

for A Safer Nebraska



Every Nebraska child, as well as every Nebraskan, has a right to be safe and secure within her or his own home.

Nebraskans Unafraid believes that this right extends to Registered Citizens, their partners and their children. Current Nebraska law deprives families of Registered Citizens of their safety and security. To cure this,

Nebraska law regarding sexual offenders should be changed to reflect the following:

- Registered Citizens whose offenses occurred before January 1, 2010 (the effective date of LB 285), and who have not reoffended should be subject to provisions of Nebraska law as it existed on December 31, 2009, thus abiding by the State and U.S. Constitutions' prohibitions on *ex post facto* punishments.

Why? Harmless people whose offenses are years in the past are re-punished by LB 285. Research by the University of Nebraska-Omaha shows that LB 285 does not increase public safety, creates joblessness and homelessness, and harms innocent family members. A federal judge determined that the Nebraska Legislature's intent with LB 285 was to add punishment. LB 285 should not be applied to anyone whose case was adjudicated prior to the law's effective date.

- Eliminate one-size-fits-all public notification via website and any other means that exposes innocent families to public scorn and vigilante action.

Why? Research proves that such websites do not protect the public and in fact make communities more dangerous. The vast majority of sexual offenders will not re-offend. Research shows that public notification forces homelessness and joblessness upon Registered Citizens, thus increasing the chance of re-offense. It does not even make sense to talk about putting "dangerous" former offenders on a website because Nebraska does not pay attention to whether an offender is dangerous. Nebraska instead uses the Adam Walsh Act tier classification system. The tier system specifies length of time on the registry based upon crime of conviction. People who have been evaluated and found to be low re-offense risks nonetheless are on the Nebraska registry for life. Conversely, people who were evaluated and found to be high-risk are in the lowest Adam Walsh Act tier and some day will be off the registry. According to a study by Kelly Bonnar-Kidd, Ph.D., and published in the American Journal of Public Health:



Sexual violence is a significant public health problem in the United States. In an effort to decrease the incidence of sexual assault, legislators have passed regulatory laws aimed at reducing recidivism among convicted sexual offenders. As a result, sex offenders living in the United States are bound by multiple policies, including registration, community notification, monitoring via a global positioning system, civil commitment, and residency, loitering, and Internet restrictions.

These policies have led to multiple collateral consequences, creating an ominous environment that inhibits successful reintegration and may contribute to an increasing risk for recidivism. In fact, evidence on the effectiveness of these laws suggests that they may not prevent recidivism or sexual violence and result in more harm than good.

- Eliminate the requirement that a Registered Citizen register at more than one county sheriff's office.

Why? *Sophisticated information technology gives all of law enforcement instantaneous access to data, and there is no need to enter it twice.*

- The length of time that an individual is required to register should start at the date of conviction.

Why? *This is typical practice. Extending an individual's time on the registry has no demonstrated public-safety benefit, but it does cost taxpayers more in law enforcement and corrections resources. If a practice does not enhance public safety, it should be ended.*

- Extend the time period for reporting changes of residence to seven days (instead of the current three) following the change. Extend to seven days the number of days a registered citizen is permitted to travel without notifying law enforcement. Permit such notifications to be made by telephone or email, instead of exclusively in person. Return to the practice of a single annual information verification, conducted by mail or online.

Why? *Three days is unreasonable, especially for individuals who must travel to other states on short notice (such as the unexpected death of a family member). The current system is needlessly burdensome and wasteful for both Registered Citizens and law enforcement.*

- Stop the expansion of crimes that make perpetrators subject to sexual-offense sanctions and consider trimming the list.

Why? *Our ever-more-draconian sexual offending laws have led to an ever-expanding list of offenses that are registerable offenses. Under current Nebraska law, offenses that are not sexual in nature now require an offender to register. In a recent legislative session, there was an attempt to criminalize kissing.*