

Sabol_walt.txt

From: no-reply@erulemaking.net
Sent: Sunday, April 29, 2007 8:49 AM
To: OLPREGS
Subject: Public Submission

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Public Comments on Office of the Attorney General; Applicability of the Sex Offender
Registration and Notification Act:=====

Title: Office of the Attorney General; Applicability of the Sex Offender
Registration and Notification Act
FR Document Number: E7-03063
Legacy Document ID:
RIN: 1105-AB22
Publish Date: 02/28/2007 00:00:00
Submitter Info:

First Name: Walt
Last Name: Sabol Jr
Mailing Address: [REDACTED]
City: [REDACTED]
Country: United States
State or Province: VA
Postal Code: [REDACTED]
Organization Name: Virginia Cure

Comment Info: =====

General Comment: The Constitution of the United States in section nine item three
clearly states that
No Bill of Attainder or EX POST FACTO (RETROACTIVE) SHALL BE PASSED.
See Stogner V. California No. 01-1757 Decided June 26 2003.

[REDACTED].txt

From: no-reply@erulemaking.net
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First Name: [REDACTED]
Last Name: [REDACTED]
Mailing Address:
City:
Country: United States
State or Province: IL
Postal Code: [REDACTED]
Organization Name:

Comment Info: =====

General Comment: The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071) in 1994 grandfathered thousands of people into the Sex Offender Registration system. These people must now suffer at the hands of the political machine, who view them as "animals".

The Act was designed for poor/middle class people, because the rich/senators can cover up their crimes/records by bribing someone (ie., state attorneys, police departments).

There is an issue that has not been addressed regarding the 'Sex Offender'!

I call it the 'She said, He said' factor. The factor involves an offender who, for one reason or another, is charged with a crime that he/she didn't do. There is no evidence (DNA, rape kit, etc.) to back up the charges.

The State of Illinois laws say after 10 years of registration that they will remove an individual's name from the website but they don't.

The State of Illinois don't even follow their own rules!!!

When a 18 year old Marine was having sex with a 14 year old girl, guess who got charged: The girl's father because he requested that the Marine (MOS) be moved from one base to another, so the girl retaliated by lying to everyone who would listen.

This information was withheld from the father's trial in 1993, and now we fight!!

[REDACTED].txt

Please change the rules, so that the "She said, He said" people can be taken off the lists.

P.S. If you put an offender's email address with their picture, and they receive death threats - the workload of the local police department goes up because every threat has to be investigated!

April 25, 2007

David J. Karp, Senior Counsel
Office of Legal Policy, Room 4509
Main Justice Building
950 Pennsylvania Avenue, NW., Washington, DC 20530.

Re: OAG Docket No. 117

Dear Senior Counsel Karp:

Please allow me to voice my grave concern and opposition for the Interim Rule issued as a result of the Adam Walsh Act (AWA) and SORNA by Attorney General Gonzales. This law will allow double jeopardy which is legal only because federal jurisdiction and state jurisdiction are separate. A person can now be punished by both the federal; and state government for the same violation of registration. Every state has a registry in place and this is certainly a duplicate effort and an excessively expensive and unnecessary law.

A great many people who have moved on with their lives and living law abiding and productive lives will now be re-exposed with the retroactive clause of SORNA. This is tantamount to the Salem witch hunts only now it is the families of sex offenders who will be brought down with this draconian and vindictive law. This is cruel and unusual punishment, not public safety, as SORNA will show places of employment in the Federal Registry which will be an open invitation to the fear and hate mongers to protest their places of work and/or physically attack them.


Posting places of employment in a federal database will stand in the way of any sex offender in California (and the nation) from being able to earn a living, no matter how minor their crime. Thousands of hard working individuals could lose their jobs because of this and there is no recourse if this happens. No Federal aid is being offered to the families of those offenders that stand a good chance of losing their jobs. SORNA is completely counterproductive to the goal of reintegrating ex-felons back into society as self supporting, productive citizens. The Attorney General has said that SORNA's applicability will be to "virtually the entire existing sex offender population". Clearly the intent is to cover "virtually" everyone, but there is no mention about whether Congress specifically limits what he can do. Why was this left out?

The Tier system that is planned is, in my opinion, Unconstitutional. It does not allow for due process and lumps the first time offenders with the career criminal. A Risk Assessment Tool should be used on a case by case basis to evaluate each registrant and eliminate the low to moderate low risk from the high risk offenders. All first time offenders in the Tier 3 level, that did not commit a crime against a child, should also be allowed to be removed from the registry after 25 years if they have not committed a new crime.

Please consider the effect this will have on me and my family. As a father I understand the concern most parents have but as a registered sex offender with children I can not comprehend the extent of all the cruel laws being proposed. Our family lives in California. I have an 11 year old conviction. Had I known 5 years ago that our laws would be continually changing I would not have gotten married let alone have children. Under California law I am listed on the Megan's Law website but because I am a first time offender, that did not commit a crime against a child, I am only listed by zip code (which thank God) helps to protect my wife and children. I am also only required to register once a year. SORNA could change that drastically. No one seems to be a bit concerned about the rights and safety of my children from ridicule or vigilante attacks. I know I am not the only one out there with this same situation. There are one million women and children attached to a sex offender in California alone.

Our family implores you to please reconsider making SORNA retroactive as it will have, very, severe consequences on us. I don't want to lose my wife and children over this. I made a mistake 13 years ago and should not be continually punished, ridiculed and humiliated because of my past mistake. Please don't get me wrong, there are very violent offenders and repeat offenders that need to be closely monitored but SORNA is being applied too broadly to too many people. None of what has been proposed in SORNA will protect the public from those that have not been caught. California already requires all sex offenders to register for life so I'm not trying to avoid California's registration requirements by asking you not to make SORNA retroactive

Sincerely,



And Family

Smiyh_Ray 2007_03_01.txt

From: ray smiyh [redacted]

Sent: Thursday, March 01, 2007 6:28 PM

To: OLPREGS

Subject: Re - Interim Rule Office of the Attorney General; Applicability of the Sex Offender

Follow Up Flag: Follow up

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Registration of Sex Offenders in my state, PA, is currently done with the State Police. The State Police covers registration for all jurisdiction.

"requirements include registration by a sex offender in each jurisdiction in which the sex offender resides, is an employee, or is a student. The Attorney General has the authority to make this specification pursuant to sections 112(b) and 113(d) of the Sex Offender Registration and Notification Act."

How would the above apply in a situation such as that? Individual counties are currently not set up to perform registration. They do not get funding to perform registration. Nor, do they wish to do registration.

The fish are biting.

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COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

April 26, 2007

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

The Honorable Alberto R. Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Re: The Sex Offender Registration and Notification Act

Dear General Gonzales:

I applaud the federal government for protecting our nation's children through passage of the Sex Offender Registration and Notification Act ("SORNA") contained in the Adam Walsh Child Protection and Safety Act of 2006 ("Adam Walsh Act"). As you may be aware, Virginia has been at the forefront of enacting state legislation designed to protect children from sex offenders. We have registered sex offenders since 1994 and last year Virginia enacted comprehensive legislation to further strengthen our sex offender registry laws.

With such a comprehensive sex offender registry in place, I was initially concerned by several aspects of SORNA. I wish to comment on the proposed regulation (Docket No. OAG 117, A.G. Order No. 2868-2007) and other areas of SORNA. My first concern is the retroactivity requirement. As SORNA applies retroactively, it may have been interpreted to require Virginia to locate and register sex offenders who were required to register under SORNA but were not required to register under current Virginia law. The expense to register those individuals would have been quite significant.

Another issue of concern was Section 121 of the Adam Walsh Act, which provides that state police must notify "volunteer organizations in which contact with minors or other vulnerable individuals might occur" of a sex offender registration. However, a volunteer organization may opt to receive the notification no less frequently than once every five business days. My concern was that states may be required to notify those volunteer organizations that did not opt in to receiving notification.


These concerns, however, were addressed when my staff spoke with Laura L. Rogers, Director of the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking ("SMART") Office. Ms. Rogers, who was most helpful, informed my staff that guidelines concerning the implementation of SORNA were forthcoming which will address retroactivity and notification provisions.

The Honorable Alberto R. Gonzales
April 26, 2007
Page 2

Under the proposed guidelines, as explained to my staff, Virginia would not be required to search out those individuals who were required to register under SORNA but not required to register under current Virginia law. Rather, only those individuals who were arrested again, for any crime, would be required to register as sex offenders under SORNA. Additionally, it is my understanding that a volunteer organization must opt in to receive notification of a sex offender registration. States would not be required to notify those organizations that have not opted in.

Virginia must "substantially implement" SORNA within three years after federal enactment. Failure to substantially implement SORNA within the applicable period would subject a state to a 10% reduction of federal justice assistance (Byrne Grant) funding. A 10% reduction in Virginia's Byrne Grant monies would total \$574,738.¹ Although the total cost of implementing SORNA has not been calculated, without the forthcoming guidelines as Ms. Rogers has described them, the cost of implementing SORNA certainly will exceed the 10% reduction in Byrne Grant monies.

Thank you for your attention to the matters raised in this letter. Please let me know if I may provide additional information.

Sincerely,

Robert F. McDonnell

RFM/caq

cc: Paul J. McNulty
Deputy Attorney General

David J. Karp, Senior Counsel
Office of Legal Policy

Laura L. Rogers, Director
Office of Sex Offender Sentencing,
Monitoring, Apprehending, Registering,
and Tracking

Nicholas Alexander
National Association of Attorneys General

¹ Based on 2006 fiscal year.

July 10, 2007

David J. Karp
Senior Counsel
Office of Legal Policy
Room 4509
Main Justice Building
950 Pennsylvania Avenue, NW.
Washington, DC 20530

RE: OAG Docket No. 117 Comments on Interim Ruling by the USDOJ for the Adam Walsh Act (SORNA) Comment Period Ending July 31, 2007

Almost by accident, I learned about the guidelines proposed by Attorney General Gonzales for the Adam Walsh (SORNA) Act. Because there has been no news coverage of these important guidelines, it was only because someone commented in a discussion group that I know about them at all. Although I am neither a legislator nor a lawyer, I feel obligated to provide some comments and suggestions that I hope will be made known to the Attorney General, and that he will make substantial changes to the guidelines before their final implementation.

I am moved to comment because I realize that these guidelines will in turn create new legislation in all of the states and probably in a number of local governments as well. I am convinced there will be a flood of unintended consequences. By modifying some parts of the guidelines to make them clearer to the state legislatures, and by removing or tempering some of the conditions proposed, the result will be a more reasonable implementation of the law.

Summary of Suggested Changes to the Guidelines.

1. Make it affirmative that the law does not apply to anyone who, on July 27, 2006:
 - Was not required to register in the state(s) of their residence(s), employment or school enrollment;
 - Has been released from prison prior to July 27, 1981 (25 years);
 - Has not been convicted of another offense;
 - Has completed the sentence and any terms of probation, parole, restitution, etc.Or meets one of the following criteria:
 - Has been pardoned by the executive (President or Governor);
 - Has been relieved of the requirement to register because of a court ruling or statutory procedure.

These exclusions would apply to Tier I, II, and III.

If a Tier III offender is subsequently convicted of another offense, punishable by a year or more, then that offender would be required to register under the law. If the offender moves to another state and is required to register, then that offender would also be covered retroactively.

2. Make it affirmative that anyone described above is not subject to registration solely because of travel in interstate or international commerce. Such application would be only when the person travels in interstate commerce in such a way that they would be required to register in another jurisdiction. This would permit normal travel, such as family vacations, business trips, and the like, while preserving retroactive application when registration is required.
3. Add to the required information to be disclosed:

- Date convicted;
- Date released from confinement;
- Length of time in the community.

Exclude from disclosure to the public directly or indirectly (such as by submitting a value and getting back a response):

- E-mail addresses;
- Name and address of employer;
- Phone number

4. Recognize pardons, court decisions, statutory relief and other means by which offenders have not been required to register. For pardons, it would apply to past and future pardons.

Retroactive Application of the Law. There is great potential for the rule of unintended consequences to be in full force if the guidelines are implemented as written. There are at least fifty sets of legislation, one for each state, and many conflicting, contradictory and punitive laws enacted at various local levels. I firmly believe that the guidelines must respect the exclusions to registration states already have in place. Those exclusions are part of a framework of the state judicial and legal systems, and the exclusions (by date, court order, or statutory process) have all been taken into account by the states and certainly in the individual cases. To ignore all of the complexities and nuances with a blanket retroactive application of this law is flawed.

That said, it seems obvious from the examples used in the proposed guidelines that a retroactive application of the law to those convicted prior to July 27, 2006 is intended to make it applicable and enforceable to those currently registered or who should be registered. Yet many states have enacted registration requirements that exclude convictions that are much older, and these persons have not been required to register.

A confusing groundwork has been laid out by the proposed guidelines. They propose that states will be in compliance if such persons are required to register only if they enter into the criminal justice system with a subsequent conviction. By changing the interim ruling to affirmatively state that SORNA does NOT apply to such persons, it accomplishes several things. It respects the existing state laws that have recognized that public safety would not be compromised by excluding from registration those whose convictions were sufficiently distant and it does not put a new disability on those who have been free of both subsequent convictions and public risk. While some of these antiquated convictions might benefit from the reductions of Tier I and II, others because of particular circumstances at the time of convictions may not because of a Tier III status.

It is therefore my suggestion that anyone who has been released from custody for 25 years or more as of July 27, 2006, has had no subsequent conviction of any kind, has completed the sentence, and was not currently required to be registered in the state of their residence and employment should be exempt from the law. It would be reasonable to apply it retroactively to these persons based on a subsequent conviction of any kind, provided the conviction is substantive, i.e., a conviction with a penalty of a year or more of jail and not just a traffic or local ordinance fine. Or if they move to a state where they are required to register.

This approach really offers a significant benefit to our communities and the safety of our children. First, it frees up the resources of time, money and manpower to concentrate on sex offenders who are new, or recent, or already registered. It also helps the public by allowing them to concentrate on the registrant and notification information of the greatest threats to public safety. For a limited number of offenders, who by the length of time post confinement and the lack of ANY other offense, it will not undo decades of recovery from their convictions. What will result is the addition of offenders with decades old convictions, indistinguishable

from contemporary offenders. By definition, it will be targeted at an aging group who have proven they are no longer a threat, and coincidentally grow less likely as time passes.

Interstate and International Travel. The interim ruling seems to suggest on the one hand that jurisdictions are in compliance for persons convicted but not required to be registered provided they register for a subsequent conviction, but then states that anyone who travels in interstate or foreign commerce is subject to the law. This means that someone currently not required to register because of the distant conviction could find themselves in travel, perhaps on business or as part of a family vacation, and be arrested and charged with a federal crime, even if they were not aware of the registration requirement. By affirmatively stating that SORNA does not apply to these individuals as suggested in the retroactive changes, this anomaly would not occur.

Required Registration and Disclosed Information. There are several items of personal information in the interim ruling that should not be public. First, the name and/or address of employment. If we reasonably expect that an offender will be released and then become a law-abiding citizen without subsequent convictions of any kind, employment as an element of steadying influences on their post-release life are important. There would be more than ample public safety notification available on the individual without having the employer name AND/OR address be part of public records, leaving that to law enforcement and related parties.

Second, e-mail publication or even query (as proposed) being publicly disclosed is an equally bad idea. E-mail is used for much more than social network registration: internet commerce for banking and commerce often rely on it, so identity theft is an issue. Denial of business services based solely on registration could be the result, so imagine if health coverage or credit were denied someone convicted decades ago (see retroactivity). And has been pointed out, sex offenders might find a way to use this information, say from well meaning citizens who post an e-mail they discover belongs to an offender on a blog or web site, to find and link up with other offenders. Make this do what it is intended to do: require registrants to provide information they use to register into social networks and electronic services that involve peer-to-peer communication with other registrants who are minors. Then allow these services to check their registered users against the sex offender information but not make it public.

What is missing and I believe key to the public in making informed decisions about the public health and welfare is to include the date of conviction and importantly the date of release. If someone were released recently the threat they pose can be more readily determined from someone who was release say ten or fifteen years ago. Coupled with the criminal history, this gives the public more information.

Pardons and Other State Remedies. The interim ruling states that for the purposes of applicability, pardons except for innocence and other court or statute-enabled rulings do not exclude the person from SORNA. For example, some states have allowed individuals to go through a court or other individual review process and be relieved of the registration requirements. SORNA's interim ruling would undo all of that. Certainly anyone who has received a pardon, or will receive, for any and all convictions requiring registration should not be subject to registration. Judicial rulings that may have been issued many years ago could not have contemplated SORNA's impact, and perhaps because of a choice of wording, the court's decision will be bypassed unless the guidelines are changed. No one receiving a pardon for the convictions requiring registration, both before and after the enactment of SORNA, should be covered, and those who have received judicial or other legislatively enable exemption should not be covered, either.

In closing, I want to add that it is apparent much time and effort when into the creation of the guidelines, but there is a very strong emphasis on the people who are currently incarcerated or

registered and very little about the much smaller number, I assume, whose time in the community far overshadows their distant convictions. As an engineer, though, I am all too familiar with the way large, complex structures work. When the real world conditions confront the design assumptions and decisions, things can rapidly go wrong. I equally know that it is far more difficult to get a law changed when things don't work out entirely as planned than it is to get it passed in the first place. And when fifty new sets of laws are going to be passed, from my engineer's perspective, an almost certain chance that things won't happen entirely as planned.

If I may make one more point. Each time I read about some child being abused, injured, or murdered, it makes my blood boil. I have taken care of my sister, raised her daughter, and now am helping raise her two daughters. I cannot possibly imagine the pain and anguish a parent goes through. But because of the wide press coverage these stories receive, I can easily calculate that they represent only a small fraction of the hundreds of thousands of registered offenders. I also know that when these terrible crimes do happen and are committed by a registered offender, the registration requirement did not deter them from the crime. Stricter requirements are unlikely to do that, either. On the other hand, offenders who have been released without offending for extended periods of time are likely to be aware of, and motivated not to offend because of the threat of registration and very long prison sentences. In engineering, we refer to that as an inverse relationship. And it supports my suggestions.

Thank you for your time to review these comments on the guidelines and for making the improvements and changes I hope will benefit the enactment of this law and the public safety without undoing the years of adjustment distant offenders have made.

Sincerely,
Richard Munczenski

Taylor_Lauren.txt

From: no-reply@erulemaking.net
Sent: Monday, April 30, 2007 9:28 AM
To: OLPREGS
Subject: Public Submission

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Attachments: S__0001_ltr. Karp SORNA 4 30 07.doc

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Submitter Info:

First Name: Lauren
Last Name: Taylor
Mailing Address: 1101 South Front Street, Suite 5700
City: Harrisburg
Country: United States
State or Province: PA
Postal Code: 17104
Organization Name: Pennsylvania Sexual Offenders Assessment Board

Comment Info: =====

General Comment:Attached are comments on behalf of the Commonwealth of Pennsylvania.



PENNSYLVANIA BOARD OF PROBATION AND PAROLE
SEXUAL OFFENDERS ASSESSMENT BOARD
1101 SOUTH FRONT STREET, SUITE 5700
HARRISBURG, PA 17104-2533

LAUREN TAYLOR
EXECUTIVE DIRECTOR

TELEPHONE – (717) 787-5430
FAX – (717) 705-2618

April 30, 2007

David J. Karp, Senior Counsel
Office of Legal Policy
Room 4509
Main Justice Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

RE: OAK DOCKET NO. 117

Dear Mr. Karp:

Is it the intent of this proposed Interim Rule to require the identification and registration under the requirements of Public Law 109-248 ("SORNA") of those sex offenders who are not currently required to register as sex offenders under current state law but who 1) have a predicate conviction or adjudication under SORNA which predates the Act's effective date; 2) as of the Act's effective date have a nexus with the criminal or juvenile justice system; and 3) at present have no nexus with the criminal or juvenile justice system?

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Taylor".

Lauren Taylor
Executive Director

VanDomelen_Robert.txt

From: no-reply@erulemaking.net
Sent: Friday, April 27, 2007 2:23 PM
To: OLPREGS
Subject: Public Submission

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RIN: 1105-AB22
Publish Date: 02/28/2007 00:00:00
Submitter Info:

First Name: Robert
Last Name: Van Domelen
Mailing Address: [REDACTED]
City: [REDACTED]
Country: United States
State or Province: WI
Postal Code: [REDACTED]
Organization Name: Broken Yoke Ministries

Comment Info: =====

General Comment: OAG Docket No. 117

The intent of retroactivity for the Adam Walsh Act is understandable but impractical. There is no difference of attitude applied whether the past offender has been recently released or released 20 or more years ago. The premise is that an offender has the exact same level of age-inappropriate attraction regardless of time or treatment. There simply are no studies that verify such a premise and presuming such to be true without empirical evidence castigates those who have found restoration, who have been offense-free.

wafton_bem...txt

From: no-reply@erulemaking.net
Sent: Saturday, March 10, 2007 10:26 PM
To: OLPREGS
Subject: Public Submission

Follow Up Flag: Follow up
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Submitter Info:

First Name: [REDACTED]
Last Name: [REDACTED]
Mailing Address:
City:
Country: United States
State or Province: CO
Postal Code:
Organization Name:

Comment Info: =====

General Comment:Retroactivity

This regulation would harm many people who have lived decent lives for many years, and who are obeying the laws within the state they reside. By requiring persons who had to register prior to the AWA or this regulation would also have the effect of people possibly losing their employment by the requirement that ALL sex offenders must be put onto a public registry.

This ACT along with the Adam Walsh Act is inherently unjust to the many people who did not commit a crime against a child. Public registration of ALL sex offenders along with retroactivity will add fuel to the fire and cause many states to go overboard as they often do these days.

There are many people on the registries that did not molest a child, nor attempted to do so. My offense was while I was upon my own property and seen by neighbors.

All that many people are asking for is Balanced Justice. Requiring retroactivity is not Balanced Justice in which people have paid for their crime and are living decent lives. Why does the government through this regulation want to destroy the lives of people who did nothing requiring such continuing harsh treatment?

Retroactivity is unjust. Public registration is unjust. In Colorado, people who are on public registration are those of medium and high risk. The registries were meant for these people. Molesters, sexual predators, pornographers, and other child abusers are the ones having high risk of reoffending against another person or child.

The umbrella effect has created a growing population of people labeled as sex offender, growing rapidly each day, many of whom should not be on the registries.

The public equates the phrase sex offender with child molestation and sexual predator, neither of which many persons are not.

This regulation need not be retroactive except upon convicted child molesters, convicted pedophiles, sexual predators, and violent sexual predators.

There is absolutely no need for the Federal Government to re-punish people who are obeying all laws and who have turned their lives around, who have homes and jobs, and are productive members of society.

When it is said that this regulation, or any Bill or ACT is for the public safety or the safety of children, and yet they continue to penalize persons not convicted of any molestation, enticement, luring, grooming, or sexual predator activity, these Act's, Bills, and regulations serve to do nothing less than re-punish people, and an attempt to raise their level of offense to that of a molester or sexual predator.

Do not require the states to enact retroactivity it is unfair, unjust, and is not balanced.

Walton_Bernie_2007_03_04.txt

From: Bennie O Walton [REDACTED]
Sent: Sunday, March 04, 2007 12:24 PM
To: OLPREGS
Subject: Sex Offender Registration and Notification Act

Follow Up Flag: Follow up
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RE: OAG Docket No. 117

I wish to comment on this ACT.

Comment: This Act is inherently unjust although it was justified as for the public good is wrong. This Act being retroactive uses the umbrella effect, which has become the De Facto method of punishing people for past offenses, which they had served their time in prison, or probation. More specifically this Act treats low risk offenders the same as high-risk offenders, making no attempt at Balanced Justice.

Example: A person who is/was required to register may be a person who had an offense let's us say thirty-four years ago, an offense that was non-contact, and at the time of that first offense the offense was considered not a crime or offense worthy of having the life of that person destroyed from that point forward. Today's laws have changed where a person is now labeled with a term that has a De Facto meaning to the public and media organizations of child molester or sexual predator, and even that of violent sexual predator. An offense which remains on a person's police record or court record today is now considered a sex offense, and that offense of so long ago is now used to re-punishes that person for that offense because it is wrongfully considered recidivism.

This Act implies and assumes by its very nature of unbalanced Justice that this type person is a danger, although there are no facts to the contrary of that person not being a danger to society. This Act having no justice, assumes that this type person is a recidivist, no matter the length of time between offenses.

It is quite apparent that in today's legal systems, which includes the Department of Justice, or the Department of no justice that a person of such low risk potential continues to be humiliated for the remainder of his or her life, with no intent or legal desire for restorative justice on the part of the states or the federal government.

In the State of Colorado, sex offenders must register if they have more than one sex offense. If that person has a first offense committed many decades ago, with a latest offense, a total of two over a thirty-four year period, that person must register each year his/her residence and place of work, and then be threatened each and every day with lose of residence from residency restrictions overly broad in scope.

This Act threatens a very low risk individual's employment, and sense of being not because it is the right thing to do, for apparently rightness and balanced justice has nothing to do with punitive umbrella laws, only because no legal system, including the Department of Justice does not wish to use good sense. This Act simply on a moral basis can be considered nothing but punitive. Although this punitive Act is legally sanctioned as not punitive under the guise of public safety, it is nothing but a legal shame of the highest order in which the Department of Justice no longer considers Justice as a necessary part of law.

A person who has lived a descent life, and who is, or has been obeying existing laws, and has shown no signs of recidivism of such nature and time duration, one would believe such a person should be considered of such low risk, and of such a low danger to public safety, or child safety that the Act or law would have been crafted so as to consider this ex-offender as being assessed apart from high-risk individuals. This Act nevertheless ensures that people live in fear all over again without any sound foundation. This Act must be amended or changed for consideration of this type ex-offenders lack of dangerousness to the public. We, meaning concerned people continue to fight the states over their overly broad reach to satisfy hysteria and myths, and again along come the Federal Government who sets the example of being overly broad, and overly far-reaching.

The United States Department of Justice along with state and federal legislators are creating events that may in some form or fashion, be regretted. While waiting for that regret to happen, the United States Department of Justice, the Supreme Court, and states legal systems will blindly and willingly continue to create terrorism upon a population of people, most of whom are low risk, loss of life, home, family, livelihoods, and self-worth.

Justice lost in the United States of America using umbrella legislations and laws, enacted only because you who are the legal experts do not want to deal with the individual. It is much easier to umbrella and not care about the effects, and the lives destroyed.

Change this Act. Put justice into this Act. Find the way to make it right.

Bennie O Walton

[REDACTED]

[REDACTED]

[REDACTED]

Wiggington_JoEllen.txt

From: no-reply@erulemaking.net
Sent: Monday, April 30, 2007 8:22 PM
To: OLPREGS
Subject: Public Submission

Follow Up Flag: Follow up
Flag Status: Red

Please Do Not Reply This Email.

Public Comments on Office of the Attorney General; Applicability of the Sex Offender
Registration and Notification Act:=====

Title: Office of the Attorney General; Applicability of the Sex Offender
Registration and Notification Act
FR Document Number: E7-03063
Legacy Document ID:
RIN: 1105-AB22
Publish Date: 02/28/2007 00:00:00
Submitter Info:

First Name: JoEllen
Last Name: Wiggington
Mailing Address:
City:
Country: United States
State or Province:
Postal Code:
Organization Name: Pacific Professional Associates

Comment Info: =====

General Comment: I would like to add my voice to those objecting to the retroactive
application of this law
to those convicted of crimes prior to its enactment. Others have eloquently pointed
out
the problems with this ruling, which will likely increase the risk of reoffense. As
a
treatment provider for 15 years, I can personally attest to the potential impact
this may
also have on the innocent victims and families of offenders. There is no evidence
that
the retroactive application of this law is in the public's best interest.

From: ZMan - GA [REDACTED]
Sent: Friday, March 09, 2007 6:54 PM
To: OLPREGS
Subject: In regards to Adam Walsh Act and Sex Offender Laws

Follow Up Flag: Follow up
Flag Status: Completed

These laws not only punish offenders, but also their families and children. We must stop acting out in fear and anger, and stop lumping all offenders into one group and making them all look like predators who have killed someone like Couey. Not all sex offenders, about 90 - 95% are NOT these people. And making laws due to a few to punish millions is totally wrong. We MUST be fair.

LINKS:

* [http://www.nacdl.org/sl_docs.nsf/issues/sexoffender_attachments/\\$FILE/SexOffenderPolicy.pdf](http://www.nacdl.org/sl_docs.nsf/issues/sexoffender_attachments/$FILE/SexOffenderPolicy.pdf)

ISSUES:

* I do not believe in registries period, but if the sex offender laws are kept, why discriminate? If sex offenders must suffer for life and be on GPS, so should ANYONE with a criminal record. If this is not done, then it is discrimination. Anyone with a criminal record should be on a registry on the internet for the whole world to see, and be on GPS for life. DUI offenders should not be able to live XX feet from an alcohol store and should have their license revoked. Drug dealers should not be able to live XX feet from anywhere children congregate, so they cannot sell our kids drugs. Murderers should not be able to live XX feet from ANYONE, since they may kill again. DUI offenders kill more people than any other crime (I believe), and I'm sure the entire public would love to know if a murderer, thief, drug dealer, etc lives in their neighborhood. If all this was on the internet for all to see, I'm sure everyone would NOT leave their house at all. These people are everywhere. Why are sex offenders being "scape goated"? EVERYONE WITH A CRIMINAL RECORD SHOULD OBIDE BY THE SAME LAWS SEX OFFENDERS HAVE TO OR IT'S DISCRIMINATION!!

* When will people ever realize no matter how tough on crime, all the zero tolerance, all the registries in the world will not prevent a murderer from murdering, a thief from stealing, a dealer from dealing, a user from using, a rapist from raping....accusations on any sex crime, child abuse, or domestic violence will literally nail your butt to the wall! No DNA has to be present, No violence has to be present..... HEARSAY ALONE IS LITERALLY NAILING THOUSANDS AND THOUSANDS OF PEOPLE TO THE WALL BECAUSE OF THE BIASNESS IN THE LAWS.

* To live is already almost impossible for "sex offenders", and the more and more laws that are passed daily, eventually they are going to explode, and it won't be a pretty site. You must be realistic when making laws, these draconian laws make it impossible for anyone to live ANY type of life. Everyone is for treatment and punishing those violent predators and pedophiles who are making other sex offenders lives hell, but like I said, we must be realistic.

* For all the people being charged with Child p**nography, is the law checking the computers to make sure they are not infected with a virus? Many people are ignorant when it comes to computers, and if they click on some attachment in an email, their machine can become infected with a virus, trojan, spyware, adaware program which stores child p**n on their machine. Are these so called "experts" checking this? Or ignoring this possibility?

* The issue with sex offenders Internet email addresses, IM names, etc being collected, this is another "feel good" law that will not stop crime. If someone wanted to commit a new crime, they'd create a new email address and commit the crime. This is stupid and won't work.

- * Think!! Come up with solutions, not "feel good" laws, which make it harder and harder for sex offenders to get on with their lives.
- * "Buffer Zones" are a false sense of security!
- * "Buffer Zones" are banishing people from their town, state, and possibly the country!
- * "Buffer Zones" create homelessness, which costs society lost productivity, individual dignity, and creates additional problems for enforcing any accurate registry!
- * "Buffer Zones" do nothing, except banish! It could be 50 miles and if someone wanted to re-offend, they'd just get in a car and drive!
- * It should be MANDATORY that anyone in prison get therapy, and out of prison, if needed. Therapy does work. If you just lock them up, when they get out, they will be worse off. Therapy teaches people how to not act out and help, regardless of what the general public thinks. Just ask a therapist.
- * We need to STOP this hysteria and get sex offenders the help they need.
- * You can pass all the laws you want but without therapy and this "mob" mentality will not solve anything!
- * I am sick of politicians using children to get their laws passed! Who would want to vote against anything that is "for the children"?
- * "Stranger Danger" is a smoke screen & hype! Most child sexual offenses occur by someone the child knows, like a family member or close friend!
- * These laws are being passed by politicians using sex offenders as scape goats, for votes!
- * Registries do NOT protect anyone or prevent crimes!
- * Registries are punishing sex offenders as well as their families and children, and opening them up to vigilantism. DON'T THE FAMILIES AND CHILDREN OF SEX OFFENDERS COUNT? They are suppose to be "for the children", right?
- * Registries are NOT being updated in a timely fashion, so the public is getting false information! How is this helping the public or protecting them when they cannot rely on them?
- * Registries are putting families and children of sex offenders in a public position to be socially outcast and discriminated against with regard to employment, housing, schooling, etc!
- * About 90% of the people on the registry are NOT sexual predators or pedophiles that these laws were for in the first place!
- * These laws cost millions, if not billions to enforce, and they cause prison over-population, which is already a problem, especially in California! AND TAX PAYERS PAY FOR ALL THIS!
- * GPS does not prevent sexual crimes! Another false sense of security which cost tons of money! Plus they are suppose to pay for this, which will eventually go homeless. MAKE THE TAX PAYERS WHO

WANT THESE LAWS TO PAY FOR THEM!

- * These laws cause sex offenders to go underground and into hiding, due to the strict nature of the laws! How is this protecting anyone?
- * These laws are all about money for law enforcement and votes for politicians. Prison is a business! Politicians are salaried and want elected/re-elected! Law enforcement get paid for people in jails, prisons or on the registry!
- * These laws blatantly disregard the United States constitutional rights of all citizens! (i.e. ex-post facto, due process & others)
- * These laws are cruel and unusual punishment! A sex offender cannot go to a fast food restaurant which has a playground! Why? We have just as much of a right as you to get a burger! Plus they cannot go anywhere kids congregate, which is endless (i.e. Amusement parks, Movie theaters, the list is endless)
- * Sex offenders can go to church, but must leave immediately afterwards. If a sex offender owns a business and someone decides to put a church or school next door, they have to now sell their business and move. This is not right, move the church or school, the sex offender was there first!
- * These laws continue to punish people even after a sentence has been served, and they are trying to get on with their lives! (i.e. ex-post facto)
- * These laws are driven by fear-mongering, opportunistic politicians and will do nothing to actually protect children!
- * There are over one million women and children whose lives are inter-twined with a sex offender in the United States. They should matter too!
- * Follow the money trail, these laws are conveyor-belt laws to benefit law enforcement! They get paid for the number of people in jail, prison or on the registry!
- * They are currently a one-size-fits all for sex offenders! Not all sex offenders are predators or pedophiles that these laws are suppose to be for anyway!
- * They are modern day witch hunts and a scarlett letter!
- * If Sex Offenders are re-offending, why does the registries grow each day? Because new people are being added daily for stuff like "public urination", "mooning", "concensual sex", "young children playing 'Doctor'" and various other minor offenses that we need not worry about. We need to worry about predators & pedophiles!
- * Now they are trying to make it a law that a sex offender, if they have kids, cannot "take a picture" of anyone under 18. This is totally stupid! Can't even take Christmas pictures, birthday pictures, etc!
- * Also, because a sex offender owns a business in town, many people are trying to get the business shut down! The sex offender had the business for awhile. If you don't like it, MOVE!!!!
- * The thing about pedophiles not being able to take pictures of kids is stupid. You'd better shred any pictures you have of your kids when they were babies, like diaper changing, baths, etc.

* The Nazi's passed other laws that targeted sex offenders. In 1933, they enacted the Law Against Dangerous Habitual Criminals and Measures for Protection and Recovery. This law gave German judges the power to order compulsory castrations in cases involving rape, defilement, illicit sex acts with children (Paragraph 176), coercion to commit sex offenses (paragraph 177), the committing of indecent acts in public including homosexual acts (paragraph 183), murder or manslaughter of a victim (paragraphs 223-226), if they were committed to arouse or gratify the sex drive, or homosexual acts with boys under 14. The Amendment to the Law for the Prevention of Offspring with Hereditary Diseases dated June 26, 1935 allowed castration indicated by reason of crime for men convicted under paragraph 175 if the men consented. A May 20, 1939 memo from Himmler allows concentration camp prisoners to be blackmailed into castration. -From Scott Safier's Pink Triangle Page.

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From: ZMan - GA [REDACTED]
Sent: Wednesday, March 21, 2007 9:29 PM
To: OLPREGS
Subject: In regards to the sex offender laws

Follow Up Flag: Follow up

Flag Status: Completed

Please see this Blog item first, on my blog, for more comments.

<http://sexoffenderissues.blogspot.com/2007/03/yellow-journalism-in-augusta-georgia.html>

LINKS:

- * [http://www.nacdl.org/sl_docs.nsf/issues/sexoffender_attachments/\\$FILE/sexOffenderPolicy.pdf](http://www.nacdl.org/sl_docs.nsf/issues/sexoffender_attachments/$FILE/sexOffenderPolicy.pdf)
- * <http://sexoffenderinfo.pbwiki.com>
- * <http://sexoffenderissues.blogspot.com/>
- * <http://www.soclear.org> <-- Tons of video/media about the facts

ISSUES:

* I do not believe in registries period, but if the sex offender laws are kept, why discriminate? I DEMAND WE HAVE A CRIMINAL HISTORY REGISTRY, SO I KNOW IF YOU ARE A MURDERER, GANG MEMBER, DRUG DEALER/USER, DRUNK, THIEF! IT'S MY RIGHT! Why won't this fly? Because then the senator, mayor, governor, president, celebrities or you may be on a publically accessible registry to face the shame. But why not? Why discriminate? So the rich can implement their "master plan?"

* When will people ever realize no matter how tough on crime, all the zero tolerance, all the registries in the world will not prevent a murderer from murdering, a thief from stealing, a dealer from dealing, a user from using, a rapist from raping....accusations on any sex crime, child abuse, or domestic violence will literally nail your butt to the wall! No DNA has to be present, No violence has to be present..... HEARSAY ALONE IS LITERALLY NAILING THOUSANDS AND THOUSANDS OF PEOPLE TO THE WALL BECAUSE THESE LAWS ARE BIASED.

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* The issue with sex offenders Internet email addresses, IM names, etc being collected, this is another "feel good" law that will not stop crime. If someone wanted to commit a new crime, they'd create a new email address and commit the crime. This is stupid and won't work. It is just another waste of the taxpayers money.

* Think!! Come up with solutions, not "feel good" laws, which make it harder and harder for sex offenders to get on with their lives.

- * "Buffer Zones" are a false sense of security!
- * "Buffer Zones" are banishing people from their town, state, and possibly the country!
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- * Also, because a sex offender owns a business in town, many people are trying to get the business shut down! The sex offender had the business for awhile. If you don't like it, MOVE!!!!

MY SOLUTION:

To protect children from potential predators, why don't they uses these RFID chips, like the ones from Digital Angel which have GPS? (See links below)

They can embed them (in some random place) into the children to track where they go, and so they can't

easily be removed and the potential predator doesn't know where it is?

Then when the child goes missing, if the software can track them, they would not spend a ton of money hiring a bunch of people to find them, taking days to find them, wasting precious time.

They could know immediately where the kid is at, and if it logs the places the kid has been, they would know exactly who the suspect is, due to where the child has been, and would not possibly convict someone who wasn't the perpetrator?

They could just flip on the software, and up pops the tracking report which shows a log of every place they went and where the child is currently at?

Seems like that would be worth more, cost less, and then these sex offender laws could probably be all but eliminated.

If criminals knew that, I'm sure they would not kidnap another kid, unless they really are brain dead.

I know, many people would say, why make the kids where this? Because putting it on sex offenders is still pointless, you'd have to then look up all the sex offenders in the neighborhood, and check all of them and the tracking logs, which is again wasting time. If the kid had it, they could go directly to the parents, or law enforcement, turn on the software, and find the kid in a couple minutes, give or take.

And when the child is old enough, like 18 or so, then the chip could be removed, so it doesn't violate their privacy.

Just a thought.

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From: [REDACTED]
Sent: Friday, March 30, 2007 9:19 AM
To: OLPREGS
Subject: OAG DOCKET #117

Follow Up Flag: Follow up
Flag Status: Completed
To Whom It May Concern,

I am a Viet Nam era Veteran opposed to retroactive laws. I am sworn to uphold the Constitution of the United States of America, and this is UNCONSTITUTIONAL . Ex Post Facto laws are unconstitutional! Cease and desist!

Alyce Holleman Wenger (USAF 1971-74)

[REDACTED] St
[REDACTED]

See what's free at AOL.com.

Garff_Ray.txt

From: Reg Garff [REDACTED]
Sent: Friday, April 27, 2007 6:45 PM
To: OLPREGS
Subject: OAG Docket No. 117 - Comments in Opposition to Interim Rule RIN 1.105-AB22

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: OAG Docket No 117 - UBJJ Opposition Rule RIN 1
105--AB22.pdf

Please see attached document.



JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

State of Utah
Utah Board of Juvenile Justice

REG GARFF
Juvenile Justice Specialist

April 25, 2007

David J. Karp
Senior Counsel
Office of Legal Policy
Room 4509
Main Justice Building
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

**Re: OAG Docket No. 117
Comments in Opposition to Interim Rule RIN 1.105--AB22**

Dear Mr. Karp:

Thank you for the opportunity to comment on behalf of the Utah Board of Juvenile Justice (UBJJ) regarding the interim rule requiring retroactive effect of the Adam Walsh Act on sex offenders. As a Board, we believe making the Act retroactive for juveniles would be detrimental to public safety, the juvenile justice system and the juvenile offenders themselves.

The Act makes very little distinction between juveniles and adults. As such, it is the opinion of the UBJJ that it is poor public policy to impose the requirements of the Act, retroactive or otherwise, on juvenile offenders because of the treatment implications involved.

On a national level, we have historically treated adult and juvenile offenders differently for good reasons. Juvenile offenders generally have diminished culpability relative to adults due to their inherent lack of maturity. They also respond well to treatment. For these reasons, our Nation's juvenile justice system has worked vigorously to protect the confidentiality necessary for effective treatment of youthful offenders.

Utah's juvenile justice system goes to great lengths to rehabilitate juvenile sex offenders. Most juveniles are responsive to treatment and their recidivism rates are low. According to the National Center of Sexual Behavior of Youth, a training and technical assistance center developed by the Office of Juvenile Justice and Delinquency Prevention and the Center on Child Abuse and Neglect, University of Oklahoma Health Sciences Center, the recidivism rate among juvenile sex offenders is substantially lower than that of adults (5-14%), and substantially lower than rates for other delinquent behavior (5-14% vs. 5-58%). The Center also found that juvenile sex offenders are more responsive to treatment than adults and less likely than adults to re-offend when provided appropriate treatment. We believe most juveniles can be successfully treated to the extent they no longer pose a risk of harm to others.

It would be highly detrimental to youthful offenders who have successfully completed sex offender treatment to have to comply with the onerous requirements of the Act. Leading life as a productive citizen would be next to impossible while listed on the registry. Education, jobs and housing would become problematic at best for youth listed in the registry. Most youthful



Utah State Capitol Complex • East Office Building, Suite E330 • PO Box 142330 • Salt Lake City, Utah 84114-2330
telephone (801) 538-1031 • facsimile (801) 538-1024 • www.juvenile.utah.gov

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sexual offenders are malleable and responsive to treatment and upon completion of sex specific therapy are ready to move on with their lives without the stigma and perpetual collateral consequences that typically accompany criminal convictions.

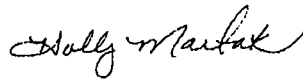
Requiring youthful sex offenders to participate in a national registry runs contrary to the Act's public safety objective of "protect[ing] the public from sex offenders and offenders against children." Personal information, photos, addresses, schools of youthful sex offenders are required to be posted in a national registry, thus making this information available not only to the public at large, but also those looking to target these young people as victims of further criminal activity.

Finally, it would be extremely difficult for states to apply the mandates of the Act retroactively. Identifying, locating, documenting and requiring in-person updates four times each year would be an enormous administrative burden, not only on the state, but also the families of youthful offenders. These youth frequently move and many have little parental support, thus aggravating an already difficult process.

For the above mentioned reasons and on behalf of the Utah Board of Juvenile Justice, I respectfully ask that juvenile offenders be exempted from retroactive applicability. To do otherwise would constitute a great injustice both to the juvenile offender as well as the juvenile justice system in Utah, which is designed to rehabilitate minors who violate the law.

Thank you for your consideration.

Sincerely,



Holly Martak
Chair, Utah Board of Juvenile Justice

UBJJ MEMBERS

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Utah County Commissioner
GABY ANDERSON
Utah Division of Juvenile Justice
Services
PAT BERCKMAN
SL County Division of Youth
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Division of Juvenile Justice
Services
NATALIE THORNLEY
The Children's Center
PAUL H. TSOSIE
Attorney at Law

cc: Robert S. Yeates
Executive Director CCJJ