

EXECUTIVE REPORT

A SNAPSHOT

OF JUVENILE SEX OFFENDER REGISTRATION AND NOTIFICATION LAWS

A Survey of the United States

July 27, 2011

Placing Children on Sex Offender Registries and Websites

The main goal of this publication is to provide a comprehensive reference guide to the various juvenile sex offender registration systems employed in the United States.

Additionally, it is our hope that this compilation of laws will highlight the gaps in our knowledge about child and adolescent sexual offending behavior and provide a straightforward reference guide during this time of great flux as jurisdictions wrestle with compliance with the Adam Walsh Child Protection and Safety Act.

WHY THIS ISSUE?

Written by Nicole Pittman

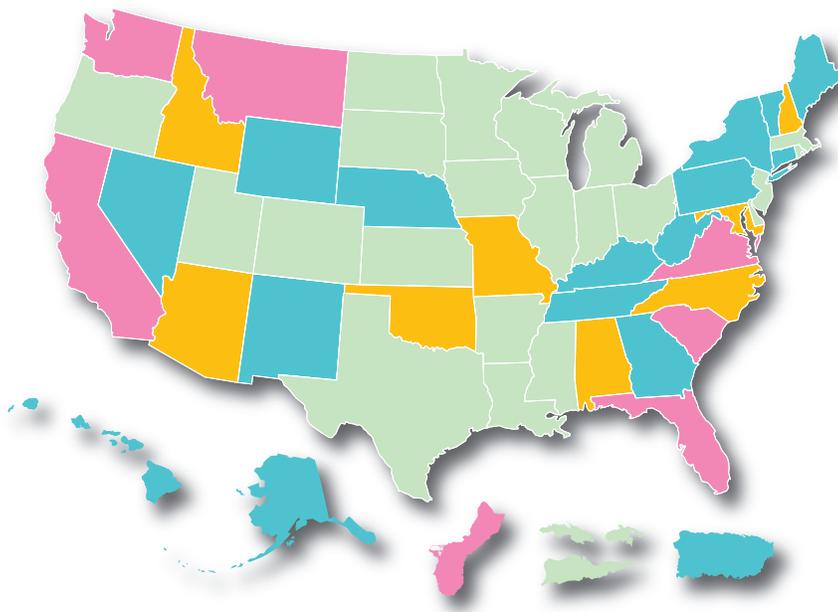
As a child my favorite book was *The Call of the Wild*, a novel by writer Jack London. My mother read the book to me at bedtime. She must have read that book from cover to cover at least twenty times. The plot concerns a previously domesticated dog named Buck, whose primordial instincts return after a series of events leads to his serving as a sled dog in the Yukon during the 19th-century Klondike Gold Rush.

In dog-sledding the lead dog takes responsibility for group decisions and has a distinctive style of leadership; the main factor in the rivalry between Buck and his nemesis is that Buck sides with the less popular, marginal dogs instead of the stronger ones. Buck, then, advocates the rights of a minority in the pack. The book beautifully illustrates how the balance between individual and group is an on-going struggle. The overarching theme gently teaches the reader that the wild ultimately requires the cooperation of a group in order to ensure individual survival.

Oddly enough, the themes from *The Call of the Wild* parallel the themes and patterns of juvenile and criminal justice. The theme that most parallels the justice system is one on balance between the individual and the group.

When challenged with a choice between public safety and liberty, people often choose safety over liberty

Columbia Law School Professor Jeffrey Fagan has written widely on poignant issues in the juvenile and criminal justice systems such as the balance between individual rights and the power of government. Professor Fagan theorizes that when the people lose confidence in the system (e.g. as a result of an act of terrorism on American soil, in reaction to a child abduction and murder, or in response to a rampage shooting that ends in a massacre) the news media demand answers. "What went wrong and why? How can it be fixed? Will it happen again? Whose fault is it?"¹ As the media ask more questions the anxiety of the citizens rises. As the anxiety of the citizens' peaks, many lawmakers feel opposed. In such an instance, when challenged with a choice between public safety and liberty, our lawmakers often choose safety over liberty.²



- Juveniles are not required to register unless convicted in adult court
- Juveniles adjudicated delinquent are subject to registration
- States with lifetime registration
- Juveniles' duty to register automatically terminates after a period of time

Similar to the War on Terrorism, Legal Responses to Sexual Offenses in the United States poses one of the most serious threats since the 1960's Civil Rights Movement to the balance between safety and liberty.

Few types of offenses have commanded the same public attention and evoked the same level of outrage as sexual offenses. This public hatred for individuals accused of sexual offenses is reflected in the unique handling of sex offenses both by legislative bodies and by the media. The most obvious example of differential legislative treatment is the rapid insurgency of federal registration, community notification, and residency restriction laws for sex offenders who are released back into local communities.

*Learn the past, watch the present, and
create the future* —Jesse Conrad

In the late 1980's and mid-1990's, the 'juvenile sex offender' was not a high priority in registration and notification legislation. The federal laws that set the standards for state registration and notification neither required nor prohibited juvenile registration. In 1996, some form of Megan's Law became a universal element of criminal justice in all fifty states.³ However by the mid-1990's, around the time of the rise of the myth of the child "super-predator,"⁴ many state sex offender registration laws were amended to include children adjudicated delinquent of sex offenses. In 1996, some form of Megan's Law became a universal element of criminal justice in all fifty states. The system that evolved arbitrarily classified children using the same criteria as adult sex offenders.

Critics have pointed out practical and normative problems with this political motivation and with some of these harsh policies, especially when applied to children.⁵ In addition to fears of repeat offenders, recent decades have been marked by periods of intense media coverage of the "special threat" posed by juvenile delinquents. For example, presidential candidate Bob Dole famously pontificated during his 1996 campaign, "[u]nless something is done soon, some of today's newborns will become tomorrow's superpredators —merciless criminals capable of committing the most vicious of acts for the most trivial of reasons."⁶ Popularized by scholars like John Dilulio, who coined the term "superpredator,"⁷ youth involved in criminal activity were labeled as symbols of danger, and are responsible for compelling government intervention in the name of public safety.

Criminologists suggested that "the rise in violent arrests of juveniles in the early 1990s would combine with a growing youth population to produce an extended crime epidemic."⁸ This dire prediction proved inaccurate.⁹ Juvenile crime rates began a steady decline around 1994, reaching low levels not seen since the late 1970s. Like the misconceptions about juvenile sexual offending behavior¹⁰, in part, the "superpredator" myth was based on a misinterpretation of the research and media hype. Overzealous criminologists and academic purveyors of the super-predator myth used overheated rhetoric to scare the public and incite politicians to exploit these mythologies to garner electoral support or to push through funding for their pet projects. The general public bought into these myths.¹¹

In an effort to standardize sex offender registration systems, President George W. Bush signed the Adam Walsh Child Protection and Safety Act into law on July 27, 2006.¹² The Act contains numerous provisions aimed at combating incidents of sexual assault in the United States, the section of the Act that has garnered the most attention is Title I, the **Sex Offender Registration and Notification Act** (hereinafter referred to as "SORNA"). SORNA provides a set of federal guidelines, a "floor not a ceiling," aimed to further expand the breadth of sex offender registration and notification in the fifty states, the District of Columbia, the five principal U.S. Territories, and federally-recognized tribal territories. Under SORNA, jurisdictions must drastically change the way they manage individuals convicted and adjudicated delinquent for sexual offenses. "Substantial Compliance" with SORNA requires jurisdictions to expand their registries and internet websites to retroactively include children, increase the number of offenses for which registration is required, require registered offenders to keep their information current in each jurisdiction in which they reside, work, and attend school, and reclassify the risk level of each sex offender based solely on the crime of conviction or adjudication. subset of young individuals.^{13, 14}

Due to the passage of the Adam Walsh Act in 2006, more children adjudicated delinquent of certain sexual offenses will be treated like adults. In response to the Act, jurisdictions began to hastily introduce indiscriminate SORNA-esque legislation in a frantic effort to come into compliance with the SORNA Guidelines and retain federal funding. This rush to amend local sex offender registration and notification laws has left jurisdictions with a burdensome, over-inclusive registration system that forces states to legislate without regard to cost or resources spent and ignores empirical research on juvenile re-offending.

Numerous critics, including law enforcement agents, have witnessed the unintended and punitive consequences that result when children are enveloped in a law enforcement program designed for adult convicted of sexual offenses.

Harsh consequences that may have been avoided had we known how poorly sex offender registration and notification laws protect communities from instances of sexual assault. Damage that could have been foreseen had we analyzed the data from the thirty-plus states that were already subjecting children to some form of sex offender registration and notification. Data that overwhelmingly shows that subjecting juveniles to long term registration and notification policies does nothing to improve community safety and does everything to create unintended harmful effects on children required to register as “sex offenders.”

The main goal of this publication is to provide a comprehensive reference guide to the various juvenile sex offender registration systems employed in the United States. Additionally, it is my hope that this compilation of laws will highlight the gaps in our knowledge about child and adolescent sexual offending behavior and provide a straightforward reference guide during this time of great flux as jurisdictions wrestle with SORNA compliance.

The Snapshot will serve as a critical first step to further the dialogue on the practicality, utility and constitutionality of expanding sex offender registration laws, designed to track adult offenders, to children. It is my expectation of the that the Snapshot will help create a platform – or at least a starting point – for informed proposals for reform in Federal and State juvenile sex offender legislation and policies.

THE PURPOSES OF THE SNAPSHOT

Written by Quyen Nguyen, Nicole Pittman, and Kirtsen Rønholt

1. Provide a comprehensive reference guide on sex offender registration and notification laws as applied to children adjudicated delinquent in the United States.

The Snapshot is the first of its kind, compiling the language, laws, and practices in effect at a specific point in time. (The chosen date for the “snapshot” in time is May 1, 2011).

Sections IV, V, and IV of the Snapshot provide a detailed and comprehensive look at the registration and notification laws applied to children in the fifty states, the District of Columbia, and Guam. This publication

As of the date the “snapshot” was taken we found;

The juvenile registration and notification systems run the gamut from states that treat juvenile adjudications like criminal convictions, states that have one registry for both adults and juveniles but use separate administrative procedures and registration and notification guidelines for children, and other states that use separate registration and notification laws for juveniles and adults.

- Juveniles are subject to sex offender registration and notification requirements in thirty-five (35) states,
- Sixteen (16) of the states requiring registration do not disclose the juvenile offenders’ private information to the public.
- Seventeen (17) of the states requiring registration of juveniles adjudicated delinquent do not subject them to adult registration requirements.
- Juveniles are subject to lifetime registration in seven (7) states.

Not only is there a wide variation in state juvenile registration requirements; the legislative intent among the laws is often unclear and tends to be interpreted inconsistently. To date, ten jurisdictions are silent on the question of whether juvenile adjudications fall within the purview of registration and notification sanctions. Different courts of equal jurisdiction in the same state have interpreted this legislative silence in vastly different ways, leading to profound uncertainty and unpredictability in the law.

“ . . . injustice anywhere is a threat to justice everywhere.”

— Dr. Martin Luther King

During the course of the study, the authors concluded that there is no formula or logic behind the type of sex offender registration schemes states are imposing on juvenile offenders. For example if we look at **Minimum Age of Registration** several states register and post the pictures of pre-pubescent children on their sex offender websites.

Delaware: In the State of Delaware, there are approximately 639 children on the sex offender registry.

- Fifty-five of these children are UNDER the age of twelve.
- Delaware has nearly a dozen children as young as 9 years old registering as “sex offenders.”

Michigan: Michigan has been registering young children years before SORNA. As a result, the state has some of the largest numbers of young people on the registry in the country.¹⁵

- Nearly eight percent of Michigan’s sex offender population is made up of juveniles. The state counts a total of 3,563 juvenile sex offenders on the registry, all of whom were adjudicated through the state’s juvenile court system.
- The statistics further reveal that the state’s youngest registered sex offenders are 9 years old.

Texas: State legislators made registration mandatory for adults and juveniles when they established the sex offender registry in 1991.

- A 2009 study showed that about 3,600 people on Texas State’s registry were added as juveniles.
- Texas does not have a minimum age for juvenile registration, but the minimum age for prosecution is 10.¹⁶

2. Demarcate the differences between sex offender registration and community notification laws

The federalization of sex offender registration and notification laws in the United States was inspired by a small number of particularly heinous, high profile offenses against women and children in the 1980’s and 1990’s.¹⁷ Federal lawmakers seized on politically popular issues and committed themselves to “protecting children from violent sexual predators.”¹⁸

Sex Offender Registration and Notification Laws

The state systems legislated in the 1990’s, and presently enforced, are a mix of two different methods for identifying and tracking persons convicted of sex crimes; 1) a registration requirement, and, 2) a community notification system.

Registration Laws

The first federal sex offender registration act was passed in response to the unsolved abduction of a child while he was riding his bicycle in a small town in Minnesota. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act of 1994 established a national database of sex offenders and conditioned receipt of federal anti-crime funds on state compliance with the Act.

Community Notification Laws

Congress passed Megan’s Law in 1996 in response to the abduction and murder of seven-year old New Jersey resident, Megan Kanka. Megan’s adult attacker, previously convicted of child molestation, lived near her home in a community release program. In testimony before Congress, Megan’s parents, Richard and Maureen Kanka, asserted that they would have been more vigilant had they known about the offenders’ presence. Under Megan’s Law community notification requirements applied only to individuals identified as “potentially dangerous sex offenders.”¹⁹

Community notification systems proliferated rapidly through a series of amendments to Megan’s Law. Often referred to as “public registration,” community notification consists of a publicly accessible registry allowing private citizens to access identifying information about convicted sex offenders.

Some form of community notification for adult sex offenders has been present in all fifty States and the District of Columbia since 1996.

Amendments to Community Notification Laws

The *Pam Lyncher Sexual Offender Tracking and Identification Act of 1996* was yet another step in the evolution and propagation of sex offender tracking and registration. Pam Lyncher was a 31-year old woman who was attacked by a previously convicted sexual offender in Houston, Texas. The Lychner Act provided for a national database to track sex offenders and subjected those convicted of an aggravated sex offense or multiple registerable sex offenses to lifetime registration and notification requirements. The Act further amended the scope of community notification requiring the Federal Bureau of Investigation (FBI) to develop a national database of names and addresses of certain convicted sex offenders released from prison. The Lychner Act broadened the tracking of sexual offenders beyond the state level, linking the states with a national registry and Website.

3. Shed light on the careless manner in which Congress expanded SORNA to include children adjudicated delinquent of certain sexual offenses

Title I of the Adam Walsh Child Protection and Safety Act: The Sex Offender Registration and Notification Act (SORNA)

The Adam Walsh Child Protection and Safety Act of 2006, enacted in memory of the high-profile abduction and murder of yet another child, further expanded the breadth of registration and notification laws. SORNA subjects juveniles adjudicated delinquent to the same registration requirements as convicted adult sex offenders for the first time.

The initial deadline to comply with SORNA was July 27, 2009. Jurisdictions were given roughly three years, with the possibility of two one-year extensions, from the date of SORNA’s enactment to “substantially implement” the Act’s requirements.²⁰

However, on May 26, 2009, the deadline was extended to July 2010 when US Attorney General Eric Holder issued a one-year blanket extension delaying the implementation date of SORNA to give states and the federal government additional time to work out the problems with the Act. Before July 2010, nearly all 248 jurisdictions requested to use the remaining one-year extension, pushing the new and final deadline for compliance to July 27, 2011.

Five years after the Act was signed into law, no jurisdiction has completely implemented SORNA. To date only thirteen jurisdictions have “substantially implemented” the law. Upon the date of the final deadline, several states signaled that they still are unable to implement SORNA. Nonetheless, states that fail to comply with the Federal SORNA in a timely manner will forfeit 10% of their Byrne Memorial Justice Assistance Grant (JAG) Omnibus Crime federal funding.

Attempting to meet the demands of SORNA implementation by the final deadline, many state legislatures have rushed to pass some version of the SORNA Guidelines into law. Unfortunately, the SORNA Guidelines leave much room for misinterpretation. Despite Congress’ goal of standardizing sex offender registration systems, communities are left with a disarray of laws that may do more harm than good to public safety.

SORNA expanded the term ‘conviction’ to include an adjudication of delinquency

The expansion of SORNA to juveniles adjudicated delinquent far exceeds the original intention of the Act, and in fact presents one of the most cited barriers to compliance by the fifty states. Early drafts of SORNA only applied to individuals convicted as adults for sex offenses. The Amie Zyla Expansion provision of the Act bypassed the normal legislative process to include juveniles adjudicated delinquent of certain sexual offenses in the definition of a “conviction.” Supporters of the Zyla expansion unfailingly spoke about how the provision was critical to protecting the nation’s children. But absent from the closed door discussions were any expert testimony or scientific evidence that this dramatic revision of sex offender registration laws and treatment of children in the juvenile justice system would do anything to enhance public safety. In fact there was very little discussion at all regarding the Zyla expansion and the potentially detrimental impact on society that is likely to emerge from the inclusion of children in registration and community notification laws. SORNA swept through Congress with nearly unanimous support, despite the eloquence of its few opponents.

SORNA represents the first time in the nearly twenty-year history of sex offender registries that a federal law has specifically included children adjudicated delinquent.

4. Illustrate the fact that evidence showing registration and notification laws are successful in preventing future sex crimes is markedly absent

Despite their existence for over a decade, little work has been done to examine the effectiveness of registration and notification laws on sexual offense rates. Research showing that registration and notification laws are successful in preventing future sex crimes is markedly absent.

SORNA is different from its predecessors. The Act is causing us to closely examine the efficacy of these laws, because of the huge fiscal burden the Act places on jurisdictions, the excessive retroactive reach, and because it subjects youth, as young as determined by the state, to lifetime registration and notification.

California's sex offender tracking system highlights this particular problem.²¹ In 1994 there were 45,000 registered sex offenders living in California, but in sixteen years the number has doubled to 90,000. Of the 20,000 sex offenders currently on parole in California, only 9% are considered to pose a high risk of reoffending and only 29% pose a moderate-high to high risk. But law enforcement has to spread its resources to monitor them all equally.

Empirical evidence fails to find a relationship between juvenile sex crimes and adult sex crimes. **Juvenile sex offending does not predict adult sex offending.** University of California-Berkeley Professor of Law Franklin E. Zimring explored whether juvenile sexual offenders continue to commit sexual offenses into adulthood. The empirical data revealed that over 92% of all individuals who committed a sex offense as a juvenile did not commit another sex offense. Children tend to mature out of sexual offending behavior and are not likely to commit another sexual offense. Consequently, registration and notification of juveniles adjudicated delinquent of sexual offenses does not have a significant influence on recidivism rates

An Offense-based Registration System Like SORNA Cast an Overly-Wide Net

Data shows that the over-inclusive, offense-based design of SORNA is an extremely poor method of protecting the public from “vicious attacks by violent sexual predators.” In practice, the poor predictive quality of SORNA may be more harmful to the public than it is protective, creating a false sense of security and exhausting valuable resources and limited manpower on tracking the “wrong offenders”; that is, individuals not likely to ever reoffend sexually.

SORNA’s offense-based design is problematic. The Act will add more nonviolent offenders to the registry (many retroactively for convictions from years ago). While the sex offender database grows exponentially, funding for monitoring sex offenders is on the decline. Fewer officers monitoring more people will lead to a drastic drop in community safety.

Currently, there are over 720,000 registered sex offenders in the United States. Before SORNA, federal sex offender registration and notification laws only applied to the states and the District of Columbia. The fifty states, the District of Columbia, the five principal U.S. territories, and 192 federally recognized Indian tribes are all considered jurisdictions under SORNA. If every jurisdiction passes SORNA legislation, thousands of registrants from the 198 additional jurisdictions will be added to the already watered down national sex offender registration database.

5. Reference some of the harsh consequences of labeling children as “sex offenders.”

As for the inclusion of children in state sex offender notification schemes, several states apply judicial discretion when deciding whether a child has to register and to determine whether a child’s personal information and photograph should be made available on public web sites. Under SORNA, our children will become subject to the strictest sex offender registration and notification requirements in United States and world history. The SORNA Guidelines require that children and adolescents be placed on the same registries with adults, conceivably placing their “awkward pubescent mug shots among those of adult felons.” Notably, many young offenders could be banned from public parks, movie theaters and

perhaps even schools. Fliers detailing some childrens’ offenses and identifying information will be mailed out to their neighbors. Some youthful offenders will be required to register publicly as sex offenders for the rest of their lives.

Protecting the community and limiting unnecessary harm to former offenders are NOT mutually incompatible goals. The social stigma and shame of sex offender registration, especially to children, can preclude or discourage participation in recovery-focused, pro-social roles and activities, including employment and education.

6. Emphasize that while this book attempts to answer the most significant aspects of juvenile registration, every instance should be handled on a case to case basis due to the fact that every municipality may have different practices and procedures under the umbrella of their state’s current sex offender registration laws.

7. It is not the intention of the Snapshot to provide policy recommendations. Rather, it serves as a glaring indicator of the lack of empirical research that has yet to be conducted to effectively manage this unique population of children labeled as “sex offenders.”

The Snapshot offers an initial platform for dialogue on registration of adjudicated juveniles, as the nation reaches its deadline for compliance with the SORNA. Instead of offering policy recommendations, the Snapshot highlights the dearth of empirical research and lack of cogent discourse that has influenced the propagation of these reactive – and ultimately harmful – regulations.

One of the primary focuses of the Snapshot was to study the trends in sex offender registration and notification requirements of juveniles adjudicated delinquent before and as SORNA is being implemented. It is also the intention of the authors to illustrate how the empirical research on juvenile sexual offending recidivism rates paints a completely different picture than what is generally perceived about juvenile sex offenders.

8. Educate Policymakers on the trend of legislating blindly when it comes to sex offender laws.

Policy aimed at preventing sexual violence has been predominately driven by sensationalized media accounts of crimes that have a sexual component, as well as the general public’s visceral emotional reaction to these reported crimes. As a result, millions of dollars of state and federal resources support registries despite the fact that research does not show if these systems actually affect the number or type of sex crimes committed.

SORNA was intended to create a baseline for sex offender registration and close loopholes in interstate registration. However, the Act has spiraled into a broad blanket policy with disastrous implications for individuals adjudicated delinquent or convicted of a sexual offense, community members, state officials, and law enforcement agents.

Rather than rational, logical, and intelligent discussion – fear, anger, and misunderstanding have driven the impassioned legislation behind SORNA’s inclusion of children adjudicated delinquent of sex offenses. There has been no cogent dialogue regarding the efficacy and constitutionality of sex offender registration and notification laws. When it comes to sex offender legislation, myths and misconceptions about sexual offending, especially juvenile sexual offending behavior, have misguided our system of democracy and chilled the usual political and judicial protections that guide the legislative process.

The need for monitoring serious, high-risk and violent offenders is a critical issue that is diminished by allocating equal resources to every offender regardless of risk. Specifically, the SORNA creates severe registration requirements for children adjudicated delinquent, including automatic lifetime registration for certain offenses and severe penalties for failure to register. When legislators weighed the need for public safety with ensuring that sex offenders received adequate treatment, rehabilitation became the lower priority despite its effectiveness.

CONCLUSION

One of the primary reasons that the authors chose to conduct a comparative study of the state sex offender registration and notification laws was to try to gain an understanding of why certain states included juveniles adjudicated delinquent and why other states excluded them.

We conclude that there is no discernable reason why juveniles are subject to registration and notification laws. Fundamentally, the reasoning comes down to the ideological and political climate. If the trends in sex offender legislation have shown us anything, it is that the various sex offender registration laws have been knee-jerk reactions to horrific crimes. Society has been conditioned to think that the registration of offenders for all sexual or sexually motivated offenses is the only indicator of effectiveness. Instead of allowing the U.S. Department of Justice to dictate what “protection from sexual violence” should look like in every jurisdiction, more research needs to be conducted on what actually makes an efficient registration system.

The need for calm, reasoned dialogue on labeling children as sex offenders is obvious; subjecting juveniles to public registration and punishing juveniles for a lifetime over the indiscretions of youth goes far beyond the scope and purpose of community protection. Resources need to focus on high-risk offenders that are dangerous to a community, and the Adam Walsh Act employs too wide a brush stroke with its inclusion of children. The authors hope to highlight certain states as encouraging models for effective sex offender management, rather than the current spectrum of ineffectiveness that can accompany “substantial compliance” with this overly burdensome, punitive law. Ongoing, realistic dialogue regarding the actual impact registering juveniles has on public safety is necessary to determine if and to what extent juveniles adjudicated delinquent should be subject to SORNA. Without taking into account the relevant research, we are legislating blindly, subject to the whims of media sensationalism and misinformation.

Respectfully written,

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Final Update on SORNA Compliance Status

As of Thursday, September 1, 2011

Title I, § 146 of the Adam Walsh Act created a new office entitled the “Sentencing, Monitoring, Apprehension, Registration and Tracking” (SMART) Office. The SMART Office, located in the Department of Justice’s Office of Justice Programs, is responsible for all matters related to the implementation and administration of SORNA. Since the SMART Office opened in 2007, only 24 of the 248 jurisdictions have “substantially implemented” SORNA. The jurisdictions (14 states, 9 tribes and one territory) deemed to be in “substantial compliance” with SORNA as of September 1, 2011 are as follows:

States: Alabama, Delaware, Florida, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, South Carolina, South Dakota, and Wyoming

Tribes: The Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes and Bands of the Yakama Nation, Grand Traverse Band of Ottawa and Chippewa Indians, Iowa Tribe of Oklahoma, Kootenai Tribe of Idaho, Little Traverse Bay Bands of Odawa Indians, Pueblo of Isleta, Tohono O’odham Nation, and Upper Skagit Indian Tribe.

U.S. Territories: Guam.

ENDNOTES

- 1 Jeffrey Fagan, *Legitimacy and Criminal Justice*, 6 Ohio St. J. Crim. L. 123 (2008).
- 2 Id.
- 3 "Megan's Law" is the informal name for the overarching laws in the United States that require law enforcement authorities to make information available to the public regarding registered sex offenders. Over the past 15 years, similar registration and community notification laws have been passed in response to some high-profile cases where young children were kidnapped, sexually assaulted, and in some cases, murdered. See, e.g., "Jessica's Law," "Sarah's Law," the "Amie Zyla Law," "Dru Sjodin National Sex Offender Registry," and "Jonathan's Law."
- 4 Peter Elikann, *Superpredators: The Demonization of Our Children by the Law* (1999); Peter Elikann, *Superpredators: The Demonization of Our Children by the Law* (1999); *Crime and Public Policy* 489-507 (James Q. Wilson & Joan Petersilia eds., 1995); John J. Dilulio, *The Coming of the Super-Predators*, *Wkly Standard*, Nov. 27, 1995, at 23.
- 5 See Franklin E. Zimring, *An American Tragedy: Legal Responses to Adolescent Sexual Offending* (2004); Phoebe Geer, *Justice Served? The High Cost of Juvenile Sex Offender Registration*, 27 *Dev. Mental Health L.* 44-52 (2008); Britney M. Bowater, Comment, *Adam Walsh Child Protection and Safety Act of 2006: Is There a Better Way to Tailor the Sentences of Juvenile Sex Offenders?*, 57 *Cath. U. L. Rev.* 817, 835-46 (2008); Adam Doeringer, Comment, *Rehabilitating Juvenile Sex Offenders with a Life Sentence*, 42 *J. Marshall L. Rev.* 187 (2009).
- 6 See generally Kelly Luker, *Kids These Days*, *Metro Santa Cruz*, Sept. 18-24, 1997, <http://www.metroactive.com/papers/cruz/09.18.97/kids-9738.html>.
- 7 See generally Jonathon Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* 4, 6 (2007) (addressing the importation of crime control into school administration); Aaron Kupchik, *Judging Juveniles: Prosecuting Adolescents in Adult and Juvenile Courts* 21 (2006) (describing a "sequential model of justice," or a system that borrows both a criminal justice model and a juvenile justice model, as a way of understanding prosecution of adolescents in criminal court).
- 8 John J. Dilulio, *The Coming of the Super-Predators*, *Wkly Standard*, Nov. 27, 1995, at 23.
- 9 Lori Dorfman & Vincent Schiraldi, *Off Balance: Youth, Race & Crime in the News* (2001).
- 10 *Supra*.
- 11 Lori Dorfman & Vincent Schiraldi, *Off Balance: Youth, Race & Crime in the News* 3-5 (2001).
- 12 On July 27, 2006 President Bush signed the Adam Walsh Child Protection and Safety Act. Pub. L. No. 109-248, 120 Stat. 587 (2006).
- 13 The federal funds at risk are part of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, administered by the Bureau of Justice Assistance (BJA). JAG funding is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology improvement, and crime victim and witness initiatives. See Office of Justice Programs' Bureau of Justice Assistance, <http://www.ojp.usdoj.gov/BJA/grant/jag.html>
- 14 The National Guidelines for Sex Offender Registration and Notification, 73 *Fed. Reg.* 38030, 38031 (July 2, 2008).
- 15 Valerie Anderson, *Application of Mandatory Registration and Notification Laws to Juvenile Sex Offenders* (Mar. 26, 2010) (unpublished manuscript) (on file with author).
- 16 David A. Garcia, *Juveniles crowd Michigan Sex Offender Registry: More than 3,500 teen and pre-teen sex offender on state list*, *The Michigan Messenger*, February 10, 2010, <http://michiganmessenger.com/34538/juveniles-well-represented-on-mich-sex-offender-registry>.
- 17 Renée C. Lee, *A long wait to get past crime: Kids as young as age ten can be registered as sex offenders, a label lasting a decade*. *Houston Chronicle*, September 21, 2009.
- 18 42 U.S.C.S. § 16901 (LexisNexis 2011).
- 19 Frank C. DiCataldo, *The Perversion of Youth: Controversies in the Assessment and Treatment of Juvenile Sex Offenders 7-10* (2009).
- 20 Frank C. DiCataldo, *The Perversion of Youth: Controversies in the Assessment and Treatment of Juvenile Sex Offenders XXX* (2009).
- 21 42 U.S.C. 16924, 16925(a)
- 22 F.E. Zimring, et al., *Sexual delinquency in Racine: Does early sex offending predict later sex offending in youth and young adulthood?*, 6 *Criminology and Public Policy*, 507-34 (2007).
- 23 F.E. Zimring, *The Predictive Power of Juvenile Sex Offending: Evidence from the Second Philadelphia Birth Cohort Study* (December 2006) (citing T. Sellin & M. Wolfgang, *The Measurement of Delinquency* (1964); G. Sykes *The Society of Captives* (1958); P. Tracy, M. Wolfgang & R. Figlio, *Delinquency in a Birth Cohort II: A Comparison of the 1945 and 1958 Philadelphia Birth Cohorts* (1984); M. Wolfgang, R. Figlio & T. Sellin, *Delinquency in a Birth Cohort* (1972)).
- 24 "Vicious attacks by violent sexual predators" is the term used in 42 U.S.C. § 16901:
"Declaration of Purpose. In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this chapter establishes a comprehensive national system for the registration of those offenders."
(emphasis added).
- 25 See, e.g., Research and Evaluation Unit, N.J. Dep't of Corr. *Megan's Law: Assessing the Practical and Monetary Efficacy 1-2* (2009), <http://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf> (concluding that Megan's Law did not reduce the number or type of sexual reoffenses).
- 26 Knutsen, R. & Scheck, J. "Sex-Registry Flaws Stand Out." *The Wall Street Journal*. September 3, 2009. A11.
- 27 State or Territory Sex Offender Registries - States and PR, U.S. Census Bureau (July 2009); *Estimates Territories: Central Intelligence Agency, World Fact Book* (2010); *Estimates, National Center for Missing & Exploited Children (NCMEC)* (July 2010).
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- 31 The 13 jurisdictions deemed to be in "substantial compliance" with SORNA as of July 11, 2011 are as follows: States: Delaware, Florida, Louisiana, Michigan, Nevada, Ohio, South Dakota, and Wyoming; Tribes: The Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes and Bands of the Yakama Nation, the Chippewa Indians, and the Grand Traverse Band of Ottawa in Michigan.; U.S. Territories: Guam. Press Release, Department of Justice, *Justice Department Announces Four More Jurisdictions Implement Sex Offender Registration and Notification Act* (May 12, 2011), <http://www.ojp.usdoj.gov/newsroom/pressreleases/2011/SMART11102.htm>; KATC.com. (2011) *Louisiana Listed Among States in Compliance with Federal Adam Walsh*. [Press release]. Retrieved from <http://www.katc.com/news/louisiana-listed-among-states-in-compliance-with-federal-adam-walsh-act/>