



The Digest

Volume 8, Issue 5 May 2015

How We Will Take Down Public Registries

By Brenda and Larry

Although many of our constituents would love to see some sort of silver bullet to end public sex offender registries once and for all, realistically, this is a long-term war. It will take many more battles across many different fronts to win. Those fronts include our legal system, our legislatures, and the general public. It also includes... ourselves! EVERY battlefield is important, and EVERY soldier is needed.

The Legal Front

We have many legal “soldiers” out there challenging various aspects of public registration, sometimes for individuals, sometimes for entire groups.

These challenges are very important but are merely one part of the war. And as dramatic as a victory may seem, *there is no single victory that will take down all public sex offender registries.*



In order for a court – even the Supreme Court – to end a law once-and-for-all, it would have to find that the law is unconstitutional *on its face*. For a law to be judged as facially unconstitutional, there must be no set of circumstances under which it could operate lawfully. The registration of sex offenders is one of the countless registration/regulatory schemes that operates throughout our country. We have registration schemes for school

children, voters, automobiles, guns, and even young men must register with Selective Service. These registration schemes have and will continue to operate without violating the Constitution. This is the reason SORNA challenges are “as applied” rather than facial. With the exception of First Amendment challenges, courts will typically consider a challenger’s unique set of facts and render an opinion as to whether or not the law is unconstitutional *as applied to those particular facts*.

If an appeals court finds that some aspect of registration is unconstitutional as applied to a person or persons, this does not prohibit the legisla-

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In the News

By Sandy

The story of the month has arguably been that of Mr. Richard Laws of Vermont. In 1993, Richard was convicted of kidnapping and sexual assault. He served his sentence and on April 9 came home to his home county of Chittenden in Vermont. His presence there has aroused a massive amount of press coverage and community activity.

This is what we do not know about Mr. Laws:

1. whether or not he was guilty as charged – he maintains he was not;
2. whether or not he was given an actual opportunity to receive treatment – he and the state are in disagreement as to those circumstances;

3. whether or not his “high” risk assessment accurately reflects his risk to commit another offense.

This is what we do know:

1. he completed his court-ordered sentence and is not under community supervision – legally, his debt is paid;
2. the amount and type of public notification is in excess of what is legally required;
3. this has led to conditions that virtually have destroyed Richard's chances of peaceful assimilation into the community and quite possibly have destroyed his ability to gain employment there;

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Take Down Registry, cont. from p 1

tive branch from attempting to enact a fix. This is why sex offender registration, especially public registration, must also be fought through the legislative process. Courts can help prevent the ever-encroaching reach; however, those who wear black robes are not empowered to make our laws, nor can they prohibit those we elect from enacting them. Courts are limited to interpreting or correctly applying laws that are in dispute.

RSOL is closely monitoring constitutional challenges around the country, hoping to assist in constitutional challenges brought by our legal soldiers.

The Legislative Front

Bad bills are being proposed every year by well-meaning legislators whose constituents are telling them that they want to be protected from bad guys and bogeymen. Our legislative soldiers must stand up and speak up when such

bills are introduced. Legislators are often shocked that there can be a “down side” to get-tough bills and that laws of this sort cause more harm than good. *It is our right and our duty as citizens to monitor and speak out on legislative issues.* Our soldiers can also strive to introduce bills that

Quote of the Month:

It takes each of us to make a difference for all of us.

Jackie Mutcheson

education and a serious reality check.

Consequently, our soldiers must also stand and speak up whenever they hear untruths, providing solid facts and taking the unpopular stand against the easier “tough on crime” views. As the underdogs, we must do plenty of homework and assure that every point we make is verifiable, every story true and strong.

Every member of RSOL, and indeed every member of the public who has become aware of the incredible falsehoods and constitutional violations resulting from our country’s sex offender policies, must fight on this critical battlefield.

The Personal Opinion Front

All of us have our own internal battles to wage in this war, too. We have arrived with plenty of preconceptions and gaps in our own understanding of the big picture. *Each registered citizen must recognize that he/she is not “unique.”* Every registrant is suffering to some degree, and nearly everyone was forced to take a plea or got worse than he had hoped for during trial and sentencing. Likewise, family and friends must come to recognize that *this cause is far bigger than their own personal struggles.* NOBODY deserves public humiliation; it serves no public safety purpose and, in fact, can increase the risk. We have to distinguish ourselves from John and Jane Public by acknowledging and *ACTING ON the knowledge that our “get tough” policies are failing us,* and that public registries are not effective nor are they appropriate for ANY person.

We also have to take a hard look at our individual political stands and vot-

will help improve the lot of persons convicted of sexual offenses (or any other conviction, for that matter). Building working relationships with lawmakers takes time, diplomacy, and persistence, but the rewards of having a legislator “champion” willing to work with us are well worth this effort.

RSOL’s Advocates and Affiliates are among the many legislative soldiers busy fighting bad bills.

The Public Opinion Front

Anyone visiting this site is probably already aware of the huge problems in our justice system and our laws, especially regarding sexual offenses and sexual offenders. Most Americans are not. Almost daily, they see news items and police warnings about abducted children, horrible rapes, dangerous strangers, and incurable sex offenders. John and Jane Public have been terrified into accepting bad laws and policies. In fact, they are begging for them. *John and Jane Public need an*

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RSOL does not in any way condone sexual activity between adults and children, nor does it condone any sexual activity that would break laws in any state. We do not advocate lowering the age of consent, and we have no affiliation with any group that does condone such activities.

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Affiliate Development

By Sandy

RSOL's regionalization plan is up and running. Given the period of adjustment any change in structural organization requires, we are very pleased to have made such a smooth beginning. This is largely due to our Affiliate Coordinator Tim, who continues to wear many hats and do well with all of them. He is our Vermont contact; he is the Gatekeeper for phone calls and email coming into our website; he is the Re-

gional Coordinator for Region 3, and he is the Affiliate Coordinator for all coordinators, advocates, and contacts. You will be hearing from him from time to time in the last three of the four positions.

We are also pleased to welcome two new contacts, Ken in Mississippi and Don in South Carolina – be sure and read Don's state report. Welcome, Ken and Don.

Calendar of Events

- 5/5 - Board of Directors (Admin Team) Meeting
- 5/13 - National RSOL Review
- 5/26 - Advancing Advocacy
- 5/31 - Conference early-bird and discount prices end
- 6/25-27 National Conference

* Details on page 5 and on our calendar at nationalrsol.org.

Take Down Registry, cont. from p 2

ing habits. Have we been voting for “tough on crime” and “incarceration nation” politicians all this time? Cheering when some Bad Guy “gets what’s coming to him?” Maybe it’s time to rethink our own roles and make some changes.

Who Are Our Soldiers?

Each one of us must find the strength within ourselves to take a stand against harsher sentences, public registration, and civil commitment. As within any army, though, there are a host of dif-

ferent roles to play. At the one extreme are those willing to take the heat and stand up publicly to loudly protest injustice, even at some personal risk. Others speak in a more measured way in legislative hearings, city council meetings, and boardrooms to assure that facts are heard and our Constitution is remembered. Still others write and publish and research and share the truth with as wide an audience as possible. There are soldiers, both attorneys and plaintiffs, willing to go the extra distance

on legal appeals that will bring relief to hundreds or even thousands.

But by far the largest number of foot soldiers are *those who reach out, one-on-one, and connect with their families, friends, neighbors, random passers-by...* taking any and every opportunity to educate and challenge those deep, knee-jerk fears and assumptions that have brought us to this point. Rich or poor, young or old, well spoken or shy, strong or weak, whoever we are, we have a common message: citizens labeled “sex offender” are NOT monsters but human-beings who deserve to be treated with the same human dignity as everyone else. They are no more dangerous than any other neighbor. The rights we have taken away from them can be taken away from ANYONE, once that door has been pushed further open.

So RSOL asks of you, *have you found your role in this war to bring down sex offender registries? We hope we can count on you!*

Okay Troops, let’s get marching!

Important Notice to Our Readers

RSOL sends a limited number of free newsletters each month to individuals we believe may be interested in supporting our mission. We gather names through a variety of sources including referrals from existing subscribers and prison inmate databases. If you would like to recommend a person’s name to us for a trial subscription, please include your name and provide the name and complete mailing address on the enclosed subscription form. The person will receive four free issues and we will extend your subscription for an equal number of issues.

Note: If your copy of The Digest is marked “Trial Subscription,” you are receiving the publication without cost as an inducement to become a subscriber.

RSOL Insiders - May 2015

By Jay G, Sean S, Dan D, Tom N, Jake J, Brandon, Clay S, Scott E, the RSOL Insiders

SORNA and the 10th Amendment questions:

SORNA, the national Sex Offender Registration and Notification Act, was implemented as a directive of the Adam Walsh Act of 2006. As a result of SORNA, Congress sought to create a comprehensive system to track and monitor the movement of sex offenders. The ACT requires that sex offenders register their names, residency, and other personal information so that law enforcement and the general public will know the where-abouts of those sex offenders. Under the Adam Walsh Act, each of the 50 states and the U.S. Territories are required to implement and maintain an active registration program to be in "acceptable" compliance with SORNA. If a state decides to opt-out and not implement SORNA, then that state is at risk of incurring a reduction of 10 percent in federal funding for law enforcement in that state.

The individual mandate was enacted as a regulatory penalty, not a revenue-raising tax, and thus was not acceptable under Congress's Taxing & Spending Clause. It also exceeded Congress's power under the Commerce Clause.

The challenge here is in how the laws around SORNA are enforced and raises a few questions: (a) Does Title 42, Chapter 151, Subsection 16925 pressure states to comply with SORNA? If it does, then (b) Does it raise 10th Amendment issues? Does it violate the 10th Amendment under the Dole decision? (*South Dakota v. Dole*, 1987, 483 U.S. 203)



DOLE GUIDELINES:

1. Provision designed to serve general welfare.
2. The means chosen to address the situation were reasonably calculated to advance general welfare.
3. The conditions upon which the states were to receive funding were clearly stated.
4. The congressional action was related to the national concern of safe interstate travel, one of the main purposes for which the highway funds are expended.
5. 21st Amendment.

Residency Restrictions Challenge Reinstated by Fifth Circuit Court of Appeals

A family from Lewisville, Texas filed a civil rights action pursuant to 42 U.S.C. 1983, challenging the constitutionality of the residency restrictions imposed through that city's ordinance. A federal district judge dismissed their claims for lack of standing and as moot. However, on July 22, 2014, the FIFTH CIRCUIT COURT OF APPEALS reversed the lower court's dismissal of the claim.

Aurelio Duarte was sentenced to eight years in prison for online solicitation of a minor. He served his sentence and was subsequently released.

Prior to Mr. Duarte's release, his wife sought housing that would be compliant with the sex offender registry ordinance in Lewisville. Those restriction prohibited a sex offender from living within 1,500 feet of schools, parks, playgrounds or recreation areas (basically, anywhere kids might congregate). After several inquiries, his wife was unable to locate suitable housing. As a result, the Duarte family was forced to resort to living in a 275-square-foot motel room in a nearby town after Mr. Duarte was released.

The sex offender ordinance clearly and concretely interfered with the lives of the Duarte family, which includes two children of their own. The ordinance in Lewisville, Texas, and other towns in the state "treats offenders differently" (discriminates) and places an extreme burden on the family in locating a home to buy or rent.

The Fifth Circuit Court of Appeals also rejected the district court's ruling that Aurelio Duarte lacked standing because he was never prosecuted under the ordinance. "It is not necessary that a plaintiff (Mr. Duarte) be exposed to prosecution to be entitled to challenge a statute that deters his constitutional rights." For more information SEE: *Duarte v. City of Lewisville*, 759 F.3d 514 (5th Cir. 2014)

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Countdown to Conference

By Sandy

June 25 - 27~~Dallas, Texas

Time's a-wasting! Both discounted conference registration and the group discount rate for the hotel expire the last day of this month, May 31. Before that happens, come to the website and register and reserve your hotel room. Lunch for Thursday and Friday is included in the price of your registration, and Friday night we will have a fundraising, mouth-watering Texas buffet and a live auction; be sure and buy your tickets for this when you register.

RSOL and Texas Voices are going all out to make this your best conference experience ever. Last month we talked about some of the great speakers you will be hearing.

Here is our full major speaker line-up:

Julie Baldwin, Assistant Professor in Criminology and Criminal Justice and Tusty ten bensel, Assistant Professor in Criminal Justice. Collateral Consequences of Sex Offender Laws: A National Survey of Sex Offender Organizations

Janice Bellucci, Attorney. Getting Rid of Presence Restrictions

Steven DavidSon, Motivational Speaker. The Power of Family to Survive and Succeed

Nancy Forster, Attorney. Challenging State Registries

Jeffrey Gamso, Attorney. On the Public Defender System and Other Legal Advocates

Richard Gladden, Attorney. Registration of "Online Identifiers" Violates the Constitution

Emily Horowitz, Associate Professor in Sociology and Criminal Justice. Protecting Our Kids? How Sex Offender Laws Are Failing Us

Eric Tennin, Attorney. Are Risk-Based Registration Schemes Worth the Risk?

Additionally, there will be four break-out sessions with exciting and valuable choices for each session.

Childcare will be available up through age 12, and booth and exhibit space is available but limited.

As I said, time's a-wasting. Polish those boots, spiff up that ten-gallon hat, and make all your plans to mosey on over to Dallas. For you early birds, we will have early sign-in and meet-'n-greet at the hotel Wednesday evening, the 24th, starting at 6:30.

For you cow-pokes riding your horses, stable space is REALLY limited, so you might want to plan on getting there Wednesday for sure. But be it car, plane, bicycle, or horse, we're counting on you making it there!



Insiders, from p. 4

Federal Judge Declares Portions of Michigan's Sex Offender Law Unconstitutional:

A 72-page ruling was issued by United States District Judge Robert Cleland, which struck down several of the reporting requirements for sex offenders in the state of Michigan.

Among those requirements struck down included the 1000-foot school safety zone, which prohibits a sex offender from living within 1000 feet of any public or private school. The laws are so vague that it makes it impossible

for offenders to follow.

The American Civil Liberties Union of Michigan filed the lawsuit in 2012 against Governor Rick Snyder and Kristie Etue of the Michigan State Police. The Clinical Law Program from the University of Michigan also participated in the litigation.

Other requirements struck down by Judge Cleland included mandates that

required offenders to report in person new email and instant messaging addresses and to notify authorities of all phone numbers routinely used by the individual.

SOURCES: Prison Legal News, Detroit Free Press, Dallas Morning News

SPECIAL THANKS goes out to Georgina Schaff and Vicky Henry for providing information.

Legal Corner

This is a reader contribution section that solicits legal questions from our readers. Each month a question will be chosen and answered in the newsletter by a member of our Legal Project. This section is intended for information only. It is by no means to be considered legal advice, and it should never substitute for seeking the services of an attorney.

Please note: We often get specific legal questions about someone's conviction or about state-specific registration obligations. Unfortunately, we can't answer them individually because: (1) no one here at RSOL is licensed to practice law; and (2) we do not have the staff or budget to answer the large volume of incoming mail.

Please send your legal questions to The Legal Corner, RSOL, PO Box 36123, Albuquerque, NM 87176. Your question should focus on only one issue, and it should be a question that has relevance to a wide number of registrants and not specific to just your individual case.

This month's answer is provided by Barry Porter, Burgess and Porter Law, Albuquerque, New Mexico.

Question: I was railroaded into pleading guilty, and I think the whole system is a sham. The police searched my house without a warrant; the detectives lied and said they were trying to help me and got me to say stuff that they twisted around. Then after they twisted what I said, they manipulated my niece to make false statements about me. Why didn't my public defender bring up any of that stuff to the judge?

Answer: I certainly share your frustration about the system. Too often people enter a plea without understanding all that is being given up. The sad reality is that once someone enters a plea of guilty or no contest, most constitutional rights violations that occurred during the investigation and prosecution of the case are deemed to be waived by the plea. Thus, once you have entered your plea, the prior conduct of the police becomes irrelevant. The time to assert your constitutional rights is before a plea.

Given the scenario you describe above, there were two distinct motions that could have been considered by your defense counsel: 1. Motion to Suppress Evidence of Illegal Search. This sort of motion is justified only if no consent is given for the search and no other warrantless search justification existed at the time of the search. 2. Motion to Suppress Statement. This motion can be filed if an accused is subjected to "custodial interrogation" without Miranda warnings or if the statement was involuntary (improperly coerced). See *Miranda v. Arizona*, 384 U.S. 436 (1966) and *Jackson v. Denno*, 378 U.S. 368 (1964). Unfortunately, as

you noted in your question, the law allows the police to use some deception when questioning suspects, and lies alone do not equal coercion.

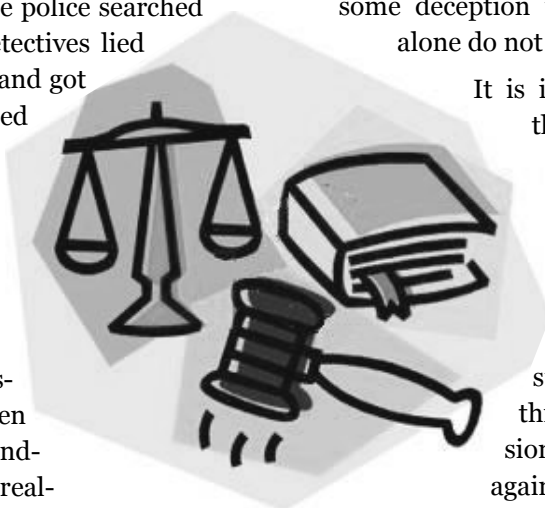
It is important to keep in mind, however that not every suppression challenge is a winner or dispositive of the case.

Often defense counsel will forgo filing a motion to suppress evidence in exchange for securing a more reasonable plea offer from the prosecutor. In some instances filing a suppression motion can actually make things worse for the client. If a suppression motion is filed and the court rules against the motion, the defendant is in a weakened position in terms of plea negotiations with the prosecution and sometimes forfeits obtaining any plea offer at all.

Additionally, even if a suppression motion is granted, that does not mean the entire case magically goes away. It means that the prosecution would not be permitted to use the fruits of that unlawful search or statement at trial. In many instances the prosecution's case is still strong enough to convict after unlawfully collected evidence has been suppressed.

Ultimately, the decision to file or waive a suppression motion should be made in consultation with the client, and made on a case-by-case basis. Important considerations include the legal and factual strength of the motion and the existence of independent evidence like a confession, forensic evidence, or independent witnesses.

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If a client is misled or completely uninformed about his or her rights to file a suppression motion, he may have a claim for ineffective assistance of counsel. To win an ineffective assistance claim, a defendant must show (1) that the trial lawyer's performance fell below an "objective standard of reasonableness" and (2) "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." See *Strickland v. Washington*, 466 U.S. 668 (1984). This is a high standard, but if the suppression issue is clear and dispositive of the case, then this is an avenue worth pursuing.

You also stated in your question that the police manipulated your niece into making false statements. What a witness says about an incident is a factual issue for the judge or jury to decide at trial. Facts can be elicited at trial about why the statement was not credible. However, when someone enters a plea of guilty or no contest, the factual issues are moot – and criminal liability is presumed.

In summary, your decision to plead guilty rendered any issues of police or prosecutorial misconduct beyond the scope of the court's inquiry at the plea. I sympathize with you in that you felt railroaded and would like the world to know that rules were broken. I hope your experience will serve as a reminder to others that entering a plea means waiving many constitutional trial rights that cannot be regained later.

Editor's Note

Last month we inadvertently dropped the last few words of Janice Bellucci's article. We apologize for this omission. The final paragraph is repeated here.

That could also be a day of great victory for registered citizens in Carson who would be allowed to return to their homes and families and allowed to return to the city's libraries and parks. That could be a day of ultimate victory for registered citizens throughout the land because it would provide a precedent that could be followed by courts in every state. It is only fitting that such a precedent be established in Los Angeles, the city that created the nation's first sex offender registry.

Join advocates and professionals seeking to overcome obstacles to more rational sentences for people convicted of sexual offenses and to restore their constitutional rights after they have paid their debts to society.

SEX OFFENDER REGISTRATION: UNTOLD COLLATERAL DAMAGES RSOL National Conference — Dallas, Texas

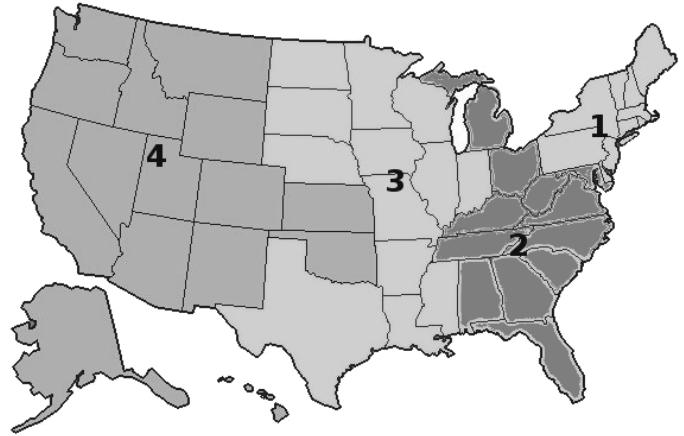
June 25-27, 2015

SAVE MONEY TODAY!! Register **BEFORE** May 31
for only \$80 (two complimentary meals included).
HURRY! Sign up NOW: rsolconference.org.

RSOL envisions effective, fact-based sexual offense laws and policies which promote public safety, safeguard civil liberties, honor human dignity, and offer holistic prevention, healing, and restoration.

From Our States

From the editor: From time to time we receive a letter or an email asking why there has been no report--or why there is never a report--from a given state. The main reason is that we do not have a contact, affiliate, or organization in every state. It might also be that a state's volunteers were too busy or had nothing newsworthy to report. If you are wanting to see more "action," we encourage you to get involved, yourself! Without our volunteers, nothing will happen.



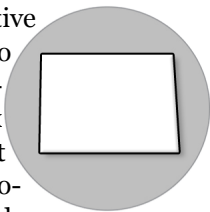
California

California RSOL has engaged in battle with the state legislature which has proposed passage of a state law that would authorize cities and counties to prohibit registered citizens from visiting both public and private places. If passed, the law would reverse the progress made in this state during the past two years. Representatives of California RSOL testified before the first of several committees on April 15. Also testifying in support were ACLU, California Attorneys for Criminal Justice, and one county! California RSOL has started a letter writing campaign to oppose the legislation and will return to the state Capitol on April 28 and 29 for further testimony. In addition to this battle, California RSOL will hold its monthly meeting with registered citizens and family members on May 9 in Los Angeles at the ACLU building.



Colorado

Due to the creative juices of the Colorado Department of Corrections and its Sex Offender Treatment and Monitoring Program, new ways have been found to move people through treatment more quickly. The program has



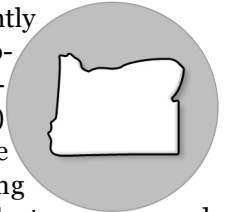
matured over the last two years from a site for Phase I and a site for Phase II to multiple treatment program sites in different facilities as well as a variety of program models. The focus on individualized treatment has resulted in low risk clients getting out of prison more quickly.

Because more people are getting out of prison, and the Department has also allocated money for parole staff to be housed within the CDOC itself, CSOR is now getting more calls for assistance with housing, jobs, and other re-entry needs from internal CDOC staff. While we were getting some calls for help from CDOC Case Managers, there has been a significant increase due to the addition of the internal parole officers and their attempts to enhance and simplify the re-entry experience.

Because the CDOC has been successful in its transformation to a Risk, Need and Responsivity Model due to legislatively ordered outside evaluations, expectations among those getting out of prison are that they will get treatment once they are out, based on risk and what treatment they have already had, not based on the old Colorado approach of "one size fits all" and starting over on the outside! This new approach provides hope that was not present in the past, especially for people sentenced under Colorado's 1998 Lifetime Supervision Act.

Oregon

Oregon Action Committee continues to engage in street protests against the SOR laws in Oregon and Washington. Having just recently returned from a public ARM (Anti-Registry Movement) protest against the political right-wing victims' rights industry and sex offender registration laws in Tallahassee Florida, we here in Oregon will continue to be present on the steps of capitol buildings, libraries, police stations, sheriff offices, legislator home offices and anywhere else that needs to be confronted.



OAC believes that educating the legislators in this police state era where facts are not wanted is a WASTE OF TIME. Politics today requires a very public, strident and loud challenge to the power dominance of the state and its corporate partners who profit off of the growing police state and the subjugation/persecution of the many subgroups in society including registered family members. There is a growing undercurrent of citizen acknowledgment of the brutal laws passed in the name of political careers and media profits. 2015 will likely be the year of challenge to the growing police state with its unconstitutional, hypocritical, and undemocratic laws aimed at fur-

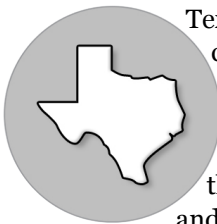
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thering state-corporate dominance over American citizens.

When I go next Thursday to the Gresham Oregon Police Department where I will do my annual sex offender registration, I will carry a sign making my feelings clear. Stridency is not a vice in this era of public ignorance, emotion over reason, and politics over truth. It's time to get into the street and express ourselves aggressively. It's time to temporarily put down the educator's hat and strap on the political warriors' helmet. See you all in the streets.

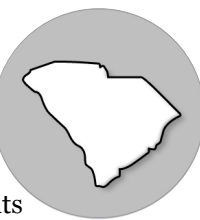
Texas



Texas Voices is continuing its push-back against proposed legislation that contradicts facts and research and will impede the progress of registrants' community reentry. This has been noted and appreciated by the media. Grits for Breakfast is an Austin-based political blog written by Scott Hensen. Scott is one of the "good guys," and we are thrilled to have been honored by him in this blog about us: <http://gritsforbreakfast.blogspot.com/2015/04/texas-voices-standing-against-sex.html>

South Carolina

South Carolina awakes! We are just in the beginnings of establishing a network of participants and excited about creating an RSOL presence in the state. We have been fortunate that nothing horrible has happened in the legislature the last



couple of years. A couple of offensive bills were introduced but allowed to die in committee.

This year we are delighted that two very favorable bills dealing with juvenile offenders have been introduced in the House. Currently, any juvenile (any age) found guilty of a registry-eligible offense is automatically put on the registry for life. As many well

New Feature Being Added to Digest

The Digest will soon accept ads from attorneys and other professionals related to our advocacy for publication in both our e-version and our print version. Two ads are included this month as previews. More information to follow.

know, this can easily turn into a life-destroying event for a young person, permanently impacting opportunities for education, employment, housing, and social relationships. H3017 would grant to the Family Court the discretion to determine whether a juvenile offender should be put on the registry or not. H3133 would continue the registration requirement for all juvenile offenders, but at age 21, they would be automatically dropped from the registry unless the local solicitor petitions the Family Court to require continued registration. In the response to such a petition, the Family Court would determine whether or not the individual posed a threat to the public that would warrant continued registration as an adult. Obviously, we are supporting these bills, as are many law enforcement agencies.

Another favorable bill has been introduced in the Senate. S190 would create an offense of "Sexting," classifying it as a minor offense and specifically prohib-

iting any more severe charges or placement on the registry for first and second-offense violators. Currently, teens could easily be charged with registry-eligible offenses for disseminating child pornography. This bill seems to have significant support both from the public and from law enforcement and has a good chance at passage.

To date, none of these bills has been dealt with by their respective committees. The legislature has about a month left before they adjourn for the rest of the year, but this is the first year of a two-year legislative session. If nothing happens in the next month, they will still be on the table when the legislature returns in January. But overall, it is very heartening to see a number of legislators having the courage to stand up and come to the defense of juveniles who are now getting a life sentence for actions that used to be considered a normal part of adolescence.

Unfortunately, not everything is roses and apple pie. There was a terrible bill introduced just last week. H4028 would require monthly registration (everybody on the 15th of the month, no less) for a large number of offenders, increase residency restrictions from 1000 feet to 2500 feet, and remove the prohibition against local residency ordinances. The good news is that this bill is so outrageous that it has almost no chance at all of even getting a hearing. We hope that the Judiciary Committee has the good sense to just quietly drop it in File 13!

Virginia

In spite of opposition, including editorial staff of a major



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newspaper, the Virginia General Assembly overwhelmingly passed two more registrant bills.

HB 1353, Supplement to the Sex Offender and Crimes Against Minors Registry (Robby's Rule), was approved by the Governor to be effective on 7/1/15. It creates a public supplement to the Sex Offender and Crimes Against Minors Registry that would include information on persons who were convicted of certain sexual offenses on or after July 1, 1980, and before July 1, 1994.

HB 1366, Sex offenses prohibiting entry onto school or other property, was approved by the Governor to be effective on 7/1/15. It requires a sex offender who is prohibited from entering school or child day center property to give public notice of his petition to enter the property. The notice must be published once a week for two successive weeks in the newspaper and state

that written comments may be submitted to the court clerk at least five days prior to the hearing.

Legislators again disregarded all research provided to them and their staffs, choosing to pass more memorial, punitive bills that are expected to have no positive influence on public safety.



Florida

The Florida Action Committee (FAC) has continued to work closely with the state legislature to encourage empirically driven legislation. The proposed bill on lifetime GPS monitoring has been delayed until 2016, and we are encouraged that legislators are looking at the ramifications of such a law. A select number of legislators have invited input from

FAC for both current and any further laws regarding the sex offender registry. We continue to work in partnership with the ACLU as residency restrictions are further challenged in the courts. FAC also has at least one board member participating in each of the RSOL conference calls, and we are appreciative for the opportunities to expand our knowledge base.

Maryland

FAIR held its first ever state-wide teleconference this past month. We had almost 30 people on the call to listen to our attorney Nancy Forster and her assistant who have been putting the finishing touches on our class action civil rights challenge which will be seeking relief for all the registrants in Maryland who should be benefiting from the *Doe vs. DPSCS* retroactivity win.



Nancy shared a bit about recent court cases, especially the new *Del Pino* decision, which further clears the way for those whose original registration was 10 years or less but have seen their time jump to 25 years or life. The win was in our Court of Special Appeals, and the state will probably appeal to our highest court, Court of Appeals, so we will be keeping that category in our class action.

We are very close to fil-

Continued on p. 11

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States, cont. from p 10

ing... just needing a couple of dates from a couple of plaintiffs. Our suit will not be seeking any damages, as doing so would seriously bog down the process. It will be a civil rights class action seeking declaratory and injunctive relief. This means we are asking the court to "declare" that what was punitive for one (in *Doe* and a couple of later decisions) is punitive for all others... then "enjoin" the court to insist that DPSCS must in short order remove or roll back all members of the class as represented by our plaintiffs.

There are I believe 8 plaintiffs, most

of whom are connected with FAIR. Our hats are off to each of them, as without their willingness to put themselves out front, Nancy could not have done anything. We also thanked everyone who has contributed to FAIR'S legal fund, which has enabled us to pay Nancy to handle the case.

There are many variables that prevent a precise estimate of time. For instance, it could move more quickly if DPSCS actually throws in the towel. But they probably won't, so the more conservative estimate is 18

RSOL Letter Policy

We appreciate the many letters we receive from you, and we do respond to as many of them as possible. We ask that you adhere to the following guidelines when writing to us.

- Keep your letter short and on point (extremely long letters with extensive background are difficult for volunteers to decipher in terms of what you are asking);
- Print or use a typewriter if one is available at your institution;
- Only write on one side of standard size paper so that we may scan the document;
- Make sure that your address is visible on the letter because we do not retain the envelopes;
- We cannot answer letters asking what the registration laws are in a particular state;
- We cannot answer letters asking which state is best for sex offenders to reside in;
- We cannot answer letters seeking legal advice or opinions because no one here at RSOL is licensed to practice law.

News, cont. from p 1

4. this type of notification and its resulting consequences are not in keeping with best practices as suggested by research and experts in the field;
5. the end result of this is not increased public and community safety but rather its opposite.

What the future holds for Richard comes under the category of what we do not know. We hope for him and the community the best of all possible outcomes, and we dare to hope that should this county be faced with a similar situation at any future time, they will have learned enough to make them willing to consider an alternate path in working through the issue.

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