

Sex Offender Registration and Public Notification

In 1994, Megan Kanka, a seven year old girl, was abducted, raped, and murdered by a man who lived across the street from her family's house in a small New Jersey community. Jesse Timmendequas, the man who committed the crime, moved to Hamilton Township just after being released from an adult treatment center in Avenel, New Jersey. He had already been convicted of two previous sexual offenses against children. He managed to lure Megan into his home by claiming to have a puppy; there he raped and murdered her. Later he dumped her body at a nearby park. After interrogation by the police, he confessed to the heinous crime and received the death penalty for it.

Although terrible, this kind of crime is extremely rare – less than 1% of the overall sex crimes committed in this country involve child abduction, rape, and murder. In fact, the year Megan was murdered, there were nine children under the age of twelve that suffered similar fates. Nine out of forty-five million in that age group.¹ But the story of Megan's death



Nueces County (Texas) District Attorney Carlos Valdez shows one of the signs registered sex offenders have been ordered to place in their yards.

received widespread coverage – perhaps because the crime is so rare. Interviews with her parents were carried nationwide. They claimed that had they known about Mr. Timmendequas' background, they might have been able to protect Megan from him. Like tidal waves, fear and anger swept across the country – parents were up in arms! And there were far reaching consequences in legislation. Congress was pressed to expand

¹ The Perils of Protecting Children from Sex; Harmful to Minors, Judith Levine, University of Minnesota Press, 2002, Chapter 2, p. 24

the Federal Sex Offender Registration Law (known as the Jacob Wetterling Act²) to include public notification. The registration part of it became effective in 1994, and in response to the public's outcry over Megan's murder, Congress passed Megan's Law requiring public notification in 1996. It wasn't long before all states in the U.S., its Territories and the District of Columbia had similar laws on the books.

Sex Offender Registration and Notification Today

Today, sex offender registries exist in some countries, and for the most part, the information contained in them is accessed only for official use. Police use the information to solve crimes, or employers use it for background checks on those seeking employment involving work around children (teachers, youth counselors, coaches, etc.). There is less than a handful of countries in the world that maintain public sex offender registries. The United States and its territories are among them.

The sheer number of people publically registered as sex offenders has reached amounts no one imagined and has strained resources to the point of breaking. In some areas of the country, when you pull up a mapping of sex offenders by zip code, there are so many dots on the map it looks like a Seurat painting! There are many states, including Texas that put juveniles as young as 10 years old on the registry. Texas maintains over 4,400. Prosecutors are accepting pleas on cases that at one time required registration. The pleas are for lesser charges that don't require it. So, individuals who may be truly a risk to society, are walking away with no

² Jacob Wetterling was abducted by a stranger when he was 11 years old. His fate is still unknown. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the Wetterling Act) is a United States law that requires states to implement a sex offender and crimes against children registry. It was enacted as part of the Federal Violent Crime Control and Law Enforcement Act of 1994.

requirements for monitoring. The system is a mess but these aren't the only problems.

The intention of the public registry, of course, is to help parents identify strangers lurking in their neighborhood that could potentially harm their children – to make communities safer and reduce recidivism. No one wants another case like Megan Kanka's. So, parents (and everyone else) are told where these “predators” are on their block. The premise of this law assumes most sexual offenses are committed by strangers and all sex offenders are equally dangerous. The truth is that more than 90% are committed by family members or by people known to the victim. Another problem is that, in the mix of these “predators,” are included guys caught peeing in a park and teenage “Romeo and Juliet” cases. The odds of these guys ever re-offending (if they offended in the first place) are slim to none. The truth is children are more likely to be molested by a family member or a close family friend, not a stranger, and certainly not an eighteen year old caught in the throes of a “Romeo and Juliet” situation. Most guys caught up in the system because of “streaking” or “sexting” or “Romeo and Juliet” will never offend again. Called “single trial learning,” most of them learn their lesson the first time through court and will never make the same mistake again! That's true even for most sex offenders.

Currently, each state maintains its own registry accessible by anyone who can get on the Internet. If the Adam Walsh Act (AWA) gets off the ground, there will be one national registry. At present, only four states have “substantially” complied with AWA: Florida, Ohio, South Dakota and Delaware. Information about individuals varies from state to state, but generally speaking, a person's picture, physical description, name, address, age, and offense is provided. A person's DNA is collected,

and his fingerprints are taken. Recently some states have added employment information. Most states require a person to register every 90 days if they are considered to be high risk or at a minimum of once a year for low risk individuals. A few states require registration every 180 days for those assessed with a moderate risk. A person must also contact the local registration agency if any significant changes occur like a change in jobs, addresses, or primary vehicles. There are some loopholes in registration at the state level. A person who is registered in one state can, under some circumstances, move to another and not have to register. One example of this situation would be a citizen living in California who is obligated to register for an offense called *annoy and molest*. If this person moved to Texas, he would not be obligated to register because there is no offense in the state called *annoy and molest*.³ The reverse is also true. A person may not have to register in one state but will have to if he moves to a different one.



There are states that require individuals to register if they are just visiting and their visit will exceed a specified period of time; one example is Wyoming with a 72-hour requirement. Another example is Arizona where you must register if your stay will exceed 10 days. Failure to comply is a felony. Other states apparently don't care.

Most states require notification with campus police when an individual is attending school. Some parole and probation officers will require that you disclose your offense to your employer and to the pastor of the church you attend. This is probably a prudent thing to do given

³ Colonel Steve McCraw, Director, Texas Department of Public Safety, Senate Criminal Justice Committee Interim Study Hearing, June 10, 2010.

today's climate. You will avert an embarrassing situation when they do find out on their own.

Some states issue special sex offender ID cards. For example, the State of Texas issues the "Blue Card" entitled *TEXAS SEX OFFENDER REGISTRATION*. It contains a person's name, address, and ID number along with the name of the registering agency, usually the local police or sheriff's department. Some states like Texas and Nevada require that you renew your driver's license every year. In Virginia it is every two years. Texas DPS sends out an annual notice and a renewal fee is charged each time. So, sex offenders pay 4 to 6 times more fees than other citizens to renew their license.

Unannounced visits from the local sheriff or police verifying residency is common. This can occur anytime of the day and sometimes by police wearing flack jackets and helmets with POLICE in big white letters across their vests. Who needs public notification when this happens?

In Texas, there used to be other forms of public notification ranging from pictures, descriptions, and addresses in the local newspaper to post cards being mailed directly to residences within a certain distance of a high-risk sex offender's home. The newspaper notification just ended one day without any fanfare – probably due to lack of usefulness. The State of Texas is required to mail out post card notifications with a picture and address of high risk sex offenders when they move into an area. Some communities handle it their own way by posting or handing out flyers in the neighborhood. Although rare, other sex offenders have been required to put signs in their front yards or on their cars to warn those passing by

that a sex offender is in the area. In some states the offender must pay for the expense of community notification i.e. the printing and postage costs for notification cards.

A few states didn't grandfather their registration and public notification laws. Individuals whose conviction occurred before the date their laws went into effect, like in Georgia, don't have to register. The majority of states grandfathered the laws, some without any date limitation. Texas has grandfathered offenders all the way back to 1970! According to the *Missing and Exploited Children's* website, there are over 728,000 registered sex offenders in the United States and its territories as of January 2011. And that number continues to grow! California, Texas, and Florida have the highest numbers. There are so many registered as sex offenders in this country, it is difficult to separate the ones the public should be really concerned about from the ones that are not likely to ever re-offend again (if they even offended in the first place.) Thus, this intent of the law has been skewed and made ineffective by the sheer numbers and types of sex offenders on the registers (including ten year old children). In addition, the accuracy of the information is questionable. Victim advocacy groups say they rarely use the registry in part because it's not timely." I almost feel like it's a false sense of security," said Sally Sheppard, executive director of the Cottage Sexual Assault Center and Child Advocacy Center in Athens, Georgia⁴. The truth is most citizens don't even access the registries any more. They don't consider them credible or reliable.

In February 2009, the New Jersey Department of Corrections and Rutgers University concluded a study that examined the effectiveness of

⁴ *Georgia Sex Crime Registry Filled with Errors*, The Atlanta Journal-Constitution, August 29, 2010

Megan's Law since its passage over 15 years ago. Looking solely at the State of New Jersey, where it all started, the study concluded that despite the initial widespread public support for the law, it has had little if any effect in reducing the number of either first time sexual offenses or re-offenses. Worse, the law has no effect on reducing the number of victims! After stating that the costs to administer the law are growing significantly higher every year, the study concludes, "Given the lack of demonstrated effect of Megan's Law, the growing costs may not be justifiable."⁵ And this isn't the only study conducted that reached this same conclusion. The State of Maine has developed a method for removing offenders from their registry and has actually removed hundreds based on the following criteria:

- The offender has only one prior conviction for a sex offense.
- The offender was convicted of that offense between 1982 and 1999.
- Has been out of jail for at least 10 years.
- Has not been convicted of a felony in at least 10 years.

Georgia has followed Maine's lead (and other states may soon follow). In Georgia the criteria for deregistration is:

First, the person has completed **ALL** prison, parole, supervised release, and probation for the offense which registration is required; and

Second, the person meets **ALL** of the following requirements:

⁵ Megan's Law: Assessing the Practical and Monetary Efficacy, December 2008, New Jersey Department of Corrections and Rutgers University, Document #225370

- The person has no prior convictions for a sexual offense, which include Rape, Sodomy, Statutory Rape, Child Molestation, Enticement of a Child for Indecent Purposes, Sexual Assault, Public Indecency, Pimping, Prostitution, and Pandering;
- The person did not use a deadly weapon or any object that is likely to or actually did result in serious bodily injury during the crime;
- The court finds the no evidence the Petitioner has been involved in similar events;
- The victim did not suffer any intentional physical harm during the crime;
- The crime did not involve transporting the victim; AND
- The victim was not physically restrained during the crime.

And **Third**, Either

- Ten years have elapsed since the Petitioner completed probation, prison and parole; or
- The Petitioner has been classified by the Sex Offender Review Board as a Level I risk assessment classification.

The guys on the Internet aren't the ones to be worried about. It's the ones that haven't been caught and have not received treatment that we need to focus on. By some estimates, the number of registered sex offenders represents about 15 - 20% of the overall total. That means the other 80 - 85% uncaught offenders and their victims (mostly in the family or close family circles) are struggling in silence. They need help, but they and their victims are afraid to get it because of the harsh laws that exist today. Perhaps if the public's attitude moved away from being punitive and towards getting help and healing, our country would see even less of the heinous crimes like Jesse Timmendequas committed in

1994. Perhaps it is time to try something different. The current laws just aren't working!

A chart summarizing notification and registration information by state follows. Information may have changed since the chart was developed. Visit [Megan's Law by State at the KlaasKids Foundation](#) website for more recent information about registration requirements in each state and to get a link to each state's registry.

Information on Sex Offender Registries by State (as of December 2009)								
State	#RSOs	Risk Level	Levels Reported	Agency	Victim Age	Victim Sex	Job Info.	Grand-fathered?
AL	11,228	No	All*	DPS	Yes	Yes	Yes	No
AK	1,786	No	All	DPS	No	No	Yes	No
AZ	14,408	Yes	2,3	DPS	No	No	No	1978
AR	9,559	Yes	2,3,4	ACIC	No	No	No	No
CA	118,692	No	High Risk**	DoJ	No	No	No	No
CO	10,793	Yes	All*	DoI	No	No	No	1991
CT	5,076	No	All*	DPS	No	No	Yes	1988
DE	4,064	Yes	2,3	DSP	Yes	No	Yes	Yes@
FL	52,639	No	All	FDLE	Yes	Yes	No	1993
GA	17,675	No	All***	DoC	No	No	No	No
HI	2,934	No	All	HCJ	No	No	No	Yes@
IA	5,041	Yes	All	DPS	Yes	Yes	No	No
ID	3,379	No	All	ISP	No	No	No	No
IL	20,678	No	All*	ISP	Yes	No	No	No
IN	10,415	No	All*	DoC	No	No	Yes	Yes@
KS	7,436	No	All	DoC	Yes	Yes	Yes	No
KY	7,755	No	All	KSP	Yes	No	No	Yes@
LA	7,009	No	All	DPSC	No	No	Yes	Yes@
MA	10,870	Yes	3	SORB	No	Yes	Yes	1981
MD	5,350	No	All*	DPS	No	No	Yes	Yes@
ME	3287	No	All	MSP	Yes	No	No	1982
MI	45,164	No	All	MSP	Yes	No	No	No
MN	14,524	Yes	3	DPS	Yes	Yes	No	No
MO	9,725	No	All	SHP	No	No	Yes	No
MS	5,456	No	All	DPS	No	No	No	Yes@
MT	1,869	Yes	All	DoC	No	No	No	Yes@
NC	12,687	No	All	Sheriffs	Yes	Yes	No	No
ND	1,304	Yes	High Risk	DoC	Yes	Yes	No	No
NE	3,011	No	High Risk	NSP	No	No	No	No
NH	4,379	No	All	SDS	No	No	No	Yes@
NJ	13,026	Yes	2,3	DoC	Yes	Yes	No	No
NM	2,576	No	All	DPS	No	No	Yes	No
NV	6,512	Yes	2,3	DPS	Yes	No	Yes	1956
NY	29,518	Yes	2,3	NYDCJ	Yes	Yes	No	No
OH	18,838	Yes	All	Sheriffs	No	No	Yes	No
OK	11,384	Yes	All	DoC	No	No	No	1989
OR	21,760	No	High Risk	OSP	Yes	Yes	No	Yes@
PA	9,919	No	All	PSP	No	No	Yes	Yes@
RI	1,711	Yes	2,3	BOCI	Yes	Yes	No	Yes@
SC	11,799	No	All	DoC	Yes	Yes	No	Yes@
SD	2,614	No	All	DCI	Yes	Yes	No	Yes@
TN	13,126	No	All	TBI	No	No	No	Yes@
TX	59,015	Yes	All	DPS	Yes	Yes	Yes	1970
UT	6,382	No	All	DoC	No	No	No	Yes@
VA	16,163	No	All	VSP	No	No	Yes	No
VT	2,461	Yes	2,3	DPS	No	No	No	No
WA	20,391	Yes	All*	WSP	No	No	No	Yes@
WI	21,120	No	All	DoC	No	No	No	No
WV	3,200	No	3	WVSP	No	No	Yes	Yes@
WY	1,375	No	All	DCI	No	No	No	Yes@
*	Alabama, Connecticut don't display risk levels. Colorado, Illinois & Maryland separate predators and multiple victim offenders from others. Indiana designates predators.							

	Washington does not show level one unless they are non-compliant.
**	California doesn't display risk levels and doesn't give public access to low level offenders.
***	Georgia only registers sex offenders whose cases fell after July 1, 1996. Predators are separated from other sex offender population.
@	Grandfathered with no limitation of time specified.