

Feb. 22, 2014

Oregon  
Voices



To: House Judiciary Committee  
Representative Jeff Barker, Chair  
Representative Brent Barton, Vice-Chair  
Representative Wayne Kreiger, Vice-Chair  
Representative Kevin Cameron  
Representative Wally Hicks  
Representative Ann Lininger  
Representative Andy Olsen  
Representative Carolyn Tomei  
Representative Jennifer Williamson

Testimony on SB 1550 and the dash A10 amendment

Chair Barker, Vice-Chairs Barton and Kreiger, members of the committee:

My name is Ken Nolley. I am a professor at Willamette University and I live in south Salem. I am writing on behalf of Oregon Voices. Representatives of our group have appeared before your committee on multiple occasions in the past. We support evidence-based legislation. To that end, we monitor government gathered statistics and look for responsible, carefully constructed academic studies because, taken together, these things embody the collective experience of our society as a whole. We believe that Senate Bill 1550 is a good bill—one that deserves your support. But we believe that the dash A10 amendment is a dangerously ill-informed attempt to subvert the main principles embodied by HB 2549 last year. If passed, it would maintain a bloated sex offender registry and dilute supervisory resources that should be concentrated elsewhere.

This is particularly worrisome on two counts. First, eliminating the possibility of relief from the registry for attempted rape I, sodomy I and sexual penetration I is breathtakingly open to interpretation. It is, therefore, readily subject to use under an alarmingly wide set of circumstances. Second, we have good reason to believe that these categories and the inclusion of sex abuse I will scoop up large numbers of first-time young offenders who are unaware of the legal implications of their actions. Taken together, these categories involve a huge number of cases, so approving the amendment would likely undercut any appreciable effect that HB 2549 might have on the growth of the registry.

The amendment rests upon the myth that sex offenders tend to repeat their crimes and that the danger of recidivism is related to the charges under which a person was convicted. The evidence points overwhelmingly in the opposite direction. We know these things:

- that the overwhelming majority of new sex offenses (96% by one recent study) are committed by someone who has never been convicted of a sex crime before and is therefore not on the registry;

- that sex offenders have exceedingly low rates of recidivism (something even more pronounced among juvenile offenders), and re-offense rates do not necessarily correlate to particular offense categories; and
- that the risk factors for re-offense are broadly understood in the treatment and supervisory communities who work with sex offenders as a group, something provided for by the structure of HB 2549.

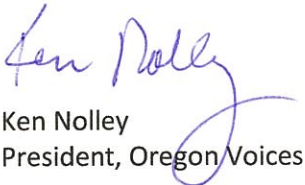
We have presented evidence in support of most of these points in testimony to the committee in the past, but we would be happy to provide further information and citations should members of the committee wish to see them.

We should be talking much more about education and prevention. Since the vast majority of sex crimes are committed by a family member or someone very close to the victim, practice that is truly dedicated to the safety of society would place more emphasis than we do on education. And an informed practice would also concentrate supervisory resources on the relatively small number of individuals who actually represent significant risk of re-offense.

Public safety is not enhanced by keeping a large and rapidly growing percentage of our population on a registry for life. Over one percent of all the males in Oregon are now on the sex offender registry and the number is growing rapidly. It is impossible to supervise such numbers in any meaningful way. A huge registry inhibits successful re-entry into responsible social life for large numbers of persons, overloads supervisory caseloads, and deludes the public by turning attention away from the real sources of almost all new sex offenses.

The branding of entire classes of offenders for life has never made good social policy. It didn't make good policy in 17<sup>th</sup> century Puritan New England, it didn't make sense to Nathaniel Hawthorne two hundred years later when he wrote *The Scarlet Letter*, and it certainly doesn't make any better sense almost two centuries after that. The attempt to subvert HB 2549 by inserting this amendment into an unrelated piece of good legislation seems to us to be both deceptively indirect and somewhat underhanded. House Bill 2549 was the product of work over 18 months by a broadly inclusive group of stakeholders and it represents the thoughtful consideration of all that accumulated knowledge and experience. We ask you not to set all that aside in favor of a last-minute amendment that rests on little more than discredited myth. We urge you to pass SB 1550 and to reject the dash A10 amendment.

Respectfully,



Ken Nolley  
President, Oregon Voices