

The reason is simple; the AWA in its own wording sets only a minimum standard. This allows states to add even more laws on top of the already heavy pile.

The federal government requires every state to implement the AWA. Failure of implementation will cost a state 10% of their Byrne grant law enforcement assistance funds. What the government has stated in this requirement is not that the state will be given money for implementing the AWA, so if a state fails to implement the AWA that state will have money subtracted from its law enforcement grant fund.

“What is the true cost of the AWA?” The federal government estimated \$6.00 for every person living in the U.S.A. This cost does not include running the program and the increased costs for more offenders being added to the registry. An estimated 1.8 billion dollars per year.

The cost for this law, much like the cost of the War on Drugs is staggering.

Since this law costs so much, how effective is it? We still do not know the answer to that question. The AWA has been challenged in courts across the country and many of its provisions have been found unconstitutional. The Constitution was written to protect us, *all* of us, from corrupt government. If we go ahead and pass unconstitutional laws against any group, no matter how much we hate that group, we all lose. Many of the AWA's provisions require ex-post-facto (after the fact) implementation and the U.S. Constitution and every state constitution forbids ex-post-facto laws.

They Ignored the Experts

Much of the problems with sex offenders could have been avoided if political leaders would just listen to experts. Even child advocacy groups are calling for an end to these out-of-date, ineffective laws. Here are some of those facts from a child advocacy group.⁷

In 90% of the rapes of children less than 12 years old, the child knew the offender, according to the police recorded incident data.

Sex offenders comprise on average:

- 1 percent of federal prison population
- 9.7 percent of the state prison population
- 3.4 percent of jail inmates
- 3.6 percent of offenders out on probation
- 4 percent of the offenders out on parole

“By focusing on a small number of known offenders, the system may detract attention from more common crimes such as intra-familial abuse, leaving parents and children vulnerable to abuse from people known to them.”

We cannot count current registry, residency, travel and employment laws targeting sex offenders as being worth the money being spent on them. Many experts point to better, more effective solutions. However, until the public becomes educated, we can expect to see a proliferation of expensive, ineffective, and most likely unconstitutional laws targeting a growing percentage of our population. Remember that laws requiring sex offenders to register on a public website, can be expanded to include other offender groups. In fact this is already happening. In the near future you can expect to see registries for the following:

DUI	Kidnapping	Larceny
Arson	Domestic Violence	Blackmail
Murder	Animal Abuse	Fraud
Gun Violations	Burglary	and many more
Gang Member	Grand Theft Auto	

Will you be on an offender registry in the near future? And if you do end up on one, how will it affect your life, your spouse's life, you children's lives? All it will take is one mistake, one false accusation, one new law that you did not know about. Or even simpler than that, perhaps you committed a crime many years in the past. Yes, you too can become a registered offender with travel restrictions, residency restrictions and employment restrictions. Think about this the next time you want to push for more registry laws.

1. <http://www.wmur.com/news/1566029/detail.html>
2. <http://ac360.blogs.cnn.com/2009/08/28/recidivism-rates-for-sex-offenders/>
3. <http://dpca.state.ny.us/pdfs/somgmtbulletinmay2007.pdf>
4. <http://washparkprophet.blogspot.com/2009/07/sex-offender-recidivism.html>
5. <http://wapedia.mobi/en/>
6. http://www.nspcc.org.uk/Inform/research/Findings/meganslaw_wda48233.html
7. <http://www.prevent-abuse-now.com/stats2.htm>

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The War on Sex Offenders

It Has Never Been Officially Called a War; Nevertheless the Multitude of Laws Governing Sex Offences and Sex Offenders are Mountainous

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Overview of the widest reaching Sex Offender Laws

1994: The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act passed, requiring states to implement a sex offender and crimes against children registry.

1996: Megan's Law amends the Wetterling Act, requiring states to establish a community notification system.

The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 becomes an amendment to the Wetterling Act, requiring lifetime registration for recidivists and offenders who commit certain aggravated offenses.

1998: Provisions contained in Section 115 of the General Provisions of Title I of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (CJSA) amend the requirements of the Wetterling Act to include heightened registration requirements for sexually violent offenders, registration of federal and military offenders, registration of nonresident workers and students, and participation in the National Sex Offender Registry (NSOR).

2000: The Campus Sex Crimes Prevention Act amends the Wetterling Act, requiring offenders to report information regarding any enrollment or employment at an institution of higher education and to provide this information to a law enforcement agency whose jurisdiction includes the institution.

2006: The sex offender registration provision of the Adam Walsh Act (AWA), known as the Sex Offender Registration and Notification Act (SORNA), replaces the Jacob Wetterling Act.

How widespread are sex offences?

Study by U.S. Department of Justice Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention, Washington, DC 20531

Sexual Abuse Victims: 117,000 average per year

Abduction Cases

All non family abduction victims:	58,200
Caretaker missing:	33,000
Reported missing:	12,100
Stereotypical kidnapping victims:	115
Involving sexual assault:	24

To put these numbers into perspective let's consider other crimes against children.

Type of Crime	In School	Out of School
Serious Violent	202,000 (24%)	636,000 (76%)
Violent	1,055,000 (40%)	1,556,000 (60%)
Theft	1,666,000 (52%)	1,552,000 (48%)
Total	2,721,000 (47%)	3,107,000 (53%)

Laws such as these were written after the highly publicized murders or disappearances of young people, most but not all of whom were young children (minors).

We all want to protect our children, but how great a threat are sex offenders?

Stranger Abductions of Children Are Rare - An FBI spokeswoman says, "it may appear there's a crime wave" -- but she says "that's just not the case."

"Child abductions are rare, stranger abductions even rarer - Kidnapping makes up less than 2 percent of all violent crimes against juveniles reported to police, with stranger kidnapping being the most uncommon form of reported kidnappings, according to the Office of Juvenile Justice and Delinquency Prevention."¹ "Sex offenders were less likely than non-sex offenders to be rearrested for any offense" — Anderson Cooper.² It would seem that as with other classes of criminals, political leaders have used sex offenders to further their careers, while at the same time the media has used such tragic stories for viewership. It seems that both groups have exaggerated the truth about the danger these people pose.

NYS DPCA Research Bulletin: Sex Offender Assessment – "Research on a sample of 917 sex offenders on probation across the U.S. in 17 states from 1986 to 1989 indicates that while under probation supervision, 11.7% were arrested for a non-sex offense during a three year follow-up period, and 4.5% were arrested for a new sex crime within four years" (Meloy, 2005).

Another study involving sex offender probationers revealed that "after five years, 5.6% were arrested for a new sex offense." (Kruttschnitt, Uggen and Shelton, 2000). *Note that both of these statistics are those arrested, not convicted.*³

"New research in California shows that only a tiny fraction – 3.38 percent – of released sex offenders are convicted of a new sex offense within 10 years of release."⁴

Are the sex offender laws effective?

"A December 2008 study by Kristen Zgoba Ph.D., Philip Witt Ph.D., Melissa Dalessandro M.S.W., and Bonita Veysey Ph.D. found that Megan's Law has no effect on community tenure (i.e., time to first rearrest), showed no demonstrable effect in reducing sexual re-offenses, has no effect on the type of sexual re-offense or first time sexual offense (still largely child molestation/incest), and has no effect on reducing the number of victims involved in sexual offenses. Moreover costs associated with the initial implementation as well as ongoing expenditures continued to grow over time."⁵

Megan's Law: Does it protect children? "Most states have very little evidence on the actual impact of community notification on their jurisdiction. Most of the understood benefits of the laws are based on assumptions about the nature of sexual offending and the behavior of parents and community members. Such assumptions are rarely supported through research, but continue to legitimize the law for law enforcement workers and members of the public"⁶

Residency Restrictions; How Law Enforcement Views Them

Detective Diane Webb in L.A., California, said:

"The strain of being homeless might lead to sex offenders to relapse. If you're living under a bridge somewhere, you're not near your family support network, you're not near the services you need. You're more unstable,"

"Some of the city's sex-offender population has come to Los Angeles from surrounding cities that have passed additional sex-offender laws that make it next to impossible for offenders to find a place to live and push them to look elsewhere. Los Angeles does not have any additional laws on its books, making it a feasible destination."

Webb went on to say, "There is no correlation between recidivism rates and where offenders live."

What is the AWA, will it be effective, and cost effective?

The AWA or Adam Walsh Child Protection Act of 2006 is a set of laws that were meant to level out sex offender laws from one state to another. The only problem is that even if every state enacts the AWA, which is doubtful, there will never be equality.