 2024 revised SDCL §22-24B-2.1)
  - Tier II: 25 Years Minimum
  - Tier III: Lifetime
  - Annual verification form mailed to RPs. SDCL §22-24B-5. Annual at home verification required by SDCL §22-24B-8.1
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if required by conviction jurisdiction or if offense is similar to SD registrable offense (SDCL §22-24B-1). As SD is an AWA compliant state, classification is offense-based.
- ❖ Registry fees: None
- ❖ Community Notification: SD's community notification provisions deviate from SORNA requirements in that updates to RP'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 RP resides, temporarily domiciles, attends school or works.
- ❖ Residence Restrictions: 500 ft. from school, park, public playground, or public pool. Some exceptions apply, see SDCL §22-24B-23.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - No RP may circulate any petition, either on the RP'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 RP is working under immediate supervision of another, & in no contact with children, or if the RP is circulating any nominating petitions on his or her own behalf for election to any federal, state, or local office for which the RP is otherwise qualified. SDCL §12-1-32 to §12-1-34
  - Cannot work for a Transportation Network Company. SDCL §32-40-4
- ❖ Presence Restrictions: May not "loiter" within 500 ft. from school, park, public playground, public pool, or library unless RP committed offense as a minor & was not convicted as an adult or if court grants an exception to this rule. SDCL §22-24B-24. Petitions for exemption possible.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ 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 RPs are placed on state's website & not removed; fees may be required; temporary address may be verified by LEO; may be subjected to residency restrictions. Per the SD SOR office, there is "wobble room" in the 3 business day registration requirement for short term visitors, especially if you are passing thru on a road trip & not staying in one location for more than a few days. If your stay in any one place will exceed the 3 day requirement, visitors should "check in" at local police or sheriff dept. & provide info about intended length of stay. Supposedly, if not more than 5-6 days you will not be required to register. "Check out" upon departure.
- ❖ Parental Rights: Assumed parental rights for child conceived by rape is not in best interest of the child but allows for challenge; sex offense record can be used as evidence to deny joint custody; allowing an RP 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.
- ❖ Voting rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ ID Card Laws: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions:
  - Certain Tier I RPs convicted of statutory rape & related crimes may petition circuit court of residence for removal after 5 years. SDCL §22-24B-17, 19. Certain Tier IIs convicted of incest/bestiality may petition court for removal after 25 years. SDCL §22-24B-19.1.
  - RPs 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 & 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 recidivists. 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 adult, or 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 & Instructions, SD Board of Pardons & Paroles 3, <http://doc.sd.gov/documents/forms/clemency/ExecutiveClemencyInstructions.pdf>.
  - Eligibility for removal from registry of RP who has committed extra-jurisdictional/"out-of-state" offense: Allows RPs who are eligible to be removed from the registry in the jurisdiction of their conviction to petition SD courts for removal from the SD registry; the petitioner must provide a certified copy of the final order from the convicting jurisdiction removing the RP from the registry of the convicting jurisdiction; if denied, the RP can reapply in 2 years.

### **TENNESSEE (TN)**

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 RPs from living with minors under most circumstances. In 2021, parts of the TN laws dealing with residency restrictions (passed in 2003) & registration (passed in 2004) were declared ex post facto in a series of rulings in US District Courts. Expect appeals, but TN is in the 6th Circuit, which made a similar ruling against Michigan's registry laws in *Does v. Snyder* (2016). Since these rulings are "as-applied" challenges, the law still stands for now.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Date Registry Established: 1/1/1995
- ❖ Registry Retroactive? Yes. TCA §40-39-203(a)(1) (Note: The original law was replaced by a newer version, effective 6/8/2004; a successful class action ex post facto challenge may repeal any restrictions for those convicted before the latter date.)
- ❖ Qualifying event: All
- ❖ Online since: 7/1/1997
- ❖ Statutes: Tenn. Code Ann. §§40-39-201 to 40-39-306
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local police, or Sheriff's office in unincorporated community
- ❖ When to register: 48 hours for initial registration & updates, but "48 hours" does not include weekends & 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. Requires 21-day advance notice of international travel. TCA §40-39-204(h)
- ❖ Frequency/Length of registration: Life, but low level RPs can apply for removal with the TBI after 10 years with a clean record; this implies that even non-violent RPs register for life unless the removal request is granted.
  - Violent (incl. Juvenile) SOs: report in person every March, June, Sept., & Dec. for life.
  - Once a year, all RPs shall report in person, no earlier than seven (7) calendar days before & no later than seven (7) calendar days after the RP's date of birth.
  - Homeless register monthly.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if offense would be registrable under TN law (TCA §40-39-202); registration duration & potential registry relief for low-level offenses same as in-state convictions.
- ❖ Registry fees: \$150/yr.; 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 information on specific RP information requested by phone. TCA §40-39-206
  - City/County governments have the option to pass notification law ordinances & require \$50 annual fee, which can include notification to residence within proximity of an RP, fliers by mail or hand delivered, newspaper posts, & other methods. TCA §40-39-217
- ❖ Residence Restrictions: 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 RP's victim or victim's family. Exception applies if residence established before prohibited area established.
  - Violent RPs & those with convictions against minors may not reside in on-campus housing of any institution of higher education.
- ❖ Anti-Clustering: It is an offense for 3 or more RPs "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 Restrictions:
  - Cannot "knowingly accept employment within 1000 ft. 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.
  - RPs 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 RP;
    - Cannot engage in employment, a profession, occupation or vocation, regardless of whether compensation is received, that the RP knows or should know will cause the RP to be in direct & unsupervised contact with a minor

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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 RP.
- As of 2022: Cannot knowingly rent or offer to rent a swimming pool, hot tub, or other body of water to be used for swimming that is owned by the RP. (SB 1786)
- ❖ Presence Restrictions:
  - 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 (The TN SOR Office states that time begins from the moment you cross state lines but not counting weekends/holidays starting at midnight; but their online FAQ states time begins when you establish “a physical presence at a particular location”). TCA §40-39-202, §40-39-203. Police may verify temporary address; may be subjected to residency restrictions. TN SOR Office states that presence restrictions apply even to visitors; Sevier Co Reg. states the Great Smokey Mountains National Park does not fall under the state public park presence restrictions. If required to register, will be placed on their registry & it is a lengthy process to be removed after departure.
- ❖ Parental Rights: No parental rights if the child was conceived by rape; RPs 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, an RP 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. A parent who willingly leaves a child with an RP in violation of the aforementioned law is guilty of a Class A Misdemeanor. TCA §39-15-401 (SB1587 (2024))
- ❖ Voting Rights: You cannot apply for restoration of voting rights in TN if convicted under the following circumstances:
  - Between July 1, 1986, & June 30, 1996 - Aggravated rape
  - Between July 1, 1996, & June 30, 2006 - Rape
  - On or after July 1, 2006 – Rape or any felony offense under TCA 39-16, parts 1, 4, or 5; or any sexual offense under TCA §40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony & where the victim of such offense was a minor
- ❖ ID Card Laws: State ID/DLs are marked with a special mark known only to law enforcement (TCA §55-50-353), & RPs must carry this marked State ID/DL at all times (TCA §40-39-213). Specifically, the mark is found under “restrictions” on the back of the card; either the number “80” followed by TCA §55-50-353(b) or “88” followed by TCA §40-39-201 ET SEQ. After reviewing the statutes, I have concluded the “80” designation is not currently being used.
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - RPs with non-violent offenses may petition Tenn. Bureau of Investigation for termination after 10 years if victim was not 12 or younger /RPs 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). RPs may file a request for termination of registration requirements with TBI Headquarters in Nashville 10 years after the date the RP expires his/her sentence. RPs convicted of certain offenses of statutory rape before 7/1/2006 may apply for termination from the registry immediately.
  - Extra-jurisdictional/“Out-of-State” convictions, 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 & 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, & 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 & 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; & listed misdemeanors committed on or after November 1, 1989).
- Pardon may relieve registration requirement but no authority on point.
- Certain violent juvenile RPs 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 RPs: No prior/subsequent sex offense adjudication/conviction. § 40-39-207(c), (g), (j)(1)-(2).
- Violent juvenile RP: No subsequent sex offense conviction. TCA §40-39-207(j)(3).
- Successful completion of diversion: The person is removed from the registry & is no longer required to register if it is determined that they have successfully completed diversion. TCA §40-39-207(a)(1).

### **TEXAS (TX)**

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, & many RPs could not renew their annual licenses. In *Ex Parte Danny Richard Lane*, 670 S.W.3d 662 (Tex. Crim. App. 2023), the TX Court of Criminal Appeals ruled that "Judicial Clemency" does not grant relief from the duty to register.

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local Police (or County Sheriff if in unincorporated area)
- ❖ When to register:
  - Registration required for residence of "more than 7 days," & must register by the 7th day. Updates after 7 days. TCCP §62.051, §62.055. Texas does not require 21-day advance notice & state law does not address international travel, as noted by SMART.
  - Transient RPs 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, & similar crimes for life. Those convicted of multiple offenses report quarterly; those civilly committed perform monthly verifications. Some lifetime RPs 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 (probation/parole)
  - At any time a registering agency may mail a verification form to an RP & upon receipt of the form, the RP is required to complete & return the form to the registering agency within 21 days after receipt.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: TX DPS website states, "Registration required for any 'reportable conviction or adjudication' includes a conviction or adjudication of delinquent conduct (juveniles) under the laws of another state for an offense containing elements that are substantially similar to the elements of a TX offense that requires registration... Extra jurisdictional RPs will register until the date the person's duty

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

to register would expired under the laws of the foreign county had the offender remained in that foreign county, under federal law, or under the Uniform Code of Military Justice, as applicable.” TCCP §62.052

- ❖ Registry fees: None
- ❖ Community Notification: Besides the public website, Texas utilizes Postcard Notification of Civilly Committed & High-Risk RPs, newspaper announcements, school notices, & discretionary notices from certain agencies.
- ❖ Residence Restrictions:
  - Campus restrictions: An RP may not reside on the campus of a public or private institution of higher education unless the RP is assigned a low risk based on an assessment conducted using the screening tool developed or selected under TCCP §62.007; & 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: None
- ❖ Employment Restrictions:
  - 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 of another person 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 RPs from certain trades, professions or occupations. Consult the laws on restrictions for the particular job.
- ❖ Presence Restrictions: None statewide; Texas community supervision & 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 RP'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 to TX municipality or county other than place of permanent registration; or for 7 consecutive days. The 7th day triggers registration. The TX SOR office interprets the law as not counting if you are "on the move.") 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 RP 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
- ❖ Voting Rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ 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), & 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 & a psychologist who are appointed by the department & have experience in the treatment of SOs: (A) evaluate the inmate & determine that the inmate is a suitable candidate for the procedure; & (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 & subsequently withdrawn the request; & (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, TCCP §62.404, §62.405 (see also “Texas Offenses Tiered Under the Federal AWA” at <https://records.txdps.state.tx.us/SexOffender/>). 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 RP or their family. TCCP §62.352(a).
  - Youthful offenders: No prior/subsequent registrable 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 & 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) (VI)**

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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Department of Justice
- ❖ When to register: 3 business days for initial registration & updates. VIC §1724. “Reside” means place where one habitually lives or sleeps for more than 30 days/yr. VIC §1721(j). 21-day advance notice for international travel required. VIC §1724(b)(2)
- ❖ Frequency/Length of registration: USVI uses the standard AWA scheme.
  - Tier I RPs: annually for 15 years.
  - Tier II RPs: biannually for 25 years.
  - Tier III RPs: 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
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for offenses covered in VIC §1721A, including federal, military, other states/territories, & “Canada, the United Kingdom, Australia, New Zealand, or under the laws of any foreign country when the United States State Department in its Country Reports on Human Rights Practices has concluded that an independent judiciary generally or vigorously enforced the right to a fair trial in that country during the year in which the conviction occurred.” (Under VIC §1731, this includes convictions in the Caribbean nations.) USVI is an AWA territory & classifies RPs according to AWA tiers.
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up for email alerts, VIC §1726; schools/child care facilities within 1 mile are notified, & the police are given discretion to use other notification methods. VIC §1727
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Employment Restrictions: 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 Restrictions: None
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: All visitors & individuals who are required to register pursuant to this chapter & who will be present in the territory for less than 30 days in any given year, must contact the VI Dept. of Justice in order to notify the Dept. of his or her presence in the territory as well as all arrival & departure information. VIC §1721(j).
- ❖ Parental Rights: Cannot act as a foster or adoptive home. 14 VIC § 1729 (2019)
- ❖ Voting Rights: Restored upon completion of sentence, including prison, parole, & probation. 13 VIC § 263
- ❖ ID Card Law: None
- ❖ Castration: None
- ❖ Relief from SO Legal Restrictions: VIC §1724
  - (e) An RP may have their period of registration reduced as follows:
    - (1) A “Tier I” 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 & the SO Registry Board has made a favorable determination regarding the risk of re-offense & the degree of dangerousness the RP poses to the community.
    - (2) A Tier III 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 III registration & he or she has maintained a clean record for 25 consecutive years & the SO Registry Board has made a favorable determination regarding the risk of re-offense & the degree of dangerousness the RP poses to the community.
  - (f) For the purposes of this chapter, an RP has a clean record which would allow for the reduction of his or her period of registration if:
    - (1) The RP has not been convicted of any offense, for which imprisonment for more than 1 year may be imposed;
    - (2) The RP has not been convicted of any sex offense;
    - (3) The RP has successfully completed, without revocation, any period of supervised release, probation, or parole; and
    - (4) The RP has successfully completed an appropriate certified SO treatment program

### UTAH (UT)

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 & 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ 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 within 3 business days. UC §77-41-105. "Business day" means a day on which state offices are open for regular business. "Primary residence" means the location where the offender regularly resides, even if the RP intends to move to another location or return to another location at any future date. "Secondary residence" means any real property that the RP owns or has a financial interest in, or any location where, in any 12-month period, the RP stays overnight a total of 10+ nights when not staying at the

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

RP's primary residence. UC §77-41-102. SMART claims 21-day notice is required for international travel, but this claim is not codified into state law nor mentioned on FAQ pages.

- ❖ Frequency/Length of registration:
  - 10 years (or lifetime if offenses are listed in UC §77-41-106). Updates biannually both during your birth month & six months after your birth month UC §77-41-105.
  - Juveniles: 10 years. UC §77-41-105(3)(a), (c).
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if convicted for an offense requiring registration in conviction in another state, Indian Country, United States Territory, or any property under the jurisdiction of the United States military, Canada, the United Kingdom, Australia, or New Zealand, or would be a registrable offense in UT. (UC §77-41-101). Must register for time required by convicting jurisdiction, either biannually or quarterly if convicting state requires it (UC §77-41-105(3)(b)).
- ❖ Registry fees: \$100/yr.; \$25 more can be charged if the registering agency is other than the DOC. Does not mention exceptions made for indigence. UC §77-41-111
- ❖ Community Notification: UT residents can sign up for email alerts.
- ❖ Residence Restrictions: Cannot reside within 1,000 ft. of victim, with exceptions. UC §77-27-21.7.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: No explicit restrictions but see prohibited areas under presence restrictions.
- ❖ Presence Restrictions:
  - "SO in Presence of Child Law:" RPs 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 an RP 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" & day care center or preschool when in building for other purposes. As of 2023, parks, public playgrounds, & public pools maintained by condominium projects, homeowners' associations, & apartment complexes are included in the list of prohibitions, unless (in the case of parks & pools) there are no minors present at the time or the park or pool prohibits use by minors. (UC §77-27-21.7)
- ❖ Halloween/Holiday Restrictions: None
- ❖ Civil Commitment: No
- ❖ Travel regulations: Utah's law is confusing. UC §77-41-102(17)(b) defines "SO" as including any extra-jurisdictional/"out-of-state" RP who is in Utah for more than 10 days in any 12 month period; but UC §77-41-105 states that all RPs must register "within 10 days of entering the state, regardless of the offender's length of stay." The assumption here is that visits to the state less than 10 business days out of the year do not trigger registration. Visiting RPs are placed on state's website & not removed; may be subjected to residency restrictions.
- ❖ Parental Rights: No parental rights if the child was conceived by rape, unless an agreement is made by both the victim & court agree or if both parents cohabitate & create a home together with the child; Child support can still be required; RPs are ineligible for parental reunification services. UC §76-5-414; §78A-6-312
- ❖ Voting Rights: Restored automatically after release from prison
- ❖ ID Card Laws: Requires RP 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 RPs 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 RPs to petition the court for relief from registration 5 years after sentence to probation or release on parole, if certain conditions relating to other convictions are met. UC §77-41-112(1)(b).
  - A provision effective 9/1/2021 allows lifetime RPs to petition for removal after 20 years if the same conditions are met as those by the lower tiers (all fees/restitution paid, no subsequent crimes, all treatment completed) in addition to agreeing to a state-approved risk assessment evaluation within 6 months of applying.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Expungement does not provide relief. § 77-41-109. Pardon may relieve registration requirement but no authority on point. See UC §77-27-1(12). According to the Utah Courts website, you must obtain a pardon before applying for expungement.
- No relief provisions specific to juveniles/youthful convictions.
- 5 year relief for 10 year RPs: 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, & restitution. UC §77-41-112(1)(a).
- 10 year relief for 10 year RPs: 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, & restitution. UC §77-41-112(1)(b).

### **VERMONT (VT)**

Comment: Vermont's claim to fame is a relatively successful treatment program largely utilizing the Circles of Support & Accountability.

- ❖ Date Registry Established: 9/1/1996
- ❖ Registry Retroactive? No
- ❖ Qualifying event: Conviction or incarceration; for extra-jurisdictional/"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
- ❖ Lists all RPs on Internet website? No. There is a long list of offenses posted publicly, but SMART notes that some offenses are still excluded (but doesn't state which ones). See 13 VSA §5411a for the full list; the statute also explicitly excludes juveniles & offenses where age difference is under 38 mos., if offense was age based if RP is under 18 & victim 12+, or if RP has a developmental disability.
- ❖ 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 RPs receive an annual letter from VCIC verifying their current address. They must complete the form & return it to VCIC within 10 days.
  - Required if "Employed, carries on a vocation" i.e., employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of governmental or educational benefit.
  - Does not require 21-day advance notice for international travel.
- ❖ Frequency/Length of registration:
  - SVPs, those with multiple convictions, & those convicted of Sexual Assault/Aggravated Sexual Assault update quarterly for life;
  - Regular Offenders register annually for 10 years. §5407.
  - "Noncompliant high-risk sex offenders" (individuals convicted of lewd & 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, & noncompliant with treatment as defined by DOC) must register monthly & make immediate updates, get pictures updated annually, plus be subjected to periodic visits from registration officer.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration is required you were required to register by your jurisdiction of conviction. (13 VSA §5407(a)(1)) or if the offense is similar to a registrable offense in VT unless it is a statutory offense where the RP was under 18 & the victim was over 12 (13 VSA §5401(10)). Not explicitly stated but implied that registration length determined by VT.
- ❖ 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 an RP but only under circumstances which

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

constitute a compelling risk to public safety & only after consultation with VCIC & the Department of Corrections.

- Two levels of notification:
  - Normal Notification: information regarding an RP 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 an RP will also be released. Applies to any RP deemed high risk, including recidivists, FTR cases, those convicted for (aggravated) sexual assault. & SVPs
- ❖ Residence Restrictions: None
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: 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 within 10 days of arrival. C.V.R. §28-050-002, 3.8. Visiting RPs are placed on state's website & not removed.
- ❖ Parental Rights: Courts can terminate parental rights if the child was conceived by rape or if the RP was convicted for sex trafficking with the non-Registered parent as the victim, but child support can be compelled. 15 VSA §665
- ❖ Voting Rights: No disenfranchisement for people with criminal convictions
- ❖ 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 & dismissed is not required to register & the information in the registry is removed & destroyed. 13 VSA §5413.
  - No registration for juvenile adjudications

### **VIRGINIA (VA)**

Comment: In 2019, Governor Ralph Northam vetoed HB 2303, which would have required RPs to disclose their registry status & allow shelters to deny an RP's entry. Under Code of Va., § 46.2-725, an RP 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. See VCA § 9.1-901
- ❖ Qualifying event: Conviction
- ❖ Online since: 7/1/1999
- ❖ Statutes: Va. Code Ann. §9.1-900 through §9.1-923 & §18.2-472.1; Va. Code. Ann. §18.2-370.2 through §18.2-370.5.
- ❖ Substantially AWA Compliant: Yes
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: State Police
- ❖ When to register: VCA §9.1-905.
  - Within 3 days for initial registration & updates for residents, those on an "extended stay" (30+ days), in-state employees, & students. While not explicitly defined, §9.1-903(L) states that those without a "legal" residence "shall designate a location that can be located with reasonable specificity where he resides or habitually locates himself."

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Within 3 days of arrival for those who are in the state for employment (full-time or part-time for a 14+ days or for a total of 30+ days during any calendar year, for financial compensation or, volunteer work, or for the purpose of government or educational benefit.
- Must notify state 10 days before moving to a new state
- Must update changes to online information 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
- Not codified into state law but registration form defers to federal law while requiring 21-day advance notice for international travel.
- ❖ Frequency/Length of registration: VCA §9.1-904, 908, & 910
  - Some RPs register biennially for life with eligibility for removal after 15 years
  - Some RPs register biennially for life with eligibility for removal after 25 years
  - Those deemed “Sexually Violent” are required to register quarterly for life
  - Registration forms are sent in the mail & must be returned in-person
  - (Note: Not mentioned in the print copies of Edition 2, but VA altered registration requirements in 2020, see SB 579; Tier I has annual registration for a minimum of 15 years, conviction of FTR requires reregister every 6 mos.; Tier II, annually for a minimum of 25 years, & conviction of FTR requires biannual registration; Tier IIIs/Sexually Violent Offenders must register quarterly for life, Conviction of FTR requires monthly registration.)
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: “Nonresident offenders entering the Commonwealth for an extended visit, for employment, to carry on a vocation, or as a student attending school who are required to register in their state of residence *or* who would be required to register if a resident of the Commonwealth shall... register...” (VCA §9.1-905) Registration required if person is required to register by conviction jurisdiction or “Any offense similar to a Tier I, Tier II, or Tier III offense” under US or foreign law, & as VA is an AWA state, classification is offense based, see VCA §9.1-902
- ❖ Registry fees: None
- ❖ Community Notification: Residents can sign up for email alerts, or receive alerts by mail for a fee.
- ❖ Residence Restrictions: Certain adult RPs with convictions involving minors sustained after July 2006 may not reside within 500 ft. of a school or parks adjacent to schools. VCA §18.2-370.3.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - 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)
  - Cannot operate for any towing & recovery operations, including tow truck driving (VCA §46.2-118)
  - Cannot work with any child or adult care center, foster home, or assisted living facility (VCA §63.2-1720)
- ❖ Presence Restrictions: Certain adult RPs with convictions involving minors sustained after July 2006 may not loiter within 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, & 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 within 3 days of arrival; visiting RPs are placed on state’s website & not removed. May be subjected to residency restrictions, & temporary addresses may be verified by police.
- ❖ Parental Rights: Leaving the child in the presence of an RP 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 RP if the child was conceived by rape. VCA §16.1-228; §20-124.1; §63.2-100
- ❖ Voting Rights: Permanent disenfranchisement except through Governor’s pardon; thousands were pardoned in VA in recent years; the previous Governor (Northram) signed an executive order restoring rights to all who are not currently incarcerated; the current governor (Youngkin) returned to a system of individual applications but has also restored voting rights to thousands who applied. This could change after a new Governor takes office.
- ❖ ID Card Laws:



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- State ID/DLs can be issued up to 8 years for the general public, but those issued to RPs expire at the state minimum of 5 years. (VCA §46.2-330)
- Places special CDL restriction “Q” under Endorsements that prevents RPs from driving school buses, VCA §46.2-341.9
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Certain RPs may petition the court for termination after 15/25 years (from later of conviction/release), depending on offense. VCA §9.1-910.
  - RPs 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 convictions.
  - 15/25 year relief: Not available for recidivists. VCA §9.1-910. Court considers complete criminal history. VCA §9.1-91. Court must be "satisfied that such person no longer poses a risk to public safety." VCA §9.1-910(a).
  - Physical disability: Clear & convincing evidence that due to his physical condition the person (i) no longer poses a menace to the health & safety of others & (ii) is incapable of reregistering. VCA §9.1-909(b).

### WASHINGTON STATE (WA)

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 in the state directly attributed to the public registry. The state is also known for McNeil Island’s Civil Commitment Program. In June 2021, the state passed a new eviction law (SB5160/HB1236) that states landlords must give RPs a 60-day notice if evicting due to registry status or failing to disclose registry status. In 2009, WA tried unsuccessfully to become the first state to require some RPs to be implanted with microchip tracking devices. SB5352 (2023) allows LEOs to chase those who they believe to be under “reasonable suspicion” of a violent offense, **sex offense**, vehicular assault, escape, assault involving domestic violence, or DUI. In 2009, WA tried, but failed, to become the first state to implant tracking microchips into RPs.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. Does not list Tier I online unless transient or out-of-compliance. See RCW §4.24.550. NOTE: Vigilante groups had won the right to collect & publish Level I registry info online.
- ❖ Where to register: County Sheriff’s office
- ❖ When to register: Initial registration for permanent residents, students, & in-state workers is 3 business days from arrival; updates within 3 business days. RCW §9A.44.130(4). Transient RPs must re-register weekly, & report any movement to a new county for a 24 hour period within 3 business days. RCW §9A.44.130(4). Must notify state 21 days in advance if traveling internationally. RCW §9A.44.130(3)
- ❖ 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
  - 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- You must register weekly, & report any movement to a new county for a 24 hour period within 3 business days
- Mail verifications are sent out annually & must be signed & returned within 5 days
- Juveniles (Age <18) register under different rules as the result of ESHB 1394/ 2023 Laws Ch. 150. Juveniles are required to register under the following conditions:
  - 16 or 17 at the time of the offense & were adjudicated of a Class A or Class B felony sex offense & did not receive a Special Sex Offender Disposition Alternative (SSODA) under RCW 13.40.162 OR had their SSODA revoked.
  - 14 or 15 at the time of the offense & were adjudicated of Rape in the second degree & did not receive a Special Sex Offender Disposition Alternative (SSODA) under RCW 13.40.162 OR had their SSODA revoked;
  - Adjudicated of a sex offense & on the date of the offense, had a prior adjudication for a sex offense as defined in 9A.44.128 or had a deferred disposition for a sex offense pursuant to RCW 13.40.127;
  - Has an extra-jurisdictional/“out-of-state”, tribal or federal conviction for a sex offense;
  - Has been adjudicated of a kidnapping offense, OR;
  - Is ordered by the court to register under certain circumstances outlined in RCW 9A.44.130(1)(b)(vii);
  - Juveniles who were age 15, 16, or 17 at the time of offense & are registering as a result of a Class A felony sex offense will register for 3 years; All others will register for 2 years.
- ❖ Extra-jurisdictional/“Out-of-State” Conviction: Registration required if offense requires registration in conviction jurisdiction or if it would require registration in WA (RCW§ 9A.44.128). Registration "shall continue indefinitely," i.e., for life unless relief is granted under RCW §9A.44.142 (RCW §.44.1409A (4))
- ❖ Registry fees: None
- ❖ Community Notification: Risk Levels determine level of community notification.
  - Level I: Agencies must notify school districts & school principals if the RP 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 & any individual community member who lives near the RP’s residence or where the RP expects to reside or is regularly found, & any individual who requests information regarding a specific RP. RCW §9A.44.130, RCW §4.24.550(3). Level I information not posted on public registry.
  - Level II: Follow level I guidelines PLUS the agency is authorized to release relevant, necessary, & accurate information to public & private schools, child day care centers, family day care providers, libraries, businesses & organizations that serve primarily children, women or vulnerable adults, & neighbors & community groups near the residence where the RP 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, & 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, & accurate information to the public at large for RPs registered as homeless or transient (including Level Is). This is usually done by posting the information on the registry website. RCW §4.24.550.
  - Local registry officers are allowed (& encouraged) to create “Community Notification Forums” (i.e., public meetings
  - If RP is attending a school, under RCW §9A.44.138:
    - LII/LIII: Principal shall provide the information received to every teacher of the student & 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 Restrictions:
  - RCW §9.94A.030(6) defines a “community protection zone” as “the area within 880 feet of the facilities & grounds of a public or private school.”
  - An RP who is On Paper may be prohibited from living within a community protection zone if convicted of a “two strike” offense after July 2005 against a minor victim.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Under SSB 6325 (2006), state law pre-empts local ordinances, meaning municipalities cannot pass their own residency laws; however, the following communities created ordinances that have been allowed to stand despite the state law:
  - Monroe: Prohibits Level II/III from residing within 750 ft. of any public or private school, or any city licensed day care, a public or private park or open space.
  - Issaquah: Requires Level II/III to reside within a zoning district that permits both residential uses & siting of secure community transition facilities, but not within 1000 ft. of any public or private school or day care operation within those zones.
  - Steilacoom: Prohibits Level II/III from residing within 1,000 feet of any public or private school or day care operation.
  - Kent: Class 3 Group Homes are only allowable by conditional use permit, in certain zones; they must be at least 600 ft. from another Class 3 group home & be at least 1000 ft. from certain sensitive land uses including schools, churches, parks & playgrounds.
  - Puyallup: Prohibits two or more RPs or violent felons from living in a single dwelling unit within any residential zone & requires property owners to obtain a conditional use permit before allowing two or more RPs or violent felons to reside together.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: None
- ❖ Presence Restrictions: 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, & confusing. It is a misdemeanor to leave a child in the care of an RP convicted for an offense involving a child unless it is part of a court reunification plan; RPs are ineligible for house arrest under parenting programs; courts may terminate parental rights if the child was conceived by rape, the RP was convicted for sex trafficking, or was classified as a sexual predator; while all RPs are considered a danger to children, this assumption can be challenged, & parental rights may be awarded to an RP under limited circumstances if offense did not involve the child, treatment has been completed, a psychosexual evaluation has been completed, & courts rule the RP 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
- ❖ Voting Rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ ID Card Laws: None
- ❖ Castration Laws: None
- ❖ Relief from SO Legal Restrictions:
  - Registration: an RP 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 & 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 (WV)**

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. WV tried but failed to pass a \$75 annual registry fee in 2023; however, it could be reintroduced in future sessions.

- ❖ 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
- ❖ Lists all RPs on Internet website? No. Only those required to register for life are listed publicly (WVC §15-12-5), but ten year registration (& thus Internet website exclusion) is required only if all of the following conditions are met—One conviction (one offense & one victim), non-violent sex offense, & victim was an adult
- ❖ Where to register: State Police
- ❖ When to register: Statute does not disclose initial registration deadline. Moving into the state, or updates to registry information required within 10 business days (WVC §15-12-3). Incarcerated persons must register within 3 business days of release. WVC §15-12-2. “Business days” means days exclusive of Saturdays, Sundays, & legal holidays. Does not require 21-day advance notice for international travel.
- ❖ 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
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required if offense is similar to registrable offense in WV, “which requires proof of the same essential elements” (WVC §15-12-2(b), WVC §15-12-9(c)). WV does not state different registration rules for extra-jurisdictional convictions, so assumption must be made WV requires registration by same guidelines as in-state convictions.
- ❖ Registry fees: None
- ❖ Community Notification: All lifetime RPs 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 Restrictions: Certain RPs on supervised release for 10 years or longer may not reside within or loiter within 1,000 ft. of school, child care facility, victim, or victim’s family, with exceptions. WVC §62-12-26.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions: Certain RPs on supervised release for 10 years or longer may not work within 1,000 ft. of school, child care facility, victim, or victim’s family, with exceptions. WVC §62-12-26.
- ❖ Presence Restrictions: 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 & inefficient. See <https://pds.wv.gov/about/Reports/Documents/WV%20SVP%20Mgt%20TF%20Rpt.pdf>
- ❖ Travel regulations: Probation officers who supervise an extra-jurisdictional/“out-of-state” RP 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 an RP. WVC §48-9-209; §48-9-209a; §49-4-602

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Voting Rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ 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 (WI)

Comment: Wisconsin is a legal battleground for municipal residency restriction laws. Some WI communities had scaled back local residency restriction laws 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 & equal protection clauses. (The Pleasant Prairie ordinance had made 90% of the town off-limits & most of the remaining land was non-residential property.) *Koch v. Village of Hartland*, No. 22-1007 (7th Cir. 2022) overturned prior rulings in *US v. Leach*, 639 F.3d 769 (7th Cir. 2011) & *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018), concluded that the critical inquiry in assessing retroactivity is “whether the law changes the legal consequences of acts completed before its effective date.” The courts declared the Hartland ordinance was retroactive, & remanded the case back to the US District Court to determine if the law is punitive. Residency restrictions were unsuccessfully challenged in *Nelson v. Town of Paris*, 616 F. Supp. 3d 844 (E.D. Wis. 2022), which upheld a local 6500 foot residency restriction ordinance.

Lifetime GPS in WI was upheld In *Braam v. Carr*, No. 20-1059 (7th Cir. 2022); in applying the 4th Amendment’s reasonableness standard, the Court determined the government’s interest in deterring recidivism by dangerous RPs outweighs the RPs’ diminished expectation of privacy. In *State v. Corey T. Rector*, 2023 WI 41, 5/23/23, the WI Supreme Court ruled that Rector was not required to register for life from multiple convictions stemming from a singular case. While this case did not involve someone on lifetime GPS, many RPs were placed on lifetime GPS under the same pretense; however, SB874 (2023 WI Act 254) signed into law in 3/29/2024, which allows lifetime registration, community notification, & GPS monitoring for convictions of multiple counts stemming from the same offense. It is retroactive & can be applied even to those previously released from registration duties or those not previously subjected to lifetime registration for offenses stemming from multiple counts for the same offense. An amendment to the Act limits the retroactive application of the bill to determinations made regarding whether a person has been convicted or found not guilty on two or more separate occasions after the Attorney General’s 9/1/2017 opinion interpreting that phrase was issued.

The practice of forcing persons convicted of kidnapping to register even without a sexual element was upheld by the WI Sup Ct in 2010, citing the practice is “rationally related to a legitimate government interest.” (*State of WI v. James W Smith*, 2010 WI 16). RPs cannot photograph, film, or videotape a minor without parental written consent (WS §948.14). RPs are not allowed to change their legal names (WS §301.47).

- ❖ 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: Local police (County Sheriff if in unincorporated area)
- ❖ When to register: 10 days for initial registration after entering state, & for updates. Employment defined as a period exceeding 14 days or 30 days in a calendar year. WS §301.45(3). WI SOR FAQ page states that homeless RPs must register every 7 days, even if on GPS; RPs must provide itinerary for temporary stays; FAQ page also defers to federal law requiring 21-days advance notice for international travel.

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- ❖ Frequency/Length of registration: In-state RPs are on a two-Tier system.
  - Regular RPs: Verify annually for 15 years (the countdown starts after parole/supervision period ends, even though registration is required while on paper)
  - Lifetime registration applies to a person who has been: (1) convicted of a sex offense on two or more separate occasions; (note that according to a 2017 Wisconsin Attorney General Opinion, “two or more separate occasions” refers to the number of convictions, even if those convictions arise from the same criminal complaint & were imposed at the same time. [OAG-02-17.]) (2) convicted of certain sexual assault crimes; (3) committed as a Sexually Violent Person (SVP); or (4) ordered by a court to comply for life. Lifetime RPs must register quarterly.
  - Some lifetime RPs after 1/1/2008 may be subject to lifetime EM (See WS §301.48)
- ❖ Post-Release Supervision: Those convicted of “serious sex offenses” can be placed on lifetime supervision. (WS §939.615)
- ❖ Extra-jurisdictional/“Out-of-State” Convictions: Registration required for any extra-jurisdictional offense “comparable to a sex offense” in WI. (WS §301.45(1d)). State registry FAQ notes this also applies to offenses requiring registration in jurisdiction of conviction. Length of registration can be 20 years, 15 years, or life; see WS §301.45(5m) for details (law is too long & complex to explain here)
- ❖ Registry fees: \$100/yr. (WS §301.45(10)); WI Admin. Code DOC §332.19 implies the fees are civil in nature, but can lead to a revocation or alteration of time on supervised release
- ❖ Community Notification: There are three levels of notification assigned by risk –
  - Level I: Notification about the RP is disseminated to law enforcement only.
  - Level II: Notification about the RP is provided to specific individuals & groups, based on the particular facts in the case.
  - Level III: Notification is community wide notification where upon information is disseminated through media & community meetings.
- ❖ Residence Restrictions:
  - 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. In addition, many local ordinances may include what is known as an “original domicile restriction,” meaning you cannot move into the municipality UNLESS you had resided in that municipality before your conviction.
  - 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, & next door to a child’s residence; must be released only in the county of conviction.
- ❖ Anti-Clustering: None
- ❖ Employment Restrictions:
  - 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. & (b), & §440.445 (2) (a) 2. & 3.
  - RP convicted of a “serious child sex offense” cannot hold a job or volunteer position that requires the RP to work or interact primarily & directly with children under 16. WS §948.13 (2) (a)
  - State law also makes RPs who committed certain offenses ineligible to receive many types of occupational licenses. For instance, RPs 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) & (2) (ar), & §343.12 (7) (c), Stats. & s. Trans §112.15 (1), Wis. Adm. Code.]
  - Ineligible to receive other individual occupational licenses if that RP’s crime is determined to be “substantially related” to the work of the occupation, or if that RP’s crime is a felony & a felony conviction makes a person ineligible for a particular license.
- ❖ Presence Restrictions:
  - RPs 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))

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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: WI-SOR response letter (2019), the 10 day period also applies to visitors. No mention of any limit per month or year. However, to be safe, visitors should assume the 30 day per year limit will apply. Visiting RPs are placed on state's website & 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
- ❖ Voting Rights: Restored upon completion of sentence, including prison, parole, & probation
- ❖ 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 & 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 RP 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 convictions (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). Court must find "that lifetime supervision is no longer necessary to protect the public," WS §939.615(6)(g), & 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 convictions: 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 (WY)**

Comment: If you are planning a trip to Yellowstone, better make it a short trip, as registration requirements (& 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
- ❖ Lists all RPs on Internet website? Yes
- ❖ Where to register: In-person at Sheriff's Office
- ❖ When to register:
  - 3 business days for initial registration & updates, including temporary trips & vacations WY Stat. §7-19-302; 21-day advance notice required for international travel. WY Stat. §7-19-302 (q)

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- "Reside" & words of similar import mean the physical address of each residence of an RP, including: (A) All real property owned by the RP that is used by the RP for the purpose of shelter or other activities of daily living; (B) Any physical address where the RP habitually visits; & (C) Temporary residences such as hotels, motels, public or private housing, camping areas, parks, public buildings, streets, roads, highways, restaurants, libraries or other places the RP may frequent & use for shelter or other activities of daily living.
- ❖ Frequency/Length of registration: Lifetime for all RPs. Wyoming has a Tier System but it only impacts frequency, not duration, of registration: Tier I register annually, Tier II registers biannually, & Tier III registers quarterly.
- ❖ Extra-jurisdictional/"Out-of-State" Convictions: Registration required if "any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in WS §7-19-302(g) through (j), §6-2-702, §6-2-703, §6-2-705 or §6-2-706." (§WS 7-19-301(a)(viii)(b)). WY SOR FAQ page states, "If convicted of a WY repealed statute, or of a federal or out of state conviction, a legal review to determine the WY equivalent statute will be conducted after the (RP) has registered to determine the further duty to register. WY does not consider the (RP)'s duty to register in another state... The registrable WY statutes are listed in WS §7-19-302(g), (h) & (j). If the conviction was not listed in those statutes, a legal review will need to be conducted after the (RP) registers... All (RPs) in WY register for life."
- ❖ Registry fees: WY Stat. §7-19-302: Can be charged with FTR if cannot pay unless declared indigent
  - Initial Registration: \$125 state fee plus up to 25% county (\$31.35 max);
  - Registration update: \$25 state fee plus up to 25% county (\$6.25 max)
- ❖ Community Notification: Notification of certain RPs 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 750 feet of the RP's residence, organizations in the community, including schools, religious & youth organizations by the sheriff or his designee. In addition, notification regarding an RP 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 Restrictions: 1000 feet from a school unless property was owned by RP before 7/1/2010. Adult RPs may not enter school grounds if s/he "has reason to believe children ... are present & 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 Restrictions: None
- ❖ Presence Restrictions: 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 but may be removed from the public registry after departure.
- ❖ Parental Rights: Parental rights of RP can be terminated if child was conceived by rape unless the parent seeking termination was married to or cohabiting with the RP 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 an RP. WY Stat. §14-2-309
- ❖ Voting Rights: Only first time non-violent offenses qualify for restoration of voting rights. Those released after 1/1/2010 gets voting rights back automatically while those released from prison before 1/1/2010 must apply for restoration. As defined by W.S. 6-1-104 (a) (xii); violent felony includes kidnapping, sexual assault in the first or second degree, sexual abuse of a minor in the first or second degree if the actor is sixteen (16) years of age or older & the actor inflicts sexual intrusion or engages in sexual contact of a victim less than thirteen (13) years of age.
- ❖ 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. WS §7-19-304(a).



- Registration not required when charges dismissed following first offender deferred adjudication under §7-13-301. WS §7-19-301(a)(iii)
- Sex offenses ineligible for felony expungement. WS §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. WS §7-19-304(a)(i). No sex offense/felony conviction for 10/25 years prior to petition. WS §7-19-304(d). Must complete period of supervision/ordered treatment. WS §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 Registration office (usually the state police or county sheriff), and you are subject to the rules of the state where you will reside, including paying registry fees required by that state. Most states will register you for their state equivalent of whatever Tier Level the feds classify you. Even states that are considered “substantially compliant” with the AWA SORNA rules listed below can deviate greatly from the suggested tier levels, and you are still subject to the deviated state restrictions. The Office of SO Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) is responsible for promoting the AWA to states; as of Sept. 2024, only 18 states, 137 Indigenous Peoples Tribes, and 4 Territories are considered “substantially compliant” with AWA. Below are a few laws pertaining specifically to Federal convictions:

- ❖ Frequency/Length of Registration: The federal system classifies federal RPs 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 I: Annually for 15 years
    - 18 USC 1801 (video voyeurism of a minor)
    - 18 USC 2252 (receipt or possession of child pornography)
    - 18 USC 2252A (receipt or possession of child pornography)
    - 18 USC 2252B (misleading domain names on the internet)
    - 18 USC 2252C (misleading words or digital images on the internet)
    - 18 USC 2422(a) (coercion and enticement of an adult to engage in prostitution)
    - 18 USC 2423(b) (travel with intent to engage in illicit sexual conduct)
    - 18 USC 2423(c) (engaging in illicit sexual conduct in foreign places)
    - 18 USC 2423(d) (ancillary offenses where the victim is 18 or older)
    - 18 USC 2424 (failure to file factual statement about an alien individual)
    - 18 USC 2425 (use of interstate facilities to transmit information about a minor)
    - Any other offense defined as a tier I offense under 34 USC § 20911(2), as may be amended
    - Tribal Offenses: Any tribal offenses where maximum punishment was limited to 1 year in jail
    - State Offenses
      - General: Sex offenses not constituting a tier II or III offense
      - Offenses involving minors: False imprisonment; Video voyeurism; Possession or receipt of child sexual abuse material (child pornography)
  - Tier II: Biannually for 25 years
    - 18 USC 1591 (sex trafficking of children, or by force, fraud or coercion)
    - 18 USC 2244 (abusive sexual contact, where the victim is 13 or older)
    - 18 USC 2251 (sexual exploitation of children)
    - 18 USC 2251A (selling or buying of children)
    - 18 USC 2252 (production or distribution of child pornography)
    - 18 USC 2252A (production or distribution of child pornography)
    - 18 USC 2260 (production of sexually explicit depictions of a minor for import into U.S.)
    - 18 USC 2421 (transportation of a minor for illegal sexual activity)
    - 18 USC 2422(b) (coercion and enticement of a minor to engage in prostitution)
    - 18 USC 2423(a) (transportation of minor with intent to engage in criminal sexual activity)
    - 18 USC 2423(d) (ancillary offenses where the victim is under 18)
    - Any other offense defined as a tier II offense under 34 USC 20911(3), as may be amended
    - State Offenses:

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- Offenses involving minors: use of minors in prostitution; sex trafficking of minors, enticing a minor to engage in criminal sexual activity; non-forcible sexual act with a minor 16 or 17 years old; sexual contact with a minor 13 years old or older; use of a minor in a sexual performance; production or distribution of child sexual abuse material (child pornography)
- Recidivism and felonies: any sex offense that is not a first sex offense and that is punishable by more than 1 year in jail
- Tier III: Quarterly for life
  - 18 USC 2241 (aggravated sexual abuse)
  - 18 USC 2242 (sexual abuse)
  - 18 USC 2243 (sexual abuse of a minor or ward)
  - 18 USC 2244 (abusive sexual contact, where the victim is 12 or younger)
  - Any other offense defined as a tier III offense under 34 USC § 20911(4), as may be amended
  - State Offenses
    - General: A sexual act with another by force or threat; A sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate
    - Offenses involving minors; Non-parental kidnapping of a minor; Sexual contact with a minor 12 years old or younger; A sexual act with a minor under age 16 (Note “Romeo and Juliet” exception, i.e., if the victim is at least 13 years old and the RP is not more than 4 years older than the victim or if the victim is an adult (unless the adult is under the custodial authority of the RP at the time of the offense))
    - Recidivism and felonies: Any sex offense punishable by more than 1 year in jail where the RP has at least one prior tier II offense
- ❖ 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 after 10 "clean" years. 34 USC §20915(b)(2),
  - Tier III 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)
  - The US President is the sole authority for pardons in the federal system. Presidential pardons are rare, with less than 8% of pardon petitions have been granted in general since 2001; since 1994, no president has granted a pardon or a commutation of a prison sentence for a person convicted of a registrable sex offense.
- ❖ Housing Issues: Those required to register for life are automatically excluded from HUD Section 8 housing under 42 USC §13663 (states may impose additional restrictions at their discretion)
- ❖ Length of Federal Supervised Release: Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 1594(c), 2241, 2242, 2243, 2244, 2245, 2250, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years not less than 5, or life. If a defendant required to register under SORNA commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term of longer

than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years. 18 USC §3583(k)

❖ Rules for Federal Supervised Release: USSG §5D1.3

➤ (a) Mandatory Conditions

- (1) The defendant shall not commit another federal, state or local offense (see 18 USC §3583(d)).
- (2) The defendant shall not unlawfully possess a controlled substance (see 18 USC §3583(d)).
- (3) The defendant who is convicted for a domestic violence crime as defined in 18 USC §3561(b) for the first time shall attend a public, private, or private non-profit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is available within a 50-mile radius of the legal residence of the defendant (see 18 USC §3583(d)).
- (4) The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's pre-sentence report or other reliable information indicates a low risk of future substance abuse by the defendant (see 18 USC §3583(d)).
- (5) If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine (see 18 USC §3624(e)).
- (6) The defendant shall (A) make restitution in accordance with 18 USC §3663 and §3663A, or any other statute authorizing a sentence of restitution; and (B) pay the assessment imposed in accordance with 18 USC §3013. If there is a court-established payment schedule for making restitution or paying the assessment (see 18 USC §3572(d)), the defendant shall adhere to the schedule.
- (7) If the defendant is required to register under the SORNA, the defendant shall comply with the requirements of that Act (see 18 USC §3583(d)).
- (8) The defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (34 USC §40702).

➤ (b) Discretionary Conditions: The court may impose other conditions of supervised release to the extent that such conditions (1) are reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant; (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (C) the need to protect the public from further crimes of the defendant; and (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and (2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission.

➤ (c) "Standard" Conditions (Policy Statement): The following "standard" conditions are recommended for supervised release. Several of the conditions are expansions of the conditions required by statute:

- (1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- (2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- (3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- (4) The defendant shall answer truthfully the questions asked by the probation officer.
- (5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

- (6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
  - (7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
  - (8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
  - (9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
  - (10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).
  - (11) The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
  - (12) If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
  - (13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
- (d) "Special" Conditions (Policy Statement): The following "special" conditions of supervised release are recommended in the circumstances described and, in addition, may otherwise be appropriate in particular cases:
- (1) Support of Dependents
    - (A) If the defendant has one or more dependents — a condition specifying that the defendant shall support his or her dependents.
    - (B) If the defendant is ordered by the government to make child support payments or to make payments to support a person caring for a child — a condition specifying that the defendant shall make the payments and comply with the other terms of the order.
  - (2) Debt Obligations: If an installment schedule of payment of restitution or a fine is imposed—a condition prohibiting the defendant from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule.
  - (3) Access to Financial Information: If the court imposes an order of restitution, forfeiture, or notice to victims, or orders the defendant to pay a fine — a condition requiring the defendant to provide the probation officer access to any requested financial information.
  - (4) Substance Abuse: If the court has reason to believe that the defendant is an abuser of narcotics, other controlled substances or alcohol — (A) a condition requiring the defendant to participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and (B) a condition specifying that the defendant shall not use or possess alcohol.
  - (5) Mental Health Program Participation: If the court has reason to believe that the defendant is in need of psychological or psychiatric treatment — a condition requiring that the defendant participate in a mental health program approved by the United States Probation Office.
  - (6) Deportation: If (A) the defendant and the United States entered into a stipulation of deportation pursuant to section 238(c)(5) of the Immigration and Nationality Act (8 USC §1228(c)(5)\*); or (B) in the absence of a stipulation of deportation, if, after notice and hearing pursuant to such section, the

Attorney General demonstrates by clear and convincing evidence that the alien is deportable — a condition ordering deportation by a United States district court or a United States magistrate judge. \*So in original. Probably should be 8 USC §1228(d)(5).

- (7) Sex Offenses: If the instant offense of conviction is a sex offense, as defined in Application Note 1 of the Commentary to §5D1.2 (Term of Supervised Release) —
  - (A) A condition requiring the defendant to participate in a program approved by the US Probation Office for the treatment and monitoring of “sex offenders.”
  - (B) A condition limiting the use of a computer or an interactive computer service in cases in which the defendant used such items.
  - (C) A condition requiring the defendant to submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant’s person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer’s supervision functions.
- (8) Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant’s economic circumstances that might affect the defendant’s ability to pay.
- (e) Additional Conditions (Policy Statement): The following “special conditions” may be appropriate on a case-by-case basis:
  - (1) Community Confinement: Residence in a community treatment center, halfway house or similar facility may be imposed as a condition of supervised release. See §5F1.1 (Community Confinement).
  - (2) Home Detention: Home detention may be imposed as a condition of supervised release, but only as a substitute for imprisonment. See §5F1.2 (Home Detention).
  - (3) Community Service: Community service may be imposed as a condition of supervised release. See §5F1.3 (Community Service).
  - (4) Occupational Restrictions: Occupational restrictions may be imposed as a condition of supervised release. See §5F1.5 (Occupational Restrictions).
  - (5) Curfew: A condition imposing a curfew may be imposed if the court concludes that restricting the defendant to his place of residence during evening and nighttime hours is necessary to protect the public from crimes that the defendant might commit during those hours, or to assist in the rehabilitation of the defendant. Electronic monitoring may be used as a means of surveillance to ensure compliance with a curfew order.
  - (6) Intermittent Confinement: Intermittent confinement (custody for intervals of time) may be ordered as a condition of supervised release during the first year of supervised release, but only for a violation of a condition of supervised release in accordance with 18 USC §3583(e)(2) and only when facilities are available. See §5F1.8 (Intermittent Confinement).
- Commentary:
  - Application Note:
    - 1. Application of Subsection (c)(4).—Although the condition in subsection (c)(4) requires the defendant to “answer truthfully” the questions asked by the probation officer, a defendant’s legitimate invocation of the Fifth Amendment privilege against self-incrimination in response to a probation officer’s question shall not be considered a violation of this condition.

### **INDIGENOUS PEOPLES (“NATIVE AMERICAN”) TRIBES/NATIONS**

There are over 500 federally recognized Indigenous 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 137 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 September 2024 according to the SMART Office:.

- Absentee-Shawnee Tribe of Oklahoma
- Ak-Chin Indian Community
- Alabama-Coushatta Tribe

YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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
- Metlakatla Indian Community, Annette Island Reserves
- Miami Tribe of Oklahoma
- Miccosukee Tribe of Indians of Florida
- Mississippi Band of Choctaw Indians
- Modoc Tribe of Oklahoma
- Muscogee (Creek) Nation
- Navajo Nation
- Nisqually Indian Tribe
- 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

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- 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

### APPENDIX 4—CHANGES FROM THE THIRD EDITION

From 2020-2022, there were few significant changes because the country's focus was on the COVID pandemic, the 2020 election, and the ongoing culture wars focusing on both events. (Most legislation was targeting people identifying as Transgender or participating in "Drag Shows".) But in 2023 and 2024, as the culture war shifted to gender identity politics and the "groomer" panic, the push for draconian laws against people accused or convicted of sex offenses have ramped up. FL became the first state to reinstate the death penalty for sex offenses not involving murder; a person can also be condemned by consent of only 8 of 12 jurors. NM tried passing chemical castration laws. Across the country, states are eliminating statutes of limitations for suing those convicted of sex offenses, so now you may be sued at any time for the offense that landed you on the registry. Despite these developments, many states did not introduce bills in the 2023 legislative cycle, much less pass new restrictions on RPs, and thankfully many of them failed.

In 2024, however, sex offense legislation took a dramatic turn for the worse. Idaho and Missouri introduced death penalty legislation; Tennessee passed a death penalty bill; and Donald Trump's campaign announced they would make the death penalty for sex offenses against minors and for human trafficking "the law of the land." Louisiana introduced a bill to force all convicted of sex offenses to undergo forced vasectomies but instead passed a mandatory surgical castration bill. Alabama sought to expand chemical castration laws. Wisconsin reintroduced lifetime GPS legislation for multiple counts of the same offense. Missouri even introduced legislation to make teachers register for using the "preferred pronouns" of those who identify as anything other than their birth gender (which thankfully did not advance).

The Third Edition of this book was completed in January 2023, while the 4th Edition was completed in October 2024. As expected, there are always changes to some of the information in the book (especially legal changes), as well as the need to clarify some subjects in the book as new information is added and current information is updated. This is largely the efforts of one writer, Derek Logue. Below is a summary of the changes made to the book for the Fourth Edition:

*STATE SUMMARY CHANGES:*

- AL: Added note that ALEA states it does not list juvenile or RPs that moved out of the state on the public registry; RPs likely cannot get a license to work in funeral services; added additional info on employment proximity restrictions; HB81(2024) signed into law, prohibiting those w/ offenses involving minors are ineligible for pardons; AL: Expanded the info on the circumstances by which an RP cannot reside with minors
- AK: Matanuska-Susitna (Mat-Su) Borough (equivalent of county) adopted an ordinance on 7/18/23 banning RPs from living 1000 ft. of schools, daycare facilities or public parks.
- AR: HB 1125/Act 35 (2023) banned RPs classified as Level III or IV from buying, owning, or using drones (“unmanned aircraft”), with exceptions made for employment; ACA §12-12-927, RPs are banned from providing goods or services under the Medicaid program (Note: This law was initially interpreted by state officials as banning RPs from Medicaid but there had been an unauthorized change to the language of the law that was later revised. I mention it here because previous editions of the book followed the earlier interpretation of the law, which this version corrects.)
- CA: Clarified that a pardon does NOT remove registration duties unless it was for innocence.
- DE: Added note that DE does spell out “sex offender” in addition to the letter Y under restrictions on the back of state ID/DL cards.
- FL: Added note that in 2024, FL passed a death penalty law for some sex offenses w/o murder element with consent of only 8 jurors instead of a unanimous jury, but failed to pass scarlet letters, car tag marks, and short term rental restrictions. Added note that “As of November 2018, there were 166 local residence restrictions in 48 Florida counties, including 29 county and 137 municipal ordinances.” (CS/CS/HB 1235 (2024)) redefined residence and “day” to include part of a day. Updated info about the marks on State ID/DL.
- GA: Under HB188 (2023), some RPs can be sentenced to lifetime probation and GPS monitoring.
- ID: SB 1105 (2023) changed the requirement extra-jurisdictional or “out-of-state” RPs from having an offense substantial to a registerable offense AND required to register in convicting jurisdiction to having an offense substantial to a registerable offense OR required to register in convicting jurisdiction.
- IL: Public Act 102-1133 (2023) now allows name changes under certain circumstances (marriage, religious beliefs, status as a victim of trafficking or gender-related identity; new name must be registered within 3 days. Public Act 103-0280 (2023) amends the ban on acting as an executor for a will under certain circumstances.
- IN: Added note regarding the state law allowing some classified as an SVP to challenge the SVP designation.
- KY: SB 80 (2023) added a 1000 feet anti-loitering law and a prohibition on working a mobile business (i.e., a “roach coach” or mobile food cart) within 1000 feet of a list of prohibited areas, signed 3/27/2023 but these new provisions cannot be applied retroactively. Homeless RPs on paper must register every 30 days
- LA: HB135 (2023) Prohibits an RSO or child predator from serving as an election commissioner or election watcher; SB371 (2024) allows mandatory surgical castration for offenses involving minors under age 13.
- MD: SB57 (2023) allows for certain offenses committed after 10/1/2010 to be subject to lifetime supervision.
- MN: HF 28 (2023-2024) allows RPs to vote after release from prison
- MO: Added note on a state Supreme Court circumventing the recently-enacted three-tiered registry; added note that a US Dist Ct ruled that MO cannot force RPs to post signs declaring “No Candy at This Residence.” See Sanderson v. Bailey, No. 4:23-cv-01242-JAR (E.D. Mo. 10/2/2024)
- NC: S.279 (2024) blocks “home assistance services” from hiring RPs
- NH: RSA §632-A:10 (expanded by 2024 HB1038/Ch.53) prohibits those convicted of most sex offenses from working/volunteering, “as a public or private school teacher, school administrator, guidance counselor, coach, a worker of any kind in child athletics, a day care worker, a boy or girl scout master or leader or worker, a camp counselor, or any employment or volunteer activity that provides services exclusively or predominantly to minors, that involves direct supervision of minors, or that involves one on one work with minors, or any employment or volunteer service that involves the direct supervision of minors, or one on one work with other minor employees.”
- NJ: Added note regarding a “Living with Children Assessment” conducted on parolees before approval to live with minors. NJ Admin. Code §10A:72-2.5; added note regarding the Registrant Risk Assessment Scale (RRAS) that determines Tier Levels.
- PA: added note that 42 Pa.C.S. §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.



## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

- PR: passed a 500 ft. restriction in 2019 for those convicted for offenses against minors. Added additional travel notes (Must reg. if visiting and placed on public site.)
- SD: SB 76 (2023) allows RPs who are eligible to be removed from the registry in the conviction state to petition SD courts for removal from the SD registry; the petitioner must provide a certified copy of the final order from the convicting jurisdiction removing the offender from the registry of the convicting jurisdiction; if denied, the RP can reapply in 2 years; SB27 (2024) revised SDCL §22-24B-2.1 to reduce minimum time for registration for Tier Is from 10 years to 5 years; clarified law that allows sex offense conviction to be used to deny joint custody
- TN: A parent who willingly leaves a child with an RP who was convicted of a Sex offense involving a minor is guilty of a Class A Misdemeanor. TCA §39-15-401 (SB1587 (2024))
- TX: Added a note to the Comments area that “Judicial Clemency” does not grant relief from the duty to register.
- UT: HB 146 (2023) added parks, playgrounds, and swimming pools maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex to list of prohibited areas
- WA: SB5352 (2023) allows LEAs to chase those who they believe to be under “reasonable suspicion” violent offenses, sex offenses, vehicular assaults, escapes, assault involving domestic violence, and DUI. Also added additional info on the WA’s residency restriction laws.
- WA: Under ESHB 1394/ 2023 Laws Ch. 150, juveniles now register for less time
- WI: Added a notice that the WI Sup Ct upheld kidnapping w/o a sexual element as a registerable offense in State of *WI v. James W Smith*, 2010 WI 16. Added note that WIDOC was removing GPS monitors specifically to those who were required to wear GPS due to multiple convictions from the same offense in response to *State v. Corey T. Rector*, 2023 WI 41, 5/23/23, but was reinstated by SB874 (2023 WI Act 254) signed into law in April 2024. Residency restrictions were unsuccessfully challenged in *Nelson v. Town of Paris*, 616 F. Supp. 3d 844 (E.D. Wis. 2022), which upheld a local 6500 foot residency restriction ordinance. Added notice under residency restrictions that In addition, many local ordinances may include what is known as an “original domicile restriction,” meaning you cannot move into the municipality UNLESS you had resided in that municipality before your conviction. I also clarified the lifetime registration requirements.

### OTHER ADDITIONS TO YLOTLA

Throughout the book, I have tried adding discussions from the Informational Corrlinks Newsletters (ICoN) and other topics of interest, as well as implementing suggestions made by readers.

- Introduction: Added new definitions. There is also a notice that the Informational Corrlinks Newsletters (ICoN) have ended due to new Corrlinks mass email restrictions.
- Chapter 1: Added a brief history of the SOR, added additional details on the registry process, and added a warning about maintaining a certain appearance after release.
- Chapter 2: Added the story of man on supervision for 20 years; the Interstate Compacts and Federal Transfers section was moved from Ch. 3 to Ch. 2; and added a segment on EM monitoring.
- Chapter 3: Expanded information on the impact of residency restrictions on house searches and added a section covering Homeowners’ Associations (HOAs).
- Chapter 4: Added a discussion on stay-at-home jobs, and updated information on available online job assistance information and leads.
- Chapter 5: Added a section on WIC, corrected previously misinterpreted information on AR’s Medicaid law, and added a brief discussion on how to apply for welfare, and expanded information on SSI/SSDI issues.
- Chapter 6: Added a new section discussing when to identify yourself and show ID to law enforcement.
- Chapter 7: Clarified a couple of minor points of confusion with the term “cumulative”, added travel survey results, added a new subsection that covers potential issues you may encounter traveling in the US, and added expanded information on nations with registries and updated travel matrix using current sources.
- Chapter 8: Added a section covering recording conversations, and added note on the possession of “black powder” firearms.
- Chapter 9: Added additional information in the “homelessness” section, and added a new section on Statutes of Limitations (SOLs) for civil litigation.
- Chapter 10: Added notes about gyms/fitness clubs/sporting events, updated video games section, and an opening note about the “loneliness epidemic”, added a note in the voting section that Nebraska passed LB 20 in

## YOUR LIFE ON THE LIST, 4TH EDITION BY DEREK W. LOGUE

2024 to remove 2 year wait on applying to vote after completion of sentence, and added new sections on philanthropy (charity) and insurance issues.

- Chapter 11: Added additional information on emigration and a warning against fleeing to nations without extradition treaties. Added a section on the legal issues caused by the US Attorney General's 2022 "Final Rule" on SORNA.

### **HOUSING LIST NOTE**

Previous copies of this book contained a housing list. Because the housing list constantly changes, I am not including it in this PDF. You can find the housing list on the [oncefallen.com](https://oncefallen.com) website, where the most current list is divided alphabetically by states A-M and states N-Z.

States A-M: see <https://oncefallen.com/housing-list-states-a-m/>

States N-Z: see <https://oncefallen.com/housing-list-states-n-z/>

### THANKS AND ACKNOWLEDGEMENTS

Thank you to all those who supported OnceFallen.com over the years and to those whose research helped made this guide possible, and to those who have also fought to reform America's Sex Offense Registry and other post-release laws. For Jan K., who introduced me to this cause, and for the many activists who have (for better or worse) worked with me over the years, including Mary Duval (RIP), David Hess (RIP), "eAdvocate" (RIP), Tom and Marlayne Madison, Lisa R. ("Spore!"), "Sailboat" Dave, William S., Gina M., Lynda F., Bill D., Emily H., Shawn R., Frank J., Judy B., Vicki H., Hank F., Mark N., Will B., Gini A., Joy M., Cary R., the myriad of other supporters who help keep Once Fallen alive even when I feel like quitting, and for all of you who read this guide who are ready to help us reform the public registry laws.

Recognition also goes to David E., a federal prisoner who sent a donation & suggestion to create a newsletter; the Informational Corrlinks Newsletter (ICoN) lasted ten years until new Corrlinks restrictions ended the newsletter. But if not for the ICoN, this book may not have been made. Over the years, the ICoN grew and more prisoners have begun asking questions, which in turn created topics for more newsletters. Many of the chapters in this book originated from information published in the ICoN. Thus, I must also thank my 1500+ Corrlinks subscribers and YOU, the reader of this book, deserves special recognition. Without your feedback and inquiries, I would not have compiled enough information for a book.

### ABOUT THE AUTHOR

My name is Derek W. Logue, and I am a Person Forced to Register, a nationally known anti-registry activist, and founder of the informational website OnceFallen.com. I was born in Baltimore, MD in 1976 but spent most of my childhood and my college years in Alabama. I graduated cum laude from Athens State University in 1999 with a Bachelor's Degree in Justice Studies (criminal justice) with a minor in psychology. But soon after my graduation, I was arrested and convicted for kissing an underage girl and served 37 months incarcerated in the Alabama State Prison system.

After my release in 2003, I moved to Cincinnati, Ohio, where I was classified as a "sexually oriented offender" (Tier I). In 2004, I was homeless for a few months. While seeking resources online, I met a woman online named Jan K., who introduced me to an activist group called "SOHopeful," a now defunct activist group. In 2005, the state reclassified me as a "sexual predator" (Tier III) based solely on the fact that Alabama requires lifetime registration for *all* RPs. I was also forced to move from my first apartment because the building was within 1000 feet of a GED school for students aged 16-23 (16 is the AoC in Ohio). After losing both legal battles against the reclassification and the residency restriction law, I moved to a new apartment in December 2006. Less than a week later, the Cincinnati city council debated passing a local increase to the statewide residency restriction law. I led the fight back against these new restrictions, and the city scaled back the worst restriction proposals, and I saved my new home.

I participated in the first successful outdoor protest against sex offense laws in Columbus, Ohio on Saturday, December 1, 2007. On Wednesday, December 5, 2007, I created the website OnceFallen.com, intended initially to sell an "e-book" of the same name. Over the years, OnceFallen has grown into one of the best resources to assist Persons Forced to Register. As part of my activism efforts since then, I have made multiple media appearances including appearances on HLN, Russia Today, and numerous regional media outlets across the US. I have also testified against sex offense legislation in person in three states and have assisted in fighting bills and organizing rallies in multiple states. "Your Life on The List" is a part of my ongoing commitment to disseminate helpful information for those trying to make sense of the constantly changing laws directed against Persons Forced to Register. I had no such help when I was incarcerated, so I hope this book makes you better prepared than I was upon my release. – Derek