

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

## TOP STORY ■■■

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## 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.

