

NARSOL's Delaware rep: Sex offender laws should serve safety purpose; HB306 is "purely punitive"

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By Margaret Hawkins . . . House Bill 306 is before the Delaware State Legislature. For the 4,500-plus Delawareans who [appear on the state Sex Offender Registry](#), the proposed legislation changes the "Restrictions" designation on the front of their driver's licenses from the current "Y" to "S0." The bill retains the words "Sex Offender" that already appear on the back of licenses.

HB306 proposes nothing to make the public safer. Delaware drivers' licenses use federally compliant standards, and law enforcement technology provides immediate knowledge of a person's registry status without relying on any specific license designation. HB306 is purely punitive.

We show drivers' licenses at many places, such as pharmacies, doctor's offices, and banks. Employees of such places have no need to know if someone appears on the registry. HB306 will discourage individuals from accessing important services like medical care, prescriptions, and banking. HB306 simply encourages public shaming for individuals and discourages them from successful reintegration into society, a key component of preventing further offenses.

Delaware should not brand individuals on the registry via their drivers' licenses. Only six states do so, and only four (including Delaware) make that branding obvious to individuals

who are not police officers. If HB306 is enacted, Delaware will set itself up for expensive court cases which the state is likely to lose. Since 2019, two [states](#) have been sued over this same issue, and their laws were subsequently struck down as unconstitutional, with the U.S. Supreme Court refusing to hear appeals on [such cases](#).

Much of what we think we know about individuals on the registry is untrue, based on horrific – but very rare – cases sensationalized by the media. “Stranger danger” is a myth that places children at greater risk of victimization by causing the public to focus on strangers when studies show that [95% or more of sexual offenses are committed](#) by someone known to the victim, often family members or trusted friends, not by persons on the registry. Per four recent studies, one by the U.S. Department of Justice and three by Delaware state agencies, less than 4% of Delawareans on the registry reoffend with [another sexual offense](#). Clearly, the vast majority of individuals on the registry are not predators.

Upon completion of the prison sentence, a Delawarean convicted of a sexual offense is placed on the registry for 15 years, 25 years, or life, based on the offense. Judges have no discretion for taking the circumstances of the offense into consideration. The stigma of the registry makes it extremely difficult for individuals to obtain housing and employment, forcing many into homelessness, joblessness, and reliance on public assistance. Individuals on the registry experience homelessness at three times the rate of others, ironically making them more difficult to track, and they experience unemployment at a rate of about 36%. For those fortunate to find employment, it is often temporary, low paying and without benefits. Overzealous notification by law enforcement, in the form of in-person visits to landlords and employers, further jeopardizes housing and employment for these individuals and is not mandated by Delaware law.

Delaware is third in the nation for the number of [registered](#)

[sex offenders per capita](#). That number grows daily and also includes hundreds of children [placed on the registry](#). We dilute the effectiveness of the registry by including so many individuals. It overwhelms the public, who may perceive predators on every corner, and does not focus resources on the offenders in their communities who may be likely to reoffend. Taxpayer dollars and law enforcement resources should focus on the rare, true predators who appear on the registry. This is what will make the public safer.

Many states are reforming their sex offender registry laws, and so should we. Instead of punitive, shame-based laws that make it nearly impossible for individuals – who have already been punished with prison terms – to reintegrate and become productive members of society, our laws should focus on treatment, rehabilitation, and reintegration. Our focus should be on the very small population of truly dangerous predators, via extensive treatment and close monitoring. Reforming Delaware's sexual offense laws will increase public safety, protect past victims from re-victimization, and save taxpayer dollars. HB306 does none of these and should be opposed.



Margaret Hawkins is NARSOL's representative in Delaware and the founder of Delaware Advocates for the Reform of Sexual Offense Laws (DARSOL).