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## Abstract

The present study examines the registration requirements for registered sex offenders traveling from their *resident* state to another state for business or pleasure. The author contacted each state's primary Sex Offender Registration and Notification (SORN) office to obtain the required registration requirements for nonresident sex offenders, as well as where and how nonresident sex offenders can obtain this information prior to visiting that state. The findings indicate that registration requirements and residence restrictions vary significantly by state for nonresident registrants. While not surprising given that numerous studies have highlighted that sex offender policies produce unique and severe challenges for all sex offenders in the United States. This study, however, suggests that nonresident sex offender policies are potentially another collateral consequences for registrants. Most notably, there is significant variation in the number of days a registered sex offender has to register in any given state when they come to visit for any occasion. Depending on the state or jurisdiction that the registrant is visiting, residence restrictions may also be applicable. As a result of these laws, registrants may feel stymied from visiting another state, which may further delineate prosocial opportunities, including gatherings with family and friends or fulfilling employment obligations. Additionally, states may experience an increased financial burden due to the manpower needed to enforce their state's nonresident sex offender laws, especially in areas that are known tourist destinations. Future research and policy implications are further discussed.

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Convicted sexual offenders are the most scrutinized, surveilled, and regulated criminal class today. Over the past three decades, numerous policies, statutes, and practices have been implemented to enhance the surveillance of sexual offenders. This is due, in part, because of a few nationally high-profiled cases involving children who were sexually assaulted and murdered by their assailant. Due to such incidents and others similar to them, it has influenced the public and policymakers' perception of sexual offenders as being extremely dangerous and most likely to reoffend when compared to non-sexual offenders (Levenson, Brannon, Fortney, & Baker, 2007; Quinn, Forsyth, & Mullen-Quinn, 2004; Schiavone & Jeglic, 2009). Contrary to these beliefs about sexual offenders and the laws that have been implemented to protect the public, research has shown that such policies are ineffective. In fact, prior work has argued that sex offender management schemes do more harm than good because these strategies create a false sense of security for the public and produce negative consequences for sex offenders, the criminal justice system, and society (Duwe, Donnay, & Tewksbury, 2008; Jennings, Zgoba, & Tewksbury, 2012; Ragusa-Salerno & Zgoba, 2012; Socia, 2014).

While there are variations in how states regulate the whereabouts and activities of registrants, most states rely on two specific types of laws to accomplish this goal: Sex Offender Registration and Notification (SORN) and residence restrictions (i.e., buffer zone between sex offenders' residence and where children are most likely to congregate). Overall, SORN is the most universally used mechanism to regulate sex offenders because it provides the public with access to the whereabouts of these types of individuals. It should be noted that not all states are equal in what they provide on their SORN websites, but every state typically includes a photo of the registrant and their current residential address. Some states also include other information such as where the registrant is employed, whether or not they attend an institution of higher education, or areas in which they engage in volunteerism. There is an array of other information (i.e., vehicle information, email addresses, etc.) collected from the registrant by law enforcement agencies; however, such information is not usually made available to the public.

To further protect children from registrants, some states or municipalities have relied on residence restriction ordinances to create a buffer zone between where sex offenders reside and where children are most likely to congregate. For example, registrants are not permitted to live within a certain number of feet from schools, day care centers, parks, and playgrounds. On the surface, these initiatives appear to be a common-sense approach to safeguarding the public, especially children, from those who have been convicted of committing a sexual offense. As it will be further highlighted later, research has demonstrated the flaws in SORN and residence restrictions, especially in the impediments to successful reentry efforts of those required to register as a sex offender (Levenson, 2008; Tewksbury, 2005, 2012)

Overall, sex offender laws in the United States have had a deleterious effect on those who have been convicted of a sex crime. While some registrants struggle more than others throughout their reintegration efforts, research has shown that all registered sex offenders are not impervious to problems with securing and maintain housing and employment. This constant struggle has relegated many registrants to socially disorganized neighborhoods, homelessness, and has blocked opportunities for sex offenders to learn new skills to improve employment opportunities. These laws also preclude registrants from receiving other vital resources, such as treatment programs, homeless shelters, various government programs (i.e., section-8 housing, food assistance, etc.), and prosocial support systems (Levenson & Cotter, 2005a, 2005b; Mustaine & Tewksbury, 2011; Rolfé, Tewksbury, & Lahm, in press; Rolfé, Tewksbury, & Schroeder, 2016; Socia, Levenson, Ackerman, & Harris, 2015; Tewksbury & Lees, 2006; Tewksbury & Levenson, 2009).

The collateral consequences of sex offender laws have been researched extensively for more than a decade. Research, however, has not yet examined (a) the nonresident policies for registrants who travel from their *resident* state to another state, and (b) to what degree, if any, nonresident sex offender policies create additional collateral consequences for registered sex offenders, their family members or friends, or the state. The goal of the current exploratory study is to examine each state's nonresident sex offender registration policies and procedures.

## Literature Review

### *SORN Laws*

Since 1994, three federal SORN laws have been passed and implemented. The first law was the Jacob Wetterling Act (1994), which instituted the registration requirements for those convicted of a sexual offense and provided guidelines for verifying the residential address of registrants by law enforcement agencies. Shortly thereafter, Megan's Law (1996) was passed, which required that sex offender registration information be available to the public. Most notably, Megan's Law created online sex offender registries that could be retrieved by anyone with Internet access, but the law also allowed for the dissemination of sex offender registry information through mailers, fliers posted around the community, and other media outlets. States were also permitted to devise their own sex offender classification system under Megan's Law (i.e., tier levels). The use of tier levels provides the public and law enforcement agencies a sense of how dangerous a registrant might be, including how likely a registrant is to sexually reoffend. Typically, the lower the tier level that a registrant has been designated, the less likely it is believed that they will recidivate. The downside to permitting states to devise their own sex offender registries has led to a convoluted system in which the classification, monitoring, and reporting of registrants varies substantially by state.

To overcome the problem of sex offender laws and classification schemes varying by state, the federal government passed the Adam Walsh Child Protection and Safety

Act (AWA) in 2006. One of the main arguments for the AWA was that registrants were moving to states where the registration requirements were less severe than the state in which they were convicted. To alleviate this issue, AWA instituted a universal three-tiered classification system for registered sex offenders, thereby requiring sex offenders to register at the same tier level when moving from one state to another (Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, 2017).

One of the major difference of AWA compared with other federal sex offender laws is that tier level is assigned based on the individual's specific crime, not the offender's risk for reoffending. For example, in Ohio under Megan's Law, it is possible that a registrant convicted of rape could be assessed as a low risk to reoffend; thus, be required to register as a Tier I level sex offender for 10 years. In contrast, the same offense under AWA guidelines would require that individual to register for life (Tier III) regardless of their reoffending risk. As a result of such changes, registrants are more likely to spend more time on the sex offender registry, if not indefinitely, compared with prior laws that were more flexible. This means that AWA has created a net widening effect for those convicted of a sexual offense (Harris, Lobanov-Rostovsky, & Levenson, 2010).

While AWA was passed more than a decade ago, only 17 states, 119 tribes, and three territories are currently in compliance with this law (Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, 2017). Due to most states being noncompliant, the federal government has given them some latitude to become compliant. However, noncompliant states do run the risk of losing a percentage (10%) of their law enforcement funding (i.e., Byrne Justice Assistance Grants) from the federal government. According to the SMART Office, this penalty will continue each year until the state becomes sufficiently AWA compliant (Justice Policy Institute, 2008; Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, 2017).

The primary goal behind SORN and residence restriction laws is to protect our society from those who sexually offend. The belief that sexual offenders have a higher propensity to recidivate compared with nonsexual offenders has guided sex offender laws, including the evolving registration requirements. Research, however, has shown that in general, sex offenders have the lowest recidivism rate among ex-offenders (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Jennings et al., 2012; Sandler, Freeman, & Socia, 2008; Zgoba et al., 2016). Although there are variations in the methods to measure recidivism among sex offenders, researchers have collectively shown that the risk of sex offenders being arrested and/or convicted of a new sexual offense is relatively low. In fact, the more time that has elapsed since their sexual offense conviction, the less likely they are to recidivate (Tewksbury & Jennings, 2010). But, the collateral consequences for registered sex offenders can be a debilitating issue (i.e., denied housing and employment opportunities) when it comes to their reintegration efforts (Jennings et al., 2012; Levenson, D'Amora, & Hern, 2007; Mercado, Alvarez, & Levenson, 2008). For some convicted sex offenders, managing registration requirements can be quite difficult. These difficulties in managing registration requirements often lead to failure-to-register (FTR) charges for registered sex offenders, which is the most common catalyst for recidivism among sex offenders (Levenson, Letourneau, Armstrong, & Zgoba, 2010).

FTR determinations, however, can vary from state to state. Commonly, registrants must notify (usually in person) the state of changes to their primary residential address, any other secondary addresses (i.e., employment, education), as well as vehicle information, phone numbers, and email and social media addresses (Mustaine & Tewksbury, 2013). In most states, FTR can lead to another felony conviction for the registrant, which usually carries a prison sentence and/or fine. Nonetheless, it has been speculated that those who have less stability throughout their reentry efforts are more likely to recidivate, not for a sex crime, but due to FTR (Duwe & Donnay, 2010; Levenson et al., 2010; Levenson, Sandler, & Freeman, 2012; Zgoba & Levenson, 2012).

### *Collateral Consequences of SORN and Residence Restrictions*

Without question, scholars have found numerous collateral consequences for registrants that are directly associated with SORN and residence restriction laws. This is not to undermine that convicted felons also face numerous barriers while trying to reintegrate back into society, but most scholars would argue that this task is far more daunting to accomplish for registered sex offenders (Burchfield & Mingus, 2008; Gordon, 2013) due to being placed on a public registry. As a result, many sex offenders do not receive assistance from their community members (Tewksbury, 2012). Most registrants, for instance, find it extremely difficult to obtain and maintain housing (especially rental properties) and sustainable employment (Burchfield & Mingus, 2008; Gordon, 2013; Huebner et al., 2014; Levenson, 2008; Levenson & Cotter, 2005a, 2005b; Mustaine, Tewksbury, & Stengel, 2006a, 2006b; Tewksbury, 2005). This has consequently led some sex offenders to become highly dependent on family members and friends for support and these individuals that assist registrants are often exposed to the same stigmas, loss of social capital, and emotional and financial hardships as registered sex offenders (Farkas & Miller, 2007; Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009).

Some scholars argue that SORN is primarily responsible for the collateral consequences that registrants, and those associated with them, face (Levenson & Cotter, 2005a; Tewksbury, 2005). However, others argue that residence restriction laws create the most barriers for registrants and their reintegration efforts. Why? Unlike SORN, which is universally applied across said state, the breadth and depth of residence restriction laws are not. Regardless of being a state-wide or a local ordinance, residence restriction laws exclude registrants from residing within 500 to 3,000 feet of the most common areas where children are likely to congregate (e.g., schools, day care facilities, playgrounds, parks, and bus stops; Neito & Jung, 2006). To further demonstrate this point as to how diverse residence restriction laws can be applied, we will examine Florida and Ohio. Florida does not have a universal state-wide residence restriction law. Because of this, it permits municipalities to have complete autonomy in designing and implementing residence restriction ordinances. This further means that residence restriction laws are drastically different from one locale to the next. In contrast, Ohio has a 1,000-foot residence restriction law that is universal across the entire state; thus, municipalities are not permitted to institute their own variations to this law. Regardless of the state or local residence restriction laws, these laws severely

diminish the number of housing units available to registered sex offenders (Barnes, Dukes, Tewksbury, & De Troye, 2009; Huebner et al., 2014; Levenson & Cotter, 2005b; Levenson & Hern, 2007; Zgoba, Levenson, & McKee, 2009).

SORN and residence restriction laws also relegate many registrants to socially disorganized neighborhoods (Hipp, Turner, & Jannetta, 2010; Mustaine et al., 2006a, 2006b; Tewksbury, Mustaine, & Rolfe, 2016). These types of locations are historically known to have higher rates of poverty and crime than nonsocially disorganized neighborhoods. Perhaps it is here that the collateral consequences for registrants are the most severe, because disorganized neighborhoods lack the necessary resources for successful rehabilitation and reintegration into society. That is, being further separated from employment opportunities, treatment facilities, prosocial support systems, and public transportation systems is not conducive to the ultimate goals—reduced recidivism for sex offenders and having sex offenders be productive members of society (Hipp et al., 2010; Levenson, 2008; Mustaine, 2014; Mustaine & Tewksbury, 2011). Of course, not all registrants experience the collateral consequences caused by sex offenders laws the same, but it is clear that sex offender laws do negatively impact all convicted sex offenders to some degree.

Despite the large body of research on our sex offender laws and the collateral consequences associated with them, research has yet to examine whether or not there are variations in the management schemes of registrants who is registered in one state (i.e., resident state) and visits another state on a limited and temporary basis. Just as registration requirements and residence restrictions vary by state and within specific jurisdictions, the registration requirements for registrants who travel outside of their resident state to another state also vary by state and these differing requirements for nonresident registrants represent a further hurdle, and possibly an additional collateral consequence for registered sex offenders. This study presents a descriptive assessment of the nonresident sex offender laws in all 50 U.S. states and provides a discussion of the effect that these varying requirements have for registered sex offenders.

## **The Present Study**

The present study describes the registration and residence restriction laws for nonresident (visiting) sex offenders in all 50 U.S. states. Although this study is largely descriptive and exploratory, the primary purpose of the current study is to highlight that these nonresident sex offender laws possibly add to the already-long list of collateral consequences for convicted sex offenders.

## **Method**

### *Data*

The data used in the current study was collected through personal contacts with the state-wide SORN office in each state, or a sheriff's office in each state when a state-wide SORN office could not be identified, between September 14 and October 16,

2015 via telephone. Once contact was made with the appropriate office in each state, the office director or the most senior person available who would have the knowledge to answer questions regarding their state's sex offender registration requirements was interviewed. All 50 states were contacted and agreed to participate in the study.

The questionnaire administered to the directors or senior administrators in the SORN offices was based on Mustaine and Tewksbury's (2013) recent survey used to explore the registration requirement for registrants in their home state but adapted for the current study's focus on nonresident sex offender laws and regulations. The 13-item questionnaire was reviewed and altered based on the recommendations of a SORN office director located in the Midwest. Table 1 shows the descriptive information for each of the 13 primary questions on the questionnaire. In addition to the 13 primary questions included on the questionnaire, follow-up questions were asked during the interviews to further clarify the state's laws, requirements, and procedures for nonresident sex offenders.

## Findings

Table 2 outlines the specific legal requirements for nonresident registrants by each state, as well as the total number of registered sex offenders that each state includes in the registry. It should be acknowledged that the number of registered sex offenders in each state are constantly changing. As such, the numbers must be viewed as an estimate and not an accurate representation of registrants in each state or collectively.

At the time of this study, there were a total of 838,025 registrants reported across all 50 states (refer to Table 2, column 2). Not surprisingly, Wyoming had the least number of registrants with 1,544 and California had the most with 112,240 registrants. However, the total number of registrants in any given state should be viewed with caution because some states also include those currently incarcerated (in jail or prison) in the registry numbers, whereas other states do not (see Ackerman, Harris, Levenson, & Zgoba, 2011). It should be further noted that when people search a state's sex offender registry website, they will be able to decipher which registrants are incarcerated from those living in their communities, but differentiating between registrants who are permanent residents from nonresidents is usually not possible. This is due to states using the same process to register sex offenders regardless of their residential status. In other words, states consider nonresident registrants as a resident when registering, regardless of the circumstance or how temporary the stay in the nonresident state will be. To further demonstrate this, the author found that 30 states place "visiting" registrants' information on their state's sex offender registry website. Of those 30 states, 22 states (Arkansas, California, Connecticut, Florida, Georgia, Idaho, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Montana, North Carolina, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming) never remove the registrant's information once they have left the state and returned to their permanent place of residence. It, therefore, could be argued that the total number of registrants in each state is not an accurate reflection as to the total number of registrants that actually reside in these states.



**Table 1.** Descriptive Statistics.

Questions	Responses
How many sex offenders are listed on your state's SORN website?	Average per state: 16,760 (range: 1,544-112,240)
Do registered sex offenders (RSOs) visiting from another state have to register?	Yes = 94%; No = 6%
Upon reaching their destination in your state, how many days do they have to register?	5.14* (range: 3-14) 9.00** (range: 3-30)
<sup>a</sup> Where does the sex offender go to register? (1 = State Police; 2 = Sheriff's Dept.; 3 = Dept. of Corrections; 4 = Local Police Dept.)	1 = 19.2%, 2 = 61.7%, 3 = 2.1%, 4 = 17%
What is the process?	The same as resident registrants
On average, how long does the registration process take?	1.5 hr (range: 1-3 hr)
Is there a registration fee that the sex offender has to pay?	Yes = 24%; No = 76%
Does the registrant's information go on the state's sex offender website?	Yes = 60%; No = 40%
Is their visiting address physically verified, and by whom?	Yes = 56%; No = 44% (typically verified by Sheriff's dept.)
Does the registrant have to adhere to residence restriction laws?	Yes = 58%; No = 42%
Where can RSOs find the information about registering when visiting your state?	State's SORN website, calling a designated registration office, or the Internet
What is the specific law that states visiting RSOs must register, even while on vacation/ business from another state?	—
<sup>b</sup> Do other types of offenders have to register when visiting your state?	Yes = 6%; No = 94%

Note. The number of days allotted for registrants to register: \* = business days; \*\* = consecutive days; SORN = Sex Offender Registration and Notification.

<sup>a</sup>Three states (New York, Oregon, and Pennsylvania) did not require nonresident registrants to register.

<sup>b</sup>A few states have registries for offenders convicted of a nonsexual violent offense, drugs, or arson.

In the third column of Table 2, we identified which states require nonresident registrants to register. Of the 50 states, the author found that 46 states do require nonresident sex offenders to register with their state. Interestingly, one state (Rhode Island) suggested that registrants who want to visit their state should first contact the state's SORN office to determine whether or not they had to register. Perhaps even more surprising was that three states (New York, Oregon, and Pennsylvania) *did not require* registrants who were visiting their state to register. Despite there not being a requirement, each state's SORN office highly recommended that nonresident registrants contact the registration office closest to where the sex offender will be staying. Another interesting registration requirement was found in Alabama, where they required their

**Table 2. Registered Sex Offender Requirements for Visiting Another State.**

State	Number of RSOs on state registry	RSOs visiting must register	Follow residence restriction laws	Days to check-in	RSOs register at:	Registration fee	Placed on state's SO Registry website	Address physically verified by police
AL	13,670	•	S	3*	2	•	•	•
AK	2,234	•		30	1			
AZ	15,018	•		10	2			•
AR	14,512	•	S	5**	2	•	•	•
CA	112,240	•	L/S	14 or 30**	2		•	•
CO	17,222	•	L	14* or 30**	2	•	•	•
CT	5,632	•		5*	1		•	
DE	4,739	•		3*	1			
FL	65,255	•	L/S	5	2		•	•
GA	26,235	•		14	2			
HI	2,873	•	S	10	2			
ID	4,166	•		7	2		•	•
IL	23,288	•	S	3 or 5**	2	•	•	•
IN	9,419	•		3	2		•	
IA	5,512	•	S	5*	2		•	
KS	9,228	•		3	2			
KY	10,286	•	S	14 or 30**	4		•	•
LA	9,015	•		3	2		•	•
ME	3,189	•	L	14 or 30**	4		•	•
MD	7,465	•		3	4		•	•
MA	11,399	•		4 or 14**	4	•	•	•
MI	41,600	•	S	7	1	•	•	•
MN	17,450	•		14 or 30**	4	•	•	•
MS	8,711	•	S	3	2		•	•
MO	14,903	•	S	7**	2	•	•	•

(continued)

Table 2. (continued)

State	Number of RSOs on state registry	RSOs visiting must register	Follow residence restriction laws	Days to check-in	RSOs register at:	Registration fee	Placed on state's SO Registry website	Address physically verified by police
MT	2,366	•	S	10	2		•	•
NE	4,854	•	S	3*	1		•	•
NV	7,862	•		2	2			
NH	2,692	•		5	4		•	•
NJ	17,833	•	L		1			
NM	3,486	•	S	10 or 30**	2		•	•
NY	38,307							
NC	16,066	•	S	14 or 30**	2		•	•
ND	1,766	•	S	10 or 30**	2			
OH	29,820	•	S	3	2	•		
OK	6,652	•	S	7	2			•
OR	27,864							
PA	17,427							
RI	1,632	•		14	4			
SC	14,355	•	S	10 or 30**	2	•	•	•
SD	3,354	•		3	2	•	•	•
TN	21,057	•	S	14	2		•	•
TX	83,627	•	L	7-10	2		•	•
UT	7,196	•	S	10**	4		•	•
VT	1,862	•		10	1		•	
VA	21,591	•	S	14	1		•	•
WA	21,441	•	S	10	2			
WV	4,421	•		15	1			•
WI	23,689	•	L	10 or 30**	3	•	•	•
WY	1,544	•	S	3*	2		•	•

Note. • = yes, Residence Restriction Law; S = state wide, L = only local ordinances; No asterisk = consecutive days, \* = consecutive business days, \*\* = aggregate days in a calendar year. RSOs' Register at 1 = State Police, 2 = Sheriff Dept., 3 = Department of Corrections (i.e., Probation/Parole Office), 4 = Local PD.

resident registrants to submit a travel permission form (requiring approval) at least 3 business days prior to wanting to travel outside of the state.

In addition to nonresident registrants being required to register in most states throughout the country, 21 states (see Table 2, column 4) indicated that residence restriction laws, where applicable, would need to be followed, too. Of those states, 24 states have a state-wide mandate. Although the other five states did not have a state-wide mandate, nonresident registrants are still required to follow any local residence restriction ordinances, when applicable. There were six states (Hawaii, New Mexico, North Dakota, Texas, Utah, and Washington) that had residence restriction laws only for registrants currently on probation or parole that also applied to nonresident registrants. There was one state (South Carolina), however, that mandates that any registrant who is required to abide by a residence restriction law in their resident state must adhere to those same guidelines when visiting South Carolina. For example, if a registrant who lives in Ohio cannot reside within 1,000 feet from schools and daycare centers, then they cannot stay in a location that would violate this policy.

While all but three states (New York, Oregon, and Pennsylvania) require nonresident registrants to register with the state they are visiting, the maximum number of days allotted in which nonresident registrants can be in the state before having to register varies by state. Depending on the state, such allotments can range from 2 days (Nevada) to 30 days (Alaska; see Table 2, column 5). Alaska's SORN Office did, however, state that nonresident registrants were still required to submit a "visitor's form" to them prior to entering the state. If the registrant is going to be in Alaska longer than 30 days, then they are required to register in-person at one of the state's designated sex offender registration offices.

As it was just outlined, the number of days allotted for nonresident registrants to register in another state is not universal. Therefore, it should not be a surprise that states also have varying definitions on what constitutes as "days." On the one hand, some states define "days" as consecutive, which means the registrants' allotted number of days starts once they have entered the state, regardless of whether it is a business day or not. On the other hand, some states such as Alaska, Connecticut, Delaware, Iowa, Nebraska, and Wyoming require registrants to register within so many business days after arriving in their state. In other words, if the registrant arrives in the state during the weekend or on a holiday, the number of days allotted for the registrant does not start until the first available business day, and is also consecutive. Thirty percent of the states ( $n = 15$ ) also include stipulations for a specified number of aggregate days in a calendar year. That is, when a registrant travels in and out of one of these states, they are required to register with that state once the total number of days permitted in a calendar year has been exhausted. Again, the number of days allotted can range from one state to the next. For example, Illinois maximum number of aggregate days is five, but in California, it is 30 days (see Table 2, column 5).

The location of where nonresidents are required to register when visiting a state also varies. For the states that require nonresident sex offenders to register, one of four law enforcement agencies were used for the purpose of registration: State Police, Sheriff Departments, Department of Corrections, and Local Police Departments (see

Table 2, column 6). Most states rely on their Sheriff Departments to carry out this task, and in these states that require a visit to the Sheriff's Department to register, there are usually numerous registration facilities at which nonresident registrants can register. For other states with different registration locations, however, location options are more limited. In Connecticut, for example, nonresident registered sex offenders are required to register at Connecticut's State Police Headquarters, which is located in Hartford, Connecticut. This means that regardless of where a registrant plans to stay in Connecticut, the nonresident sex offender must travel to Hartford within five business days of entering the state to register.

As it was previously discussed, there are guidelines/requirements that each state has established when it comes to registering sex offenders who reside in their state (see Mustaine & Tewksbury, 2013). Based on that exploratory study, the current study also examined whether a similar criterion was used for nonresident registrants. It was found that every state had a minimum set of guidelines and requirements for registering nonresident sex offenders: valid identification, criminal background check, sex offender registry forms, picture taken, fingerprinting, and the physical address of where the registrant will be staying. It was, however, also surprising to find that some states required nonresident registrants to submit their DNA. And depending on the state, the cost associated with collecting the registrant's DNA was at the registrant's own expense. Additionally, some states ( $n = 12$ ) required registrants to pay a registration fee. These fees ranged from as low as \$10 (Alabama) to as high as \$100 (Illinois). Anecdotally, the author also learned that the registration process for nonresident registrants could take, on average, as long as 1 to 2 hr or longer.

Due to Megan's Law, sex offender registries are made available to the public. The current study, therefore, also examined whether or not nonresident registrants would also be placed on the state's sex offender registry website when visiting the state. As reported in Table 2, column 8, 30 states did in fact add nonresident registrants to their state's publicly available sex offender registry website. Of those 30 states, only eight states subsequently removed the registrant from their website. For these states that do remove nonresident sex offenders from their public sex offender registry, the process for removing a nonresident registrant from their registry appeared to be complex and further time-consuming. For instance, the registrant had to either complete a checking-out process with the registration office in which they originally registered at when they arrived in the state, or the registrant must have their resident state send confirmation to the state in which the registrant visited that they have returned to their place of permanent residence. It should be of particular interest that 22 states *never* remove nonresident registrant from their public registry; however, one state (Missouri) did state that registrants were removed from the registry, but removal occurs 1 year after the registrant had left their state.

Besides listing where the nonresident registrant will be staying while in the state, many of these same states list the registrant's home address. The author also found that 27 states require a law enforcement agency to conduct an in-person address verification for registrants who are visiting their state (see Table 2, column 9). While these states acknowledged that address verifications are conducted on nonresident registrants, it was also stated that carrying out address verifications on such individuals

hinged on the number of days the registrant was staying, type of conviction (rapist vs. child molester), and the availability of law enforcement personnel to conduct it.

Perhaps one of the most important aspects of this study was investigating where registered sex offenders would find a state's nonresident/visiting registration policies. Not surprising, the dissemination of such information varied drastically from one state to the next. According to the majority of SORN representatives across the country, registrants who want to visit their state could search the sex offender registry website under the *Frequently Asked Questions* (FAQ) section, or search the Internet for their state's sex offender registration laws. There were other recommendations given as well, such as registrants calling or emailing the closest designated registration office of where they plan on or want to stay while visiting that state.

The current study also further inquired about which law(s) specifically applied to nonresident registrants when they came to visit. The majority of the registration agency representatives were able to give us the actual statute. However, through follow-up questioning, it was evident that most states relied on the same language or law used to register sex offenders who moved into their state and became a *permanent* resident for registering nonresident sex offenders. For example, Delaware explicitly states that all sex offenders are to be designated as a "move-in" offender, regardless of the sex offender's purpose or how long they intend to be in the state. While most states followed a similar course, it was found that a few states did in fact have a statute specifically addressing registrants visiting their state. It should be noted that many of them were not easily interpretable, especially for the layperson. There was one example, however, that made it very easy for anyone to understand. In Arizona, nonresident registration information was provided on the state's sex offender registry website in the "Questions" section. Located in this section, there was a question addressing this topic: "Do I have to register if I am visiting/vacationing in Arizona?" The answer provided directly below it stated, "Yes, if you are planning on staying within Arizona for more than 10 days. Failure to comply is a Class 4 Felony!" This was the only state that the author found that made this information not only clear to nonresident registrants as to what the expectations are, but also what the punishment will be if they failed to comply with the law.

## Discussion

The purpose of this study was to identify the registration requirements for registered sex offenders who travel from their resident state to another state for any number of occasions. The present findings highlight both the significant variations in how each state addresses "visiting" registrants, but also provides some insight into other possible collateral consequences that have not been previously examined. The author posits that the findings from this exploratory study could possibly provide registrants, policymakers, law enforcement agencies, and researchers information about the current requirements of each state, as well as an indication of the obstacles and confusion that nonresident registration rules pose directly for sex offenders and indirectly for all other parties involved (i.e., law enforcement agencies, state governments).

As previously mentioned, scholarship has highlighted for more than a decade that our current sex offender laws have and continue to create collateral consequences for registered sex offenders throughout their lives as a registrant. As such, the findings from this study suggest that the collateral consequences continue to follow registered sex offenders as they travel throughout the United States for several reasons.

First, it can be argued that one of the most formidable collateral consequences for registrants is the label and stigmatization that comes with having to register. With nearly every state ( $n = 47$ ) requiring nonresident/visiting registrants to register within a certain number of days of entering their state, registrants will not be able to experience any sort of reprieve from the negative consequences of SORN. Perhaps more than anything, registrants who want or need to travel to another state for whatever occasion (i.e., business, vacation, family emergency, etc.) will continue to face barriers that obstruct normal life activities. As such, registrants may also be further limited in participating in various educational opportunities (Tewksbury & Ross, under review) or employment opportunities due to the requirements placed upon traveling RSOs. Additionally, registrants run the risk of exposing their past to friends and family members who may not know their status as a registered sex offender as a result of the nonresident sex offender policies and procedures. This could potentially lead to a number of negative outcomes for registrants. For example, family members or friends may no longer permit the registrant to lodge or associate with them. If the registrant is traveling for business, the nonresident rules and regulations could cause the registrant to lose important business relationships or employment. Clearly, the collateral consequences of registrants being required to register in the state they are visiting are far reaching.

Second, family members or friends may encounter some form of stigmatization from their community members when the registrant comes to visit (see Tewksbury & Levenson, 2009). This assumption is based on the fact that nearly every state requires registrants to register their whereabouts with a state agency and with the registry information being publically available, it increases the likelihood that community members will find out about these registrants. While public registration is one way that community members may find out about visiting/new registrants in their neighborhood, it is entirely possible that the community is alerted to the nonresident sex offender when law enforcement agencies perform address verification. It should also not be overlooked that when law enforcement does a residency check on registrants, their family members or friends will likely feel embarrassed or violated. That being said, the real issue for those who house registrants is that 22 states will *never* remove the individual from the registry, even after they have left the state. For those who housed the visiting registrant, they are forfeiting their privacy because their address will be forever associated with a registered sex offender. This could lead to scrutiny and stigmatization from their community, and in some cases, lead to vigilantism against them or their property. It should also be recognized that not all registrants are required to register for life; therefore, having their registration status never removed from such states further continues the cycle of stigmatization for them.

It was found that the total number of registered sex offenders in each state, especially in states that never remove nonresident/visiting registrants from their public

registries, are skewed. This study's finding reinforces and adds to previous research regarding the actual number of registrants in each state is misleading (Ackerman et al., 2011). One of the drawbacks to not removing registrants from the registry, especially those just visiting, is that it further increases fear among the public. Such information can also have a negative effect on homeowners and the resale value of their home if it is too close to where a registrant is said to reside (Navarro, 2014). This, consequently, could lead to financial hardship for those trying to sell their home, as well as the community-wide home value depreciation.

Third, more than half ( $n = 29$ ) of the states require visiting sex offenders to adhere to all residence restriction laws, whether they are state-wide or local ordinances. As past research (Barnes et al., 2009; Huebner et al., 2014) has shown, finding housing that does not violate such laws can be extremely difficult. Registrants traveling to any one of these states should be prepared that lodging with family members or friends may not be an option. For registrants who are unable to reside with loved ones, it can create a financial hardship for the registrant and their families or friends. In some cases, the cost might be too great for them to visit, which unfortunately stymies them from developing or further nurturing these prosocial support systems. Ex-offenders who have a positive and supportive support system are more likely to be successful throughout their reintegration efforts.

Fourth, it appears that the economic impact for nonresident registrants are far reaching, impacting the registrant, their family members and/or friends, and even the states that need to garner resources to identify and track nonresident sex offenders. In other words, regardless of where the registrant travels to, there are costs associated with their travels. The costs can range from being required to pay a registration fee or paying for a DNA test to unexpected lodging expenses due to not being able to stay with loved ones. States also experience increased costs because of the nonresident registration requirements and address verification checks.

Finally, registrants may not fully understand the requirements from their resident state to visit another state or the state in which they are visiting registration requirements, and might not know where to find these requirements. Registrants who do know the statutes of the state they are visiting, or cannot find the rules and regulations required for travel to another state, risk being charged with FTR. As it was simply put by one of the state's registration representatives, "If a registrant is stopped by a law enforcement agency, that officer has full discretion to arrest the registrant regardless of whether they knew the laws or is within the allotted number of days to register in that state." Failure-to-register in most states is a felony offense that carries a mandatory prison sentence. However, it should be acknowledged that registrants who are less educated, minority, have an extensive criminal history, and have issues with probation/parole are more likely to be arrested and convicted of FTR (Duwe & Donnay, 2010; Levenson et al., 2010, 2012; Zgoba & Levenson, 2012). It was also found in prior research, however, that those on probation/parole who were intellectually challenged had supervisors that assisted them with valuable resources, which led to many of them not violating these types of laws (Duwe & Donnay, 2010). Nonetheless, as the current study shows, accessing and understanding the various intricacies of each state's



nonresident sex offender policies is an overwhelming and daunting task. Consequently, this could lead many sex offenders to not travel outside of their state or risk the consequences of not registering when traveling to another state.

### *Limitations and Future Research*

Again, the results of this study were exploratory and descriptive in nature, but as with any study, the current project is not without limitations. First and foremost, the study cannot verify the accuracy of the information from each state's SORN office representative. That said, by speaking to the director or a supervisor at each state's SORN office, it is likely that most concerns about the accuracy of the data are mitigated. In the future, researchers should obtain an official copy of each state's written policies related to visiting/nonresident registrants to better verify the accuracy of information provided by the SORN offices.

Second, as it was outlined previously in the literature review, SORN laws are not universal from one state to the next, especially with states having some autonomy to implement and regulate registrants under Megan's Law. This variation is also due to less than half the states being AWA compliant. While lawmakers have strived to alleviate many of the loopholes and discretionary applications of registration laws through the Adam Walsh Act, it does not appear at this point and time that even AWA compliant states have a universal policy that regulates nonresident registrants. With that said, it can be argued that regardless of which SORN law is followed, the policies for nonresident registrants is highly disorganized across the country. As a result of this disorganization, it unfortunately leads to more collateral consequences for registrants traveling from their resident state to another state regardless of the circumstances. The registration requirements and any other policies that affect registrants when they visit another state was not readily accessible, nor easy to understand. Future research may want to address this issue by further examining SORN laws and the individual statutes that states use to regulate these types of registrants.

Third, we were unable to obtain the total number of visiting sex offenders registered in each state, whether currently or all together since the state started keeping track of registrants. However, the total number of registrants at the time of this study was obtained for each state. But, according to Ackerman and colleagues (2011), most states list those in the community, as well as registrants who are incarcerated. Future research should use their technique of data mining to determine the population and frequency in which nonresident sex offenders register in each state.

Finally, future research should also focus on several other aspects of these policies. First, how did states determine the allotted number of days nonresident registrants have prior to registering? Second, have these policies deterred registrants from traveling to other states because of the registration requirements (e.g., 3 days minimum to register) and/or residence restriction ordinances? Third, if applicable, what negative experiences did registrants have when traveling to other states, and did they follow the sex offender policies for that state? Fourth, what reasons do states have for never removing nonresident registrants from their state's sex offender registry website? The

final area that should be examined is the social and economic impacts on registrants, their loved ones, and the state. By doing so, it could help promote common sense policies for visiting registrants that benefits those directly and indirectly connected to such policies.

### *Policy Implications*

Although it has just been established that the policies surrounding registrants visiting another state are problematic for a number of reasons, despite these challenges, there are several policy implications that are worth noting. First, several states permitted registrants to travel to their state for a week or two, or not more than 30 days in an aggregate calendar year, to forgo registration. In contrast, most states gave registrants only 2-5 days to register. States that permit nonresident registrants more time in their state without having to register could be benefit financially, especially at a time when many states are struggling fiscally. One possible solution to this issue would be to follow the advice of some of the SORN representatives, which was for the registrant to contact the closest registration office where the registrant planned on staying, regardless of whether the registrant would be arriving and leaving the state within the number of allotted days. Or, to use Alaska's method in which registrants submitted a form to the state's SORN office that details where they are coming from and the location and time frame that they will be in Alaska, so long as it is less than 30 days. The latter might be the most cost effective for all parties involved, which also includes the prosecution of "failure-to-register" statutes in most states.

Second, states may want to adopt Arizona's method of addressing the policies surrounding whether or not nonresident/visiting registrants have to register in the state. Their method was the most simplistic and direct found in the current study and was easily found in the "Questions" section of Arizona's sex offender registry website. While it is not known as to how well this method has worked for Arizona, one could speculate that it alleviates a lot of miscommunication issues between the State and registrants. One of the benefits that can be seen in using this method is that it saves the state money because SORN representatives will not have to field numerous phone calls on this topic.

It is also highly recommended that registrants wanting to travel outside of their resident state be vigilant in checking their state's policies for travel, as well as the laws in the state to which they want to travel. States may also want to offer this information in a pamphlet for registrants at their registration offices. This would provide less confusion as to who the registrant needs to contact in the state they want to visit and accessibility for those who are not permitted to be on the Internet.

Overall, this study was exploratory in nature with the sole purpose of discovering the policies that states use to monitor nonresident registrants who visit their state. One of the main conclusions from this study is that states are not universal in their sex offender monitoring schemes when it comes to out-of-state registrants. This should not be particularly surprising as many states have already been found to operate differently from one another. For example, most states rely on the same language from their

current sex offender laws regarding registrants permanently moving into their state for nonresident sex offenders, such as “move-in” or “establishing residency.” Regardless of whether the intent of the visiting registrant can be established, they are still subjected to all of the same guidelines that resident registrants must follow. Moreover, it was also stated by most states that they do not differentiate between nonresident and resident registrants on their sex offender registry website. Nonetheless, nonresident registrants in most states are being placed on sex offender registry websites, with most states never removing such individuals after they have left the state. This poses several issues such as furthering the collateral consequences of SORN and residence restriction laws for the registrants, those closest to them, and costs to the state as well as increasing fear among its citizens by misrepresenting how many registrants truly live in their communities. As it has just been outlined, there are some real issues that surround the policies or lack thereof in regard to registrants visiting another state. With more research in this area, it can hopefully lead to a more universal resolution that is both beneficial to the states and its citizens, as well as registrants and their loved ones.

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