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CHALLENGE TO PA SEX OFFENDER LAW BEGINS

Albuquerque, NM/ January 2, 2013—Reform Sex Offender Laws Inc. (RSOL) recently announced plans to challenge sections of Senate Bill 1183 (Pennsylvania’s new sex offender registration requirements) on multiple constitutional grounds. Today, RSOL began the process of notifying registered persons throughout Pennsylvania regarding the details of this new plan and will seek to organize affected citizens into an active group of advocates to contest the law. Because the new law requires so many individuals to frequently report in person to a state police barracks for the remainder of their lives, RSOL asserts that the new law substantially violates both state and federal Constitutional protections guaranteed to the citizens it affects. RSOL asserts that these onerous new in-person reporting provisions transform registration into a form of lifetime probation supervision, and therefore, constitute punishment.

Despite wide misconceptions, registration requirements are not part of a person’s actual sentence or punishment; rather, they are a collateral consequence of the individual’s conviction. In fact, for public registration schemes to pass constitutional scrutiny, they cannot impose punishment either by design or effect. RSOL finds it problematic that this new law retroactively adds new offenses to the list of offenses requiring registration. This provision alone has the potential to undo an undetermined number of plea agreements because of representations made to defendants which helped induce them to plea.

In support of this action, Brenda Jones, RSOL’s Executive Director, stated, “Even though enforcement of the controversial law has begun, RSOL is optimistic that many aspects of the law will ultimately be declared invalid by the courts, and, as a result, legislators in Harrisburg will be forced to revisit this issue. RSOL finds it incomprehensible that those responsible for the fiscal integrity of Pennsylvania have given such paltry consideration to the financial ramifications of SB 1183.”

In a presentation of talking points being made available to Pennsylvania registrants, Jones questioned whether legislators considered the financial impact of: the additional number of transactions that the state police will be required to perform because so many registrants will have to be processed at least four times a year as opposed to once under the previous law; the ever-increasing number of registrants because there will be virtually no attrition in the future; most will die on Pennsylvania’s sex offender registry; the additional strain on the judiciary due to the extra workload; and the cost that the additional litigation will have on other agencies such as the Public Defender because of the anticipated flood of motions to withdraw plea agreements. “Citizens should be alarmed because Pennsylvania has

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significantly reduced funding for its schools and other vital services while at the same time allocating significant new funding for this law,” Jones continued.

A recent survey by the Pennsylvania Association of School Business Officials and the Pennsylvania Association of School Administrators shows that for the 2012–13 school year, 61 percent of school districts will increase class size, 37 percent will reduce tutoring for struggling students, and 11 percent will reduce full-day kindergarten. It is indisputable that these cuts will adversely impact the quality of education.

Funding is cut for education and other vital services while funding abounds to implement laws that RSOL and others oppose because no element of this new legislation was based on evidence or research showing that it will improve public safety. In fact, all available evidence contradicts the premise of these laws. As long ago as 2007 when Human Rights Watch published *No Easy Answers*, the evidence was clear that the registry as it has evolved does not accurately predict recidivism nor does it play any significant role in reducing recidivism or in stopping the sexual abuse of children.

No study done since then has contradicted those findings; indeed; the most recent, from Lynn University and published scarcely a month ago, is even clearer in pronouncing, “New study finds federal sex offender law not effective.” Both of these studies, as well as others, raise the issue of these laws having undesired consequences that could actually work against the desired goal of public safety.

“We find it highly disconcerting that massive amounts of resources will be expended and that so many citizens’ lives will be needlessly and permanently affected, and, yet, the end result will likely be an even more dangerous community,” Jones concluded. RSOL promotes the elimination of sexual abuse and the preservation of civil rights for all individuals through the use of effective legislation based on empirical research. We envision sexual offense laws based on equal justice and respect for the dignity of all people, protection from retroactively applied punishment, and the establishment of fact-based laws and policies which protect our communities.

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