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Council of the American Law Institute  
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***In support of the provisions addressing the registry, and collateral consequences of conviction, contained in Council Draft 12 of the Model Penal Code:***

In the late 1980s and early 1990s a rare spate of high-profile child abductions and murders, mostly sexual in nature, terrified America. With constant media coverage, parents across the country were easily led to the belief that their children could be in imminent danger. As demands from the public as well as a few prominent parents of missing or murdered children escalated, legislatures responded, and the sex offender registry was born.

This primal need to protect our children from any possible harm resonates in us all. Human logic supports instincts: If we identify and track those who have committed these crimes, we can better protect those we love. False information surrounding the risk of reoffense by the perpetrators only increased the willingness to do anything to reduce that risk.

That was thirty-plus years ago, and in those years the sex offender registration scheme has grown to the point that children as young as nine can be registered; teenagers having consensual sex and sexting can be registered; the rules, restrictions, and background checks often dictated by the registry can be onerous and destroy any rehabilitation initiatives; and lifetime registration with no path off the registry destroys all hope for a better tomorrow.

Something else has happened in those thirty years. We now have a massive body of evidence showing that every premise upon which registration was built is false. It [does not reduce sexual recidivism](#), neither violent nor nonviolent; it [does not reduce first-time sex crimes](#). Furthermore, the [purported high rate of reoffense is non-existent](#).

The Model Penal Code was first published by the American Law Institute—an independent organization of thousands of lawyers, judges, and scholars—in 1962. It is an attempt to encourage the states to standardize their criminal codes. Even though it is not legally binding, it proved to be influential as a majority of states adopted it, either in part or in whole. This current revision has taken nearly a decade

to complete and is intended to guide the states in updating their laws based on the empirical knowledge we have gained since 1962.

The changes recommended by ALI revolve around four areas: limiting registerable offenses to the more dangerous ones; providing registry access to law enforcement only; modifying registration terms, especially abolishing lifetime registration and the ability to register children; and abolishing blanket restrictions that automatically curtail all registrants' rights and freedoms. These recommendations made by them are evidence-based and will improve the law in regard to crimes of a sexual nature and those who commit them.

The entire body of ALI was to have voted on finalizing and adopting the changes in January, but they have postponed that action until March. Several factors led to that. Pushback and criticism came from several sources: from the [National Center for Missing and Exploited Children](#), from some law enforcement agencies, and from the [attorneys general in two-thirds of our states](#). It is worth noting that all of these entities benefit, either financially, politically, or both, from maintaining the status quo. Also worth mentioning is that not once in its five and a half pages does the letter signed by the attorneys general cite any source or even make reference to any evidence that the current laws have proved to be effective in their desired outcomes. How could they when there is none?

The critics of the revised code cannot provide any credible evidence that the failure to adopt the changes will in any way benefit public safety; there are no scientific findings that support their position.

The National Association for Rational Sexual Offense Laws – NARSOL – and all of the undersigned support the American Law Institute's revised Model Penal Code as it pertains to the management of sexual crime, recognize and appreciate the extensive research, time, and work that have gone into developing it, and call upon the full body of ALI to vote to adopt this Code as it stands.

National Association for Rational Sexual Offense Laws (NARSOL) – sponsor

Vivante Espero Foundation – co-sponsor