

Sex Offender Registration Law Update #4
March 20, 2008

1. **Doe v. Board, 2008 Mass. LEXIS 139 (Sup. Jud. Ct. March 14, 2008)**

- **Retroactive Application**
- **Due Process Violation**

D was convicted of Rape in 1979, and finished serving his sentence and supervision in 1981. In 2003, he was notified that he was required to register as a sex offender based solely on his 1979 conviction (the current Massachusetts registration scheme was enacted in 1999). The court held that the “retroactive imposition of the registration requirement without an opportunity to overcome the conclusive presumption of dangerousness that flows solely from Doe’s conviction [] violates his right to due process under the Massachusetts Constitution.”

2. **Hazel v. State, 2008 S.C. LEXIS 75 (Sup. Ct. S.C. March 10, 2008)**

- **Applicable Statute for Sex Offender Registration**

D was convicted prior to the passage of sex offender registration legislation and there were multiple versions of the law—as it would apply to him—throughout the duration of his incarceration. The governing registration law is the one in effect when D was actually released from prison.

3. **State v. Sparks, 2008 N.C. LEXIS 149 (Sup. Ct. N.C. March 7, 2008)**

- **Post-Release Revocation**
- **Double Jeopardy**

Where D’s suspended sentence was revoked because of his failure to register as a sex offender (he absconded) it was permissible to prosecute him for the separate criminal charge of failure to register as a sex offender in addition to proceeding on a post-release revocation hearing.

4. **Mayo v. People, 2008 Colo. App. LEXIS 358 (Ct. App. Colo. March 6, 2008)**

- **“Conviction” triggering registration**

Where D was indicted for sexual abuse of a minor and later civilly committed as a Sexually Dangerous Person in Illinois in 1988. As part of that process, he stipulated that he

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committed or attempted to commit at least one act of sexual abuse. He was never found guilty of the offense and was released from his commitment in 1995. In 2001 he asked to have his release conditions terminated and the indictment dismissed, and that motion was granted by the court. However, as part of the original disposition in 1988 he was still required to register as a sex offender.

He then moved to Colorado and challenged the requirement to register under Colorado law. Colorado concluded that he was “convicted” for purposes of Colorado’s sex offender registration law, and he was required to continue his registration obligations.