



Testimony in Support of House Bill 3327-A
Senate Judiciary Committee

State Representative Tina Kotek
May 28, 2013

Thank you for the opportunity to testify today in support of House Bill 3327-A.

I am a chief co-sponsor of this bill on behalf of a constituent who prefers to remain anonymous, given the sensitive nature of this subject. He has written testimony which I have offered to read on his behalf.

At the age of fifteen, my constituent was charged as an adult with an Attempted Sex Abuse 1, Class C Felony based on the victim's inability consent due to her age, for a non-force incident that did not involve intercourse or jail time. Although they were close in age, the three-year age difference became the barrier between a normal life and that of a convicted sex offender for my constituent. He has come to a place where he accepts responsibility for his actions and understands he is accountable. Now, in his twenties, he is unable to find a job, his own housing or enlist in the armed forces. Despite only receiving probation and completing all court required programs, he continues to live his life feeling trapped and hopeless, unable to move forward due to this permanent and only mark on his record.

My constituent writes:

"Ten years ago, I was almost two months into my high school freshman year, when a chain of events changed my entire life as well as my family and others involved. My mother told me 'I took a wrong turn.'

When I was 14 and just after I turned 15 years old, I engaged in a sexual encounter with a girl who was two and then three years younger. At the time, I did not understand the consequences of my actions.

I remember law enforcement came to my high school to talk to me. I was afraid. I wanted to contact my parents. There was no representation in that room for me. Not my parents, an attorney or even a school official.

After a plea as an adult at the age of 15, I was placed on probation for seven years. At that time I completed everything the court required of me while going to school. I was required to attend weekly treatment sessions, take regular poly-graphics (which I passed), monthly visits to meet with a probation officer, probation officer home visits, and yearly registration as an offender (which continues today). I never missed a session or an appointment.

My family was and still is my rock of support that helped me get through. I know at the time they were hurt and disappointed by this situation, but their support and sacrifice never stopped. My Dad decided to retire much too soon, using a portion of his retirement income to retain an attorney for me. He drove me to my sessions every week and occasionally sat in during group sessions when asked. My family did not go on vacations because I could not leave the state. I remember my Dad and brother took a trip once and my Mom stayed behind with me. They both encouraged me to work hard and graduate from high school which I did.

Even though I completed everything and am no longer on probation, I'm considered unemployable. It's very discouraging to complete job applications only to be turned down, knowing that I could do the job. Every job and apartment I have applied to rejects me after doing a background check. It hurts me because here I am as an adult, now wanting work, and my parents who should be enjoying their lives are still supporting me financially. My mom says 'to get you through this we do what we have to do.' Law enforcement still comes to the house once a year to check. My family does not feel comfortable having social gatherings at the house because of fear that law enforcement will come unannounced.

This is not a pity party. All I want is a chance to be independent. I cannot change what happened. I truly have remorse about it. I just want an opportunity to move on with my life."

Colleagues, this bill would provide a path to a future for my constituent and other similarly situated adults. The bill provides a specific set of criteria and a process by which certain individuals can seek to expunge their criminal record of certain sex offenses committed as a juvenile.

I urge your support and a "do pass" recommendation. Thank you.