

Policy Brief

This policy brief is written with the intent of proposing an amendment to a bill aimed at effectively addressing the persistent justice disparities for individuals on the juvenile sex offender registry. The brief focuses on challenges related to individuals whose names appear on the juvenile sex offender registry and does not pertain to those on the adult sex offender registry. When considering those labeled as juvenile sex offenders, there are significant concerns regarding access to fundamental needs that anyone requires to function at a basic level in society. The inequities lead to collateral adverse effects that benefit no one. Supporting social justice issues empowers lawmakers to promote equity and fairness. Lawmakers have the unique privilege and responsibility to create and support effective research-based legislation that serves the public interest.

Central Issue

Why should anyone care about the effects of the juvenile sex offender registry? Why should changes be considered after offenses have occurred? Society bears the obligation of raising our youth to become the next generation of responsible leaders and decision-makers. We collectively share the responsibility to invest in cultivating a successful future generation. The issue of injustice and disenfranchisement of those placed on a juvenile sex offender registry impacts us all because any one of us could potentially have a family member who becomes involved in such a situation. This reality underscores the relevance and importance of addressing this issue collectively as a society. Changes proposed to the current juvenile sex offender registry law will in no way undermine the importance of accountability for the actions of children. The changes will not disregard the overall goal of ensuring the safety of the community and all children. Rather, the proposed changes seek to explore alternative options that can safeguard our

communities and children without subjecting young offenders to enduring lifelong marginalization due to decisions made when they, themselves, were children.

Relevant Background

There are few labels that carry a harsher stigma than that of a sex offender. Juvenile sex offender registries provide accessible community notifications about residential location and offenses of those on the registry with the intent of keeping children and communities safe. The registry was created through the enactment of The Adam Walsh Act of 2006 in response to public outcry, rather than empirical data, after a highly publicized kidnapping and murder of a child, Adam Walsh. Despite there being only speculative evidence of a sexual offense involved in the Adam Walsh case, this law created the requirement for juveniles to be included on sex offender registries (Adam Walsh Child Protection and Safety Act of 2006). Florida further enacted juvenile sex offender registry requirements through Fla. Stat. Ann. § 943.0435. It's essential to understand that a sex offender registry, a one size fits all approach designed for public safety, may not always rest on a foundation of solid research, especially when applied uniformly to a diverse range of situations. This law was based on the faulty assumption that those found guilty of a sex crime will likely commit additional sex crimes, despite empirical research showing that children who commit sex crimes are the least likely to re-offend (Human Rights Watch, 2013).

The Adam Walsh Act of 2006 was created to keep children safe, but instead it has created unintended larger social issues that affect the well-being of a subgroup of approximately 200,000 youth in the U.S. who are on juvenile sex offender registries (Juvenile Law Center, n.d.). That is a cohort of young people in the U.S. that experiences daily disenfranchisement, stigmatization, and marginalization, making it extremely challenging to meet the most basic of

needs to be a fully engaged contributing member of society based on the label of juvenile sex offender. It is crucial to recognize that while the Adam Walsh Act of 2006 aimed to bolster public safety and protect communities, it did not fully anticipate the enduring adverse impacts on young people who are subject to these registries. The unforeseen outcomes of these policies, akin to invisible incarceration, are lifelong collateral consequences that make it extremely difficult for those labeled as juvenile sex offenders to access employment, housing, education, and social support. The results profoundly damage attempts at their successful re-integration into society, overall quality of life, and social determinants of health (Pickett et al., 2020).

Key Findings Related to Rationale for Policy Change

There are many findings that support policy change related to the juvenile sex offender registry laws. The law was created based on faulty assumptions related to expected recidivism. Current research indicates that more than 97% of young individuals adjudicated for sexual offenses do not reoffend sexually (Caldwell, 2016). The collateral consequences of such a policy are far reaching. There are more than 200,000 individuals on the juvenile sex offender registries (Juvenile Law Center, n.d.), with hundreds of thousands more family members affected negatively by this policy. There is no identified research to support efficacy of such a policy, but myriad studies demonstrating the detrimental effects of a juvenile sex offender registry. Collateral consequences can have long-lasting and detrimental effects on juveniles' mental health, well-being, and future prospects for reintegration into society. In addition to struggling with equity and access issues created by unforeseen collateral consequences, the vast majority, 85%, of youth on the registry have experienced mental health issues or suicidal ideation (Pickett et al., 2020). The U.S. has separate juvenile and adult courts for a reason, and this current policy does not align with providing rehabilitative approaches to juvenile offenses. With the existing

policy there are inequalities in outcomes, access, and in quality of services that this population has access to which all contribute to inequity and disenfranchisement. There are viable options to address juvenile sex charges while ensuring safety to all children and communities through options other than a lifelong juvenile sex offender registry.

Recommendations

As we continue to prioritize the safety of our all of children and communities, it is imperative to consider reform that balances this priority with the potential for rehabilitation and successful reintegration of youth offenders. This approach ensures we are not inadvertently imposing lifelong penalties on young individuals who have the capacity for rehabilitation. The proposed goals align with the intent of having separate juvenile and adult courts-to be able to offer rehabilitation in juvenile court proceedings. There is also a recommendation to address more serious offenses that do not belong in juvenile court.

1. Abolish the juvenile sex offender registry on the grounds of unconstitutionality.
2. If the juvenile sex offender registry is not abolished, then reform the approach to addressing juvenile sex offender crimes by treating these crimes as any other crimes would be treated in juvenile court, with sealing of the records at time of adulthood, and no further juvenile sex offender registration requirements beyond age of adulthood.
3. Grandfather those on the juvenile sex offender registry that have had no further sex crime adjudications or convictions and have met the criteria of recommendation 2.
4. Reallocate a portion of the funding spent on maintenance of juvenile sex offender registries to provide sex offender treatment.
5. For sexual offense cases deemed severe, transfer the case to adult court for adjudication.

6. For additional specific recommendations proposed by Human Rights Watch, please see: https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf

Funding Considerations/Sources

It is estimated that juvenile sex offender registries cost over \$3 billion a year, with little to no productive return on investment of that money (Pittman, 2016). A portion of the money allocated for maintenance of the juvenile sex offender registries could be reallocated for quality rehabilitative services offered to these youth. This approach would also create a surplus of funding available to enhance other programs and services.

Expected Outcomes

This Policy brief is intended to inform legislative advocacy efforts to support the well-being of all constituents. Addressing sex offenses of juveniles is a politically charged topic that is divisive. Stigma, marginalization, and disenfranchisement are perpetuated by inactivity related to reform of the juvenile sex offender registry mandates. There is a lack of informed awareness about the unintended consequences of this law. Revision of the juvenile sex offender registry laws, balanced with maintaining the integrity of the intent of the juvenile court system, would lead to enhanced social justice, equity, and opportunities for juveniles currently on the registry to fully reintegrate as contributing and productive citizens of our society.

References

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