

Chemical castration as public policy gets a failing grade

written by Sandy | January 28, 2023



By Sandy . . . With legislatures in session across the country, advocates are closely watching bills that address their issues. Some are good, some are indifferent, and some are just plain bad.

The touchstone is does the bill address a situation in need and/or does it provide improved safety for those whom it affects. In other words, is it good public policy?

New Mexico House Bill 128 is just plain bad on so many levels, and it is being hyped in the media for something it is not.

HB 128 requires men who have been convicted of a wide array of sexual crimes to receive a regimen of medication called "chemical castration" before receiving what the media is calling "early release" in the form of parole.

In New Mexico, people incarcerated for a sexual conviction don't receive early release; they do their full sentences and then are paroled. The bill requires the recipients to pay for

their own medication unless they can prove they are indigent. This alone will help create a backlog of cases that will further strain the taxpayer's burden.

Convicted offenders with housing restrictions are already being held in prison, some long past their release date, until the parole board approves their housing plan. This will add more to that number, those waiting for the treatment, which is complicated and costly, and those waiting to be approved as indigent and *then* waiting for treatment.

[This does not appear to be understood](#) by representatives Stefani Lord and John Block, the sponsors of the bill. Lord said, "Since pedophiles are eligible for early release in New Mexico, for that privilege, they will need to agree to be chemically castrated as a condition of their parole. If they don't agree to these terms, they can stay in prison, away from society, and do their entire sentence."

Her error, aside from her incorrect, misleading, and inflammatory usage of the word "pedophiles," is: They already do their entire sentence; they are not eligible for "early release"; this will hold them beyond the completion of the sentence. Additionally the bill does not specify crimes against children or victims under a certain age but rather addresses a great many sexual offenses.

Rep. Block said, "With clear science and support from experts in favor of chemical castration of pedophiles, this is the most commonsense legislation to ensure the threat of these criminals is dramatically reduced." There is [very little support from science and experts](#); most support the opposite; again, the gratuitous use of the word "pedophiles"; the high "threat" alluded to is a fallacy and contradicted by every valid study done.

New Mexico is not unique in proposing this strategy. A handful of states already have it in law, and others are considering

it.

California and Florida are cited as being states that mandate its use. The language in [California law, Section 645](#) (1996) states that with a victim under thirteen, the injections “may” be requested by an offender after the first offense, and that after a second like offense, he “shall undergo” the treatment.

[Florida’s statute 794.0235](#) (1997) likewise says it may be requested after a first conviction of any form of sexual battery (794.011) and “shall” be used after a second offense. Unlike California, Florida does not attach an age limit to the prerequisite.

[Louisiana’s law \(14:43.6\)](#) reads very similar to that of Florida with the exception of specifying a victim age of less than thirteen.

[501.061, Texas Penal Code](#), allows the procedure upon request after the 2nd offense of a child under fourteen and has a laundry list of conditions that must be met by anyone requesting it. According to information from Texas Voices, it is virtually never used.

Wisconsin’s NARSOL state contact reports that while [statute 302.11\(1\)\(b\)2](#) states it *may* be a requirement of the DOC or Parole under certain circumstances, DOC says the controversial treatment is currently offered but never required.

[Iowa](#) has language in its laws that allow its usage under certain circumstances, and Georgia and Oregon have allowed the practice in the past if not currently.

[Alabama’s requirement](#) is that all those whose victim was a child under 13 receive the very costly treatment as a condition of release after a first offense and that the cost is borne by the offender, making the Alabama law more stringent than any of the others and with the major features of this proposed New Mexico law with the exception that it

addresses children under 13.

It is bad public policy wherever it exists, and for a variety of reasons.

The positive benefits are far below what might conceivably justify its usage, and [the negative effects](#) are medically serious, being associated with various side effects, including osteoporosis, cardiovascular disease, impaired glucose and lipid metabolism, depression, hot flashes, infertility, and anemia.

[The vast majority of the population](#) on whom it is coerced and forced, through more acceptable forms of therapy and self-motivation, will not reoffend sexually.

[The moral and constitutional objections](#) are universal and compelling. From a moral and human rights perspective, the general consensus is that it is barbaric and reminiscent of our nation's earlier and darker forays into eugenics. [As one study puts it](#), “. . . chemical castration under the current laws is vaguely positioned between punishment and treatment due to lack of informed consent by the recipient. . .”

As with the registry and all restrictions that target persons convicted of a sexual offense, [the procedure would not result in any significant reduction](#) in future offenses. Most future child molesters are not those already convicted, but rather family members and other trusted individuals who may never even enter the criminal justice system, and to an only slightly lesser degree, this is also true when the victims are adults.

New Mexico is the latest state to consider chemical castration for people convicted of certain sexual offenses, but they are highly unlikely to be the last. This strategy fails many tests, and it fails the biggest one of all: It is NOT good nor effective public policy.