

TO: Michigan House Judiciary Committee
Chairman: Graham Filler
Support: M. Sweet

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REGARDING: Written Testimony
To be sent to all committee members
To be placed in the Record

I am the Retired Chief Operating Officer from Hope Network (2006 – 2016).
I am writing to you about **the Judge ordered re-write of the Sex Offender Registry laws in Michigan.**

HB 5679 is NOT an evidenced-based proper public policy. DO NOT hold a hearing on May 6, during COVID restricted travel, or you will not hear the correct data from the public.

Lawyers and advocates have been working with the legislature since 2016 to propose a fair and just alternative and there are many areas where there is agreement. HB 5679 does not include many of those agreed-upon provisions and is inadequate at curing the constitutional flaws in Michigan's Sex Offender Registry Act.

Abstract -----

Validated research has shown the Sex Offender Registry has proven totally ineffective and should be eliminated. (See Documented Research on the following pages.)

There is no upside to the registry. Published research has proven that:

- It does not lower re-offense.
- It does not deter crime.
- It does not protect citizens.
- It does not make society safer.
- It does not encourage rehabilitation and reentry.
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The Sex Offender Registry in Michigan has over 44,000 people and growing. This is overwhelming and therefore ineffective. Validated research in the US and other countries have shown Megan's Law and the Registry itself have been a total failure in reducing sex crimes or reducing recidivism.

You should eliminate the law because, rather than contributing to public safety, sexual offender registries have decreased all the positive Social Determinants, creating additional problems.

- housing,
- employment,
- social support.

However, if you cannot legislatively eliminate the current law, then –

You can at least make this an evidence-based rational Registry law. You should make the law: (see expanded comments are documented in the following pages)

- Apply to only defined crimes with victims,
- have shorter year registry requirements with clean record
- eliminate irrelevant and limiting safety zones.

This is a bi-partisan issue with Republican and Democratic support. (see comments on following pages)

Validated and documented research follows:

Validated research for elimination -----

New Jersey - "New Jersey study of Megan's Law registry policy using 21 years of data found 'Megan's Law showed no demonstrable effect in reducing sexual re-offenses'. The source was Tom Condon "Sex Offender Registry: More Harm Than Good, May 21, 2018, Connecticut Mirror.

Connecticut - A study of sex offender recidivism in Connecticut found a low rate of 3.6%. People who commit sex offenses had the lowest recidivism rate of any crime besides murder.

California - The California Corrections Department recently examined cases of sex offender registrants who are returned to prison and found that only 1.8% of those re-incarcerated had committed a new sex offense. In 88% of the cases the reason was a parole violation, which is generally something that is not a crime for anyone who is not on parole—things like going to a bar or visiting a friend who's also an ex-felon.

Illinois - A 2003 study in Illinois found that about 37% of those convicted of NONsexual assault will be arrested for the same offense within five years while only 6.5% of sex offenders and 3.7 % of murders will be rearrested for the same offense.

New York - According to the 2008 study of sex offenders in New York around 95% of people arrested as sex offenders do not have prior records for this sort of crime meaning they would not be listed in a registry.

Unites States Sentencing Commission - Valid research by the USSC has shown that sex offenders are one of the groups with the lowest recidivism rates.

Department of Justice -National Crime Victimization research indicates that more than 90% of sex offenders are known to the victim, such as relatives, friends and coaches and a registry would be of no benefit.

Criminal Justice and Behavior Publications - The idea that sex offenders are *especially* likely to re-offend is a total myth. A 2012 analysis of sex offender recidivism rate published in the Criminal Justice and Behavior found that most offenders' likelihood of committing another sexual offense over a 5-year period is only around 7%. (And see California study above at 1.8% and Illinois at 6.5%)

National Criminal Justice Reference Service - In 2012, a National study of over 1,200 Sex offense cases showed that the registry had NO preventative impact on offenses.

NARSOL – National Association for Rational Sexual Offender Laws – a compilation of 21 state's studies showed that the re-offense rate has held steady over many years, always in the single digits, both before and after the emergence of sexual offender registries – which is evidence that the sexual offender registries have had no effect.

Evidence-based Rational Registry law changes-----

The current laws make it difficult for the reformed and released returning citizen to be able to become a productive citizen again.

Your legislation must change the definitions of sex offenders requiring Registration.

While at Hope Network we did job training and placement for returning citizens and over the years one of the growing groups is sex offenders. The current legislative definitions make even the slightest act (many are non-violent, non-predatory) a registration offense (from urinating in a public place, to consenting teenagers, to looking at snap-chat or online pictures). These legislated definitions requiring the registry should be changed to only the violent or predatory victim defined acts. You can reduce the bloated (to the point of irrelevance) size of the registry (44,000 currently in Michigan) by making these changes and making it retroactive.

Your legislation must reduce the time on the registry. It is like double jeopardy continuing punishment for many years (or sometimes a lifetime). Being on the registry punishes them again by limiting living locations, minimizing job availability, creating travel restraints and creating unnecessary notifications of simply moving, owning, traveling or living. Valid research by the USSC (United States Sentencing Commission) has shown that sex offenders are one of the groups with the lowest recidivism rates. Recent research by the DOJ (Department of Justice National Crime Victimization Survey) indicate that more than 90% of sex offenders are already known to the victim, such as relatives, friends, and coaches. And according to the 2008 study of sex offenders in New York around 95% of people arrested for sex offenses do not have prior records for this sort of crime. All three of these reasons mean the registry is irrelevant and useless.

Your legislation must eliminate the “safety zone” area. While at Hope Network we did a calculation and over 46% of the city of Grand Rapids is considered ineligible for living or working

due to School Safety Zones. This is absurd for a returning citizen, who has served their time and wishes to live and work correctly going forward.

This is a bipartisan political opportunity -----

Democrat

Attorney General Dana Nessel echoed these sentiments in a statement shared with the Free Press May 24, 2019.

"For months now many individuals have been offering input into possible revisions to Michigan's SORA. That valuable work is now on a timetable. In my view, these revisions are long overdue and will bring justice to many who have suffered significant burdens imposed by the obligations and requirements of this bloated registration scheme, which is out of touch with practical ramifications, with the needs of law enforcement, and with a more reasoned understanding of recidivism," Nessel said.

Republican

Sen. Peter J. Lucido (R-Shelby Township), chairman of the Senate Judiciary and Public Safety Committee told the Free Press (May 24, 2019) discussions with the state police, as well as the ACLU of Michigan have been ongoing, and he sees this as an opportunity to take another look at whether or not SORA is doing the job it was intended to do.

"I think most of our laws need to be looked at revised over time with changing of society and its values, I believe also that if you change the law, you still have public safety first and foremost at the front," Lucido said Friday.

He added that it's important to consider the facts and circumstances surrounding cases where registrants have continued to maintain "unblemished" records but are still asked to report to law enforcement due to offenses from decades ago.

"I think the court's giving the legislature an opportunity of re-shaping the law and making it right for the taxpayers and individuals," he said.