

**WILL STATES SAY 'NO' TO ADAM WALSH ACT**

## TOP STORY ■■■

WEDNESDAY, JANUARY 23, 2008

## Will states say 'no' to Adam Walsh Act?

By John Gramlich, Stateline.org Staff Writer

Facing a 2009 deadline to comply with a controversial federal law intended to crack down on sex offenders, states are nearing a crossroads. They either must fall in line with the statute or ignore it and absorb the penalty — a 10-percent cut to their share of funds in a congressional grant program used to fight crime.

With most state legislatures reconvening this month, debate is likely to resume soon over the federal Adam Walsh Child Protection and Safety Act, which President Bush signed in 2006.

The sweeping law, named after the murdered 6-year-old son of “America’s Most Wanted” host John Walsh, requires states to adopt, by July next year, strict new standards for registering sex offenders and providing public information about their crimes and whereabouts. It calls on states to publish photos and addresses of sex offenders online and dramatically toughens criminal penalties for those who fail to register, among other provisions.

For months, however, state legislators across the country have criticized the law as a “one-size-fits-all approach” that does not give states enough time, money or flexibility to make the changes sought by the federal government.

Critics point out that the U.S. Justice Department has yet to issue final guidelines for states to follow, leaving them with roughly half the time originally allotted by Congress to comply with the act. A Justice Department spokeswoman, Sarah Matz, said the guidelines still are being evaluated internally.

Strenuous objections also have been raised by states and advocacy groups over some of the act’s provisions. One in particular has raised concern: a requirement that some juveniles as young as 14 be listed on states’ online sex-offender registries. Most states do not include juveniles on online registries, and juvenile-rights advocates say listing young offenders on the Internet could subject them to harassment or violence.

“You’re damaging their lives and not serving any public safety,” said Sarah Bryer, director of the National Juvenile Justice Network. Bryer said juvenile sex offenders can be rehabilitated and are not as likely as adults to repeat their crimes.

Citing those complaints and others, state lawmakers are questioning whether it makes sense to comply with the act by its 2009 deadline, if at all, said Donna Lyons, a criminal justice analyst with the National Conference of State Legislatures (NCSL), an alliance representing the nation’s state legislators. The organization recently released a policy statement — approved unanimously by more than 7,000 state lawmakers — seeking congressional amendments to revise the act.

“States are looking at cost-benefit analyses and asking, ‘Is it worth the 10 percent we’re going to lose?’” Lyons said, referring to the penalty states would face for not complying with the act — a 10-percent reduction in criminal justice funding provided by the Byrne Memorial Justice Assistance Grant Program.

States use Byrne grants to pay for drug task forces, anti-gang units, police overtime and other law enforcement activities. But funding for the grant program itself was slashed by 67 percent — from \$520 million last fiscal year to \$170 million this year — in a \$555 billion appropriations bill signed by Bush last month.

That deep cut has figured into state lawmakers' thinking as they compare the costs of complying with the Adam Walsh Act with the costs of not complying, said Susan Parnas Frederick, senior committee director of NCSL's Law and Criminal Justice Committee in Washington.

“What’s 10 percent of nothing, anyway? Maybe we’ll just do what we’re doing, lose the 10 percent and not have to deal with all this garbage,” Frederick said.

At least six states — Delaware, Florida, Louisiana, Mississippi, Nevada and Ohio — last year revised sex-offender laws in an effort to comply with the act. The Justice Department rejected Louisiana’s efforts as not enough, and has yet to rule on the other states’ laws, many of which went into effect Jan. 1.

States found to “substantially comply” with the act by July of this year are eligible for extra federal dollars for sex offender management. Frederick said federal financial incentives may motivate states to comply with the act, despite many lawmakers’ objections.

Matz, of the U.S. Justice Department, noted that states can apply for a pair of one-year extensions under the act if they fail to comply by next year’s deadline. Extensions must be approved on a case-by-case basis by Attorney General Michael B. Mukasey.

“We want to give people enough time. We want to be available for assistance,” Matz said.

In Ohio, legal challenges to the state’s three-week-old law already are mounting. Lawyers have challenged a provision of the law making new registration rules retroactive to old cases — another requirement under the Adam Walsh Act. The state recently sent notices to thousands of sex offenders informing them of new registration obligations.

Jon Paul Rion, a Dayton criminal defense attorney whose firm is representing more than 35 sex offenders with challenges to the new law, told *Stateline.org* the provision for retroactivity violates constitutional guarantees by imposing punishments beyond those originally handed down by courts.

But the Ohio attorney general’s office, which helped craft the state’s version of the Adam Walsh Act, has stood by the law, claiming that registration is not criminal punishment, but a civil regulatory measure that enhances public safety.

#### **See related stories:**

[Federal spending plan slashes anti-crime grants](#)

[New laws take 'Romeo' into account](#)

[Anti sex-offender zoning laws challenged](#)

*Comment on this story in the space below by registering with Stateline.org, or e-mail your feedback to our [Letters to the editor](mailto:letters@stateline.org) section at [letters@stateline.org](mailto:letters@stateline.org).*

Contact John Gramlich at [jgramlich@stateline.org](mailto:jgramlich@stateline.org).

*Comment on this story in the space below by registering with Stateline.org.*

## ISSUES AND TOPICS ▄▄▄

**Issues:** Politics Taxes and Budget Welfare & Social Policy

**Topics:** Politics sentencing new bills Social Policy state policymaker state law Crime and Courts state trooper legislature legislator corrections state lawmaker prison state web site online registries sex offender legislative actions state policy Democrat Republican federal dollars Attorney General state police youth detention ruling public safety state court Tax and Budget

## COMMENTS (5) ▄▄▄

[Add a comment](#)

### Enough Already

*By Tom Jeffers on Jan 23, 2008 2:34:39 PM*

Do you think that if a sex offender lives 1001 feet from a school that we are suddenly safer? Although it is political suicide to go against any sex offender legislation, more and more people and groups are finally seeing the insanity in these laws. These laws began all based on the faulty and misguided notion that sex offenders re-offend at a "frightening" rate. This is simply not true. Only murder has a lower rate of recidivism than sex offenders. There have been many studies in recent years and when you ONLY factor in rearrests for sex offenses (not parole violations or other non sex related crimes), sex offenders reoffend at about a 3%-14% rate, depending on which study. We are spending billions nationwide to monitor these 700,000 offenders who only a small percent will reoffend. In fact ALL experts in the field, the ones who work with the victims and the offenders agree that these sex offender laws are just a placebo that provide the illusion of safety. In fact over 90% of sex offenses are committed by 1st time offenders who already knew the victim (Uncle, Dad, Family Friend, Coach, etc). These people are not on any registry. This is where these resources need to be spent, on educating kids and parents of the warning signs of abuse, not destroying the lives of 700,000 offenders and their families.

### AWA a waste of time

*By Derek Logue on Jan 23, 2008 5:25:39 PM*

States should not waste their time and money with this abomination of a law. Explain to me sometime the real benefit of all these RSO laws. In essence RSO laws are only good for vote-getting by politicians and money-making by Walsh and company. If we don't spend money on pyramid power, crystal balls and the like, why are we wasting money on a program which has no more power to prevent sexual violence in America? Look at the facts:

1. Sex offenders have a really low recidivism rate, lower than any other offender except murderers
2. Residency laws have led to an increase in failure to comply with registration, or make RSOs homeless, thus defeating the purpose of registries in the first place
3. SO laws cause instability in the offender's ability to reintegrate into society after release, thus increasing the likelihood of recidivism.

I invite you to get the facts straight by visiting my site, [www.oncefallen.com](http://www.oncefallen.com). Though wisdom and knowledge shall we rise from the ashes...

### This is what you get-----

*By Morris1 Morris1 on Jan 26, 2008 12:32:11 AM*

when you allow emotion to legislate. We have idiots for legislators that are only interested in getting their name on the "do gooder" list. They sell their "for the children" bills to us by playing on our emotions. They don't tell us the truth, it's hidden somewhere in legal jargon that no one understands. I'm so tired of these idiots and the billions of our hard earned taxpayer dollars they dump down the drain to destroy lives and

protect no one. We need a serious wake up call in this country. Remember the witch hunts of Salem Virginia and the Scarlet Letter? That's what we have. President Bush was a fool to sign this irresponsible destructive expensive legislation.

---

**What a shame**

*By Cheryl Doe on Jan 29, 2008 9:12:21 AM*

It is such a shame that our government is willing to place children at greater risk to get votes. These laws that are being passed now are ineffective and increase the danger to our children. We are wasting valuable resources implementing these do nothing laws when we could actually be doing more to keep track of the truly dangerous offenders. We could be educating our public with the TRUTH, which is the ONLY way they can adequately protect themselves. We are in the midst of one of the worst propoganda campaigns seen in the US. Unfortunately our most vulnerable pay the highest price.

---

**Bush/Chaney/Clinton/Adam Walsh= More of the same, looking for change?**

*By Keith Radford on Feb 6, 2008 7:23:44 AM*

The Adam Walsh Act is unconstitutional.  
The Adam Walsh Act is based on lies.  
The Adam Walsh Act makes us less safe.  
The Adam Walsh Act design is arrogance.  
The Adam Walsh Act proves the justice departments commercialization of law enforcement is fundamentally flawed when they have to lie to justify their exististance.  
Their is no justification for perverted justice. Sex Ofenders have families too.

Speaking from experience the people who come to the rescue of the abused children are the abusers.

First they feel they are better than everyone, even the person who born the child.

Their disgust for the crime proves they are not rational when their intervention requires the disruption of the family core by destruction of that core only to free the child to their will not the child's opening them to the abuse by those irrationally intervening wile continuing to degrade their abuser which in most cases are their parents whom they are also by birth degrading the child by proxy.

The reasoning used by the intervening Adam Walsh Act would ultimately require the destruction of the child who has been abused which is the results now which they do not want to admit now.

The Act definitely does more damage to the child they say they want to protect.

The author of Jessica's Law, Sen. George Runner, R-Lancaster, has criticized the state's early enforcement of the law. President George W. Bush recently promised federal money to states with GPS tracking systems which is now what the greedy among us are setting their sites on. Not the protection of your children but the money available, (our tax dollars I must add) for more failed programs. I for one have had far to much of the Bush/Chaney/Clinton agenda of failed policy's in this lifetime and am also looking forward to change.

**PENNSYLVANIA**

