

STORM WARNING

A handful of states, like Ohio and Oklahoma, began changing registry laws to comply with the AWA. The results have been catastrophic.

In Oklahoma, the number of “Tier III” offenders skyrocketed to 78% of that state’s offenders. One Ohio city alone reported the number of “Tier III” offenders increased from around 350 to 1150; there was no new crime, but simply new reporting requirements.

All of Ohio’s estimated 22,000 Ohio registrants saw reporting increases. Thousands of Ohioans filed suit against the state, and a few lower court decisions have ruled against the AWA/ Ohio SB 10 (see *Evans v. Ohio*, CV-08-646797 [Cuyahoga Co. OH, May 9, 2008] and *Spangler v. State*, 2009-Ohio-3178 [11th App. Ct. Ohio, 2009]).

Other states like Texas and West Virginia have postponed or rejected AWA. In light of the recent budget crises facing many states, some states are finding the cost to enforce even the SORNA registry requirements exceeds the loss of JAG funding. This does not even include the cost of other programs like mandatory minimums, civil commitment, GPS, DNA/ background checks, and other popular but costly provisions that lack proof of effectiveness.

DISASTER IN THE MAKING

The Adam Walsh Act has become the model for disastrous laws made with a combination of good intentions and bad planning. The decision to pass AWA was based more on the anniversary of Adam Walsh’s death than on proven methods for the treatment and rehabilitation of former sex offenders. The law was passed without a single study or debate on the efficacy or consequences of the law. The result has been disastrous in the few states that have made an effort in passing this law. While the AWA emphasizes increased registration, monitoring, and jurisdiction over registrants, it neglects the only proven methods to reduce sexual offending in this country. Much like the Mark Foley scandal, the AWA fails to acknowledge and address the root causes behind sexual offending. Treatment, rehabilitation, and successful reintegration are the real solutions!

THE ADAM WALSH ACT: A Disaster in the Making

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References to all facts in this brochure can be found at:

<http://www.oncefallen.com/AdamWalshAct.html>

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*“One of the things that we have learned is that people seek help for drug use or alcoholism because it is far more socially acceptable. But what’s usually lying underneath are sexual behavioral problems. **They are not dealing with the root cause.**”-- Yvonne Cournoyer, Program Director of the Minnesota chapter of Stop It Now!, commenting on the Mark Foley scandal.*



SOSEN EDUCATIONAL SERIES

The Truth about the Adam Walsh Act

In 2006, John Walsh and Republican Congressman Mark Foley compelled the legislature to pass what is now known as the “Adam Walsh Child Protection and Safety Act of 2006.”



The Adam Walsh Act (AWA), heralded as the “most comprehensive” child safety provision in the country, was written to clear confusion among differing state laws regulating former sex offenders, and passed without debate or a dissenting vote. However, much like the Mark Foley sex scandal, the Adam Walsh Act fails to acknowledge the root causes of sex crimes and leaves far more questions and problems than it answers.

THE ADAM WALSH ACT

The Adam Walsh Act, signed into law by George W. Bush in 2006, has proven to be the most difficult and confusing federal mandate on sex offender laws to date. States had until July 2009 to comply with AWA or lose 10% of federal Byrne/JAG police funding. However, states had so much difficulty trying to comply, the deadline has been extended. Below is the breakdown of the Adam Walsh Act:

- Title I: The SORNA national sex offender registry including both residence and employer/school; community notification; three tiered classification system based on crime rather than risk; giving immunity to law enforcement and NCMEC when acting in “good faith;” DNA database and background checks on all who apply to work with children; US Marshals given jurisdiction in sex cases
- Title II: Stiffens penalties for sex and related crimes such as selling date rape drugs (The “Lunsford Act”), and gives victims greater leeway in criminal cases
- Title III: Civil commitment for “dangerous sex offenders” (The “Jimmy Ryce Act)
- Title IV: Immigration laws making sex offenses deportable offenses, and bars offenders against minors from obtaining a family-based visa
- Title V: Stronger record keeping requirements for porn industry to ensure no minors are used in creation of porn, civil forfeiture
- Title VI: Funding for numerous programs, including GPS pilot program, fingerprinting children, sex offender treatment, and a national child abuse registry
- Title VII: Increasing penalties for Internet related crimes, funding for increased LE, and expand the civil remedy available to sex crime victims



Rep. Mark Foley (R-FL) at signing ceremony for Adam Walsh Child Protection and Safety Act of 2006, July 27, 2006.
Source: White House website.

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