



Oregon Voices PO
Box 13175 Salem, OR
97302

Feb. 5, 2019

House Judiciary Committee

Rep. Jennifer Williamson, Chair

Rep. Chris Gorsek, Vice Chair

Rep. Sherrie Sprenger, Vice Chair

Rep. Jeff Barker

Rep. Janelle Bynum

Rep. Mitch Greenlick

Rep. Rick Lewis

Rep. Mike McLane

Rep. Carla Piluso

Rep. Bill Post

Rep. Karin Power

Testimony regarding HB 2049

Chair Williamson and Members of the Committee:

My name is Ken Nolley and I am writing on behalf of Oregon Voices—a group that advocates for evidence-based practices with regard to laws and policies relating to sex offenses. We have a complicated response to HB 2049. We have seen the letter submitted on behalf of OATSA and the SATF, and we agree with much of what it says; it makes much of the case we wish to make about the problems with International Megan’s Law (IML), the federal law that triggers HB 2049. We have extensively discussed this bill, and although we think that IML is a horribly misguided law, our response to HB 2049 is a complicated one.

We are painfully aware of the damage being inflicted by IML, which indiscriminately destabilizes and subverts the lives of many people who have been offense free for years or even decades. We know Oregon registrants who have important family ties abroad. We also know Oregon registrants whose work requires international travel. IML has sharply restricted their lives. And as the OATSA and SATF testimony points out, IML does all this without addressing the real sources of sexual tourism or trafficking.

Because we work with this population however, we are also aware that whatever Oregon does, IML continues to impose itself on the lives of many Oregonians. If they are to travel, Oregon registrants will still have a “significant designator” on their passports, and when they travel internationally, the U. S. Marshals will notify their destinations that they may be coming to molest and/or traffic children. Consequently many countries will continue to refuse to accept them. They will still be required to provide 21-day advance notice of international travel. And in order to do that, they need places where they can submit such notice. Hence, we do not believe that Oregon can opt out of the IML program entirely without further complicating an already difficult situation for Oregon registrants.

We suggest that Oregon should engage with the IML system, but that we should do so by taking an approach that is informative rather than punitive. We should not impose new state penalties for failure to report 21 days in advance when federal penalties already exist. Rather, we recommend that the state’s ultimate goal should be to provide accessible information regarding international travel to its registered population so that persons who travel have all the information they need to do so within the existing rules, as destructive as those rules may be.

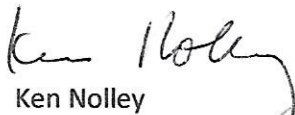
First of all, this means that Oregon registrants need places where they can report their travel plans. Beyond that, for example, they need clear information. One area where adequate information is difficult to come by involves emergency travel—what to do when a family illness or death occurs or when an unexpected need arises for unplanned business travel. There *is* an allowance for such contingencies, as evidenced in a statement appearing on the U.S. Marshals website: “Emergency travel must be reported as soon as travel is scheduled.” But aside from this statement, information on emergency travel has proven very difficult to find. How is a registrant to deal responsibly and safely with such ambiguity? Could the State Police help registrants get the information they need to travel at such times in ways that keep them in compliance?

We are pleased to note that the Sex Offender Registration & Information webpage of the Oregon State Police already includes links to websites that provide extensive information on international travel and on IML. The U.S. Marshals’ FAQ sheet is especially helpful in navigating many provisions of the federal requirements. While it is important that this information be accessible online, it might also be a good idea for the state to make available an informational sheet of its own, clearly outlining existing requirements and penalties.

But whatever we do, we should remain cognizant of the fact that the Oregon registry is not a significant source of sex trafficking or tourism, and that the overwhelming majority of Oregon registrants are doing their best to comply with rules that are already draconian. We should not create penalties of our own on top of existing federal penalties. And we should do everything we can to help travelers who are on the registry understand IML requirements so that they can remain compliant.

Doing so does not have to imply agreement with a misguided system. But we may be able to help people who are trying to rebuild stable lives to negotiate the difficult conditions imposed on them by SORNA and IML. When they are successful in that task, we all win. And unfortunately, so long as we are stuck with IML, that may be the best that we can do.

Sincerely,



Ken Nolley
Oregon Voices Board Member