

# Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Judiciary, 2015 Oregon Legislature  
From: Mark McKechnie, Executive Director, Youth, Rights & Justice  
Date: April 20-21, 2015  
Re: Support for SB 914

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Chair Prozanski and Members of the Committee:

Youth, Rights & Justice (YRJ) was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system. YRJ has also worked extensively with the Legislature, the Oregon Law Commission, various state agencies and other organizations to improve policies and services to the children of Oregon during that time.

YRJ supports SB 914, which would allow judges to determine whether a youth offender is required to register as a sex offender based upon his or her individual risk to re-offend. Currently, Oregon's automatic, lifetime registry has led to our state to require more youth to register per capita than most states in the country.

Since sex offender registry laws first became established more than two decades ago, substantial research has been done on their effects and their effectiveness. The *research* on these laws as they apply to juveniles **has not found any measurable benefit** when it comes to the deterrence of first-time offenders or the prevention of future offenses by youth offenders.<sup>1</sup> There are a number of reasons why juvenile registration simply fails to meet the stated purpose.

***Re-offense rates are very low.*** The rates of re-offense (measured by arrests, charges or convictions) for juvenile sex offenses are very low across the US, whether youth are required to register or not. The vast majority (88% - 98%, depending upon the study) of adjudicated youth do not re-offend.

***Most new offenses are not committed by someone who was previously adjudicated or convicted, and therefore not registered.*** A New York study over more than two decades found: “[A]pproximately 96% of offenders arrested for sexual offenses have no prior sexual offense convictions and, thus, would not have been on a sex offender registry at the time of the offense.”<sup>2</sup>

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<sup>1</sup> Affidavit of Elizabeth J. Letourneau, Ph.D., Moore Center for the Prevention of Child Sexual Abuse, Johns Hopkins Bloomberg School of Public Health, Submitted to the Oregon House and Senate Judiciary Committees at the public hearing on September 18, 2013. <https://olis.leg.state.or.us/liz/201311/Downloads/CommitteeMeetingDocument/30407>

<sup>2</sup> Sandler, et. al. (2008), based upon “21 years (252 months) of New York State monthly arrest counts for several types of offending.”

***Sadly, children are more likely to be abused by someone they know and trust, making public registration irrelevant to preventing these crimes. “93% of child sexual abuse victims knew their abuser (34.3% were family members and 58.7% were acquaintances).”<sup>3</sup>***

***Juvenile Registration has no clear benefit, yet the costs to the state, to families and to youth offenders are immense.*** Because they fail to prevent new offenses, juvenile registry laws waste public resources:

1. The most common criminal charge against a registered person is the failure to register as required, yet failing to register is has not been shown to indicate an increased risk of re-offending. Failure to register is a Class C felony in Oregon.
2. Registered individuals are targeted for surveillance by law enforcement, resulting in a higher number of arrests and charges, primarily for minor, non-sexual offenses.
3. Oregon State Police struggle to maintain updated registry information on 25,000+ individuals, and the numbers continue to increase each year. (In 2014, OSP reported a backlog of unprocessed registrations, including 1,200 new and 13,000 annual registrations.)

***The greatest cost is to the registered individual and his or her family:***

1. Youth required to register are legally barred from any publicly subsidized housing and face tremendous difficulties obtaining other housing. Registrants are commonly denied when they attempt to rent housing or may be evicted when a landlord discovers the individual’s registry status.
2. Registrants face tremendous difficulties obtaining employment, which means they are at high risk for poverty and homelessness.
3. Registrants face suspicion, harassment and violence from other members of the public. This also means that family members, including a victim, may encounter harassment and violence, as well.
4. Many registrants will eventually have children of their own. The limitations imposed on registrants affect the whole family and may prevent the registered parent from visiting his or her child’s school, sporting events or other activities, even decades after the parent committed an offense. (As of Nov. 2010, only 13% -- 366 out of 2,780 -- of juveniles required to register had ever successfully obtained relief in Oregon.)

The indiscriminate registration of youth offenders has made Oregon’s registry overcrowded and rendered it ineffective. The negative effects on victims, families and the offenders themselves greatly outweighs any possible benefit of Oregon’s automatic, lifetime registry for juveniles.

***Youth, Rights & Justice urges your support for SB 914.***

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<sup>3</sup> Sandler, et. al. (2008).

Comparison of Juvenile Registry Laws – Oregon and Selected States that Have a Registry for Juveniles  
 Compiled by Youth, Rights & Justice, February 2015  
 Information regarding SB 914 and SB 915

State	Population (2010 Census)	Total registrants per 100K (Juvenile + Adult)	Approx. # of Juveniles Registered	Registry Requirement	Exceptions	Duration of Required Registration	Juveniles on public registry?
Oregon	3,831,073	<b>496</b>	<b>3,009</b> (including waived juveniles, as of 9/13)	<i>Automatic</i> , lifetime registration for all juveniles adjudicated of a felony offense	Youth may petition for relief at end and of jurisdiction for Class C felony or after 2 years post-jurisdiction for Class A or B felony	<i>Lifetime</i>	Available to public upon request
Texas	25,145,561	<b>306</b>	3,869 (as of Feb. 2015, including juvenile and waived)	Juveniles adjudicated delinquent for a sex offense are given a hearing to determine whether registration will be required.	Court may also exempt juveniles from public registry	10 years	Determined by court
Alabama	4,779,736	<b>253</b>	unknown	Juveniles adjudicated delinquent <i>may</i> be ordered by a court to register for certain offenses.		10 years	No (unless state successfully petitions)
Kansas	2,853,118	<b>252</b>	802	For adjudicated youth, court has discretion to order registration, waive registration, or require registration that is not open to inspection by the public or disclosed on a public registry.		Register until age 18, or five (5) years after adjudication or release from confinement, whichever is later.	No
Idaho	1,567,582	<b>247</b>	Unknown, believed to be less than 50	Juveniles can be added to the registry if they re-offend or are convicted as adults		Registration terminates at age 21, unless adult conviction.	No (accessible to law enforcement only)

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Missouri	5,988,927	222	41	Registration required for felony offenses		Terminates at age 21	No
Kentucky	4,339,367	217	unknown	Juveniles are not required to register unless they were convicted in adult court	Juveniles younger than 14 are not on the public registry.	N/A	No
Oklahoma	3,751,616	204	0	State must pursue registration for individual youth; Court decides based upon testimony from two expert evaluators.	Oklahoma's law has effectively eliminated the registration of juvenile offenders, although it is still a possibility.	N/A	No
Iowa	3,046,355	193	1,024, including those convicted as adults	Registration required for offenses involving violence or incapacitation, minimum age is 14 years	Juvenile court has the discretion to modify or suspend the registration requirements	10 years	No

The automatic nature of Oregon's law leads to far more juveniles being registered.

Oregon has approximately 114 times more juveniles registered per capita than Missouri;

5 times more juveniles registered per capita than Texas;

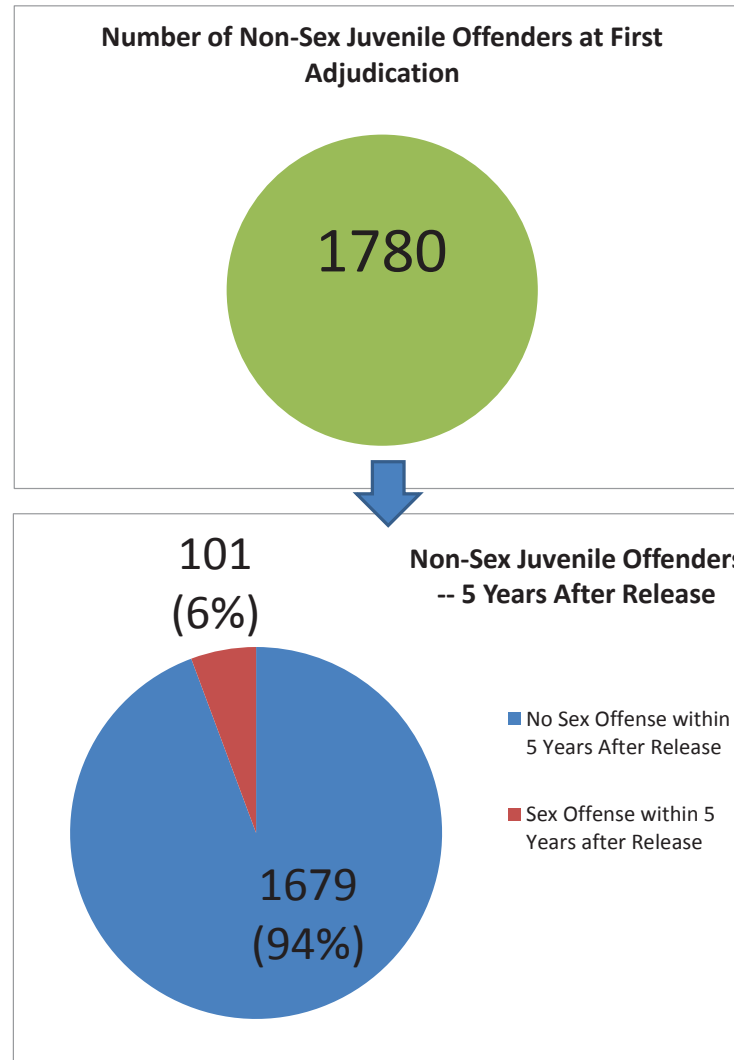
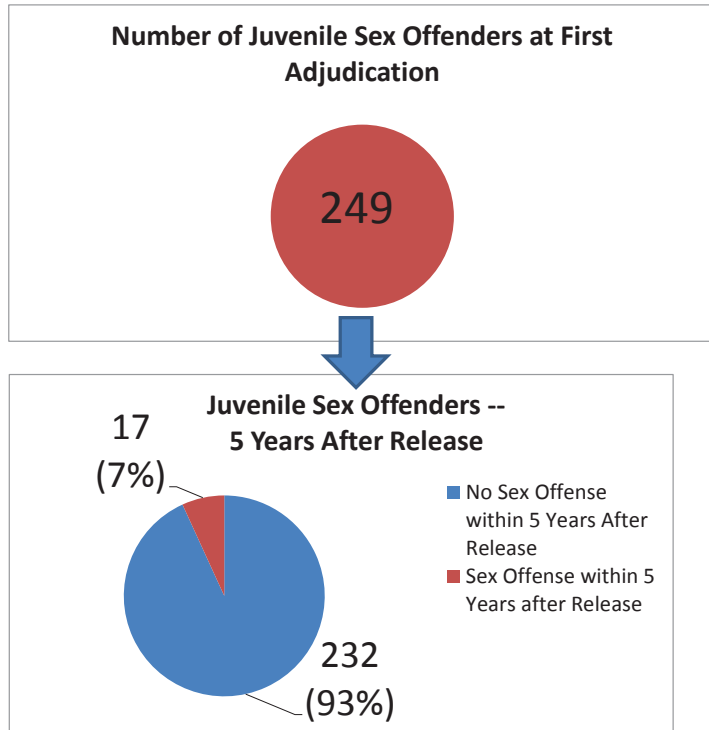
2.79 more juveniles registered per capita than Kansas; and

2.33 times more juveniles registered per capita than Iowa.

*And registration will terminate automatically for most of the youth in these other states.*

## Comparing Rates of Future Sexual Offenses Between Juvenile Offender Types

*Among new offenses committed within 5 years, only 14% were committed by registered youth, while 86% were committed by non-registered youth.*



This study compares the recidivism patterns of a cohort of 249 juvenile sexual offenders and 1,780 non-sexual offending delinquents *who were released from secured custody* over a two and one half year period. The prevalence of sex offenders with new sexual offense charges during the 5 year follow-up period was 6.8%, compared to 5.7% for the non-sexual offenders, a non-significant difference.

Source:  
Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders  
Michael F. Caldwell, Department of Psychology, University of Wisconsin, Madison  
Published in the Journal *Sex Abuse* (2007)