

The sex offender registry: a non-punitive civil regulatory scheme

written by Sandy | May 22, 2018



By Sandy . . . The sex offender registry is a non-punitive civil regulatory scheme.

Keep that in mind. Keep repeating it. A non-punitive civil regulatory scheme.

Civil, not criminal. The requirement to register is triggered by a criminal conviction, both felonies and misdemeanors, but the requirement to register is not part of punishment. It is non-punitive. So ruled the Supreme Court well over a decade ago.

It is a Non-Punitive. Civil. Regulatory. Scheme.

And yet, in many states, failure to register and even infractions in adhering to the registration procedure will land one in jail. Several years ago in Texas, [Josh Gravens was on the verge of being behind bars](#), facing up to 25 years'

imprisonment, for a minor technicality – Failure to Comply with Registration Requirements, which in Texas and other states is a felony. He was at the registration office to update a change of address when he was arrested because he hadn't followed the procedure of registering the new address seven days before the move, which is the law.

As the move was precipitated by a sudden marital separation, Josh hadn't known seven days previously that he would be moving. Didn't matter. This had occurred once before during a month's work trip when he failed to register his temporary address in another state in time. This would have made his third felony charge, the first being at age twelve for inappropriate touching of his sister.

He fought it and was successful.

In Minnesota infractions in registry procedure [add time to the length of the registration requirement.](#)

The consequences of any violation of this NON-PUNITIVE CIVIL REGULATORY SCHEME can be extremely serious.

[For Harley Hold in Missouri, they were as serious as it gets.](#)

In the Algoa Correctional Center, part of the Missouri Department of Corrections prison system, for a failure to register charge, Harley was severely beaten by other inmates. His requests for medical treatment were ignored until it was too late, and he died of his head and brain injuries. Harley was on the Missouri sex offender registry for a charge of statutory rape in 2004 when he was 24 years old.

Should he have been involved with an underage girl when he was 24? No.

Should he have made sure that he was complying with the letter of the law in his registration requirements? Yes.

But should a NON-PUNITIVE CIVIL REGULATORY SCHEME result in

PUNITIVE CRIMINAL charges that can result in a lengthy prison sentence? That can result in adding time as a CRIMINALLY CONVICTED FELON to a CIVILLY REQUIRED NON-PUNITIVE REGULATORY SCHEME?

That can result in severe beatings, head trauma, and death?

Prison is not a pretty place. The risk of violence and harm is present for everyone, but the risk to sexual offenders is many times over what it is to other inmates. Prison authorities know this and have an obligation to protect the lives of those thrust into their care. Most often those bearing the sexual offender label are put into special housing, not into the general population.

Of course, Harley was not in Alcoa Prison for a sexual offense conviction. He was in prison for a crime that is a crime ONLY to U.S. citizens who are on a sex offense registry. He was in prison for failure to register.

A violation of a NON-PUNITIVE CIVIL REGULATORY SCHEME.