

Advertisement



Powered by Clickability

## Sex-offender residency laws get second look

Posted 2/25/2007 11:01 PM ET

By Wendy Koch, USA TODAY

Oklahoma state Rep. Lucky Lamons was a police officer for 22 years. He calls himself a "lock-'em-up kind of guy."

Yet Lamons wants to loosen his state's law that bans registered sex offenders from living within 2,000 feet of a school or day care center. He says it forces many offenders to live in rural areas where they are difficult for authorities to monitor. Also, he says, it does not differentiate between real predators and the type of men he recalls arresting for urinating in public, a sex offense in Oklahoma.

"We need to focus on people we're afraid of, not mad at," says Lamons, a Tulsa Democrat who wants the rules to focus more on high-risk offenders.

### TABLE: [State restrictions](#)

Lamons is among a growing number of officials who want to ease the "not-in-my-backyard" policies that communities are using to try to control sex offenders. In the past decade, 27 states and hundreds of cities have reacted to public fear of sex crimes against children by passing residency restrictions that, in some cases, have the effect of barring sex offenders from large parts of cities. They can't live in most of downtown Tulsa, Atlanta or Des Moines, for example, because of overlapping exclusion zones around schools and day care centers.

Now a backlash is brewing. Several states, including Iowa, Oklahoma and Georgia, are considering changes in residency laws that have led some sex offenders to go underground. Such offenders either have not registered with local police as the laws require or they have given fake addresses. Many complain they cannot find a place to live legally.

The push to ease residency restrictions has support from victims' advocates, prosecutors and police who say they spend too much time investigating potential violations.

They're battling a mountain of momentum, however, because residency restrictions remain popular.

New or expanded ones have been proposed in 20 states this year. Some legislators are reluctant to pare back restrictions they passed only recently.

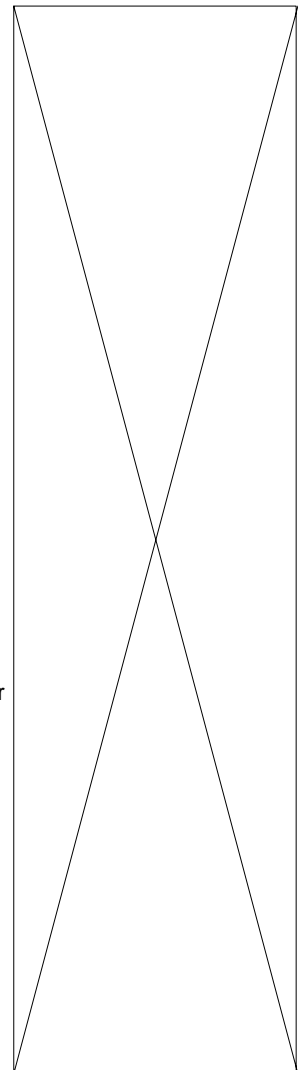
"We ought to give it time to work," says state Rep. Jerry Keen, author of Georgia's law, passed last year, which bans sex offenders from living, working or loitering within 1,000 feet of where kids gather. Keen, Republican majority leader of the House, says Georgia's rules put children's safety before the convenience of sex offenders.

Illinois Attorney General Lisa Madigan has a similar view. "We're trying to protect children," she says. "We're dealing with people raping children. These are horrible crimes." She says Illinois' restrictions target those who have seriously hurt children.

Others see growing problems with the residency laws.

Broad restrictions provide a "false sense of security," says Nancy Sabin of the Jacob Wetterling Foundation, which fights child exploitation. She says such laws do not protect the more than 90% of abused children who suffer at the hands of people they

Advertisement



know. And many of the laws bar offenders from living near schools but do not stop them from loitering there, she says.

Most of the restrictions also lump all sex offenders together, even though some are child rapists and others may be 18-year-old men who had sex with underage girlfriends. There is no national breakdown of sex offenders by severity of their crimes.

"You can't paint sex offenders with a broad brush," says John Walsh, host of Fox network's *America's Most Wanted*. He says residency laws are worthwhile only if they can be enforced, and tens of thousands of the nation's 600,000 sex offenders are giving police fake addresses.

Walsh prodded Congress to pass a law last year — named for his son Adam, who was abducted and killed 25 years ago — that makes failure to register a felony for serious sex offenders such as rapists and child molesters. Those are the people Walsh says residency rules should target.

Some state lawmakers are trying to move in that direction:

•**Iowa** —Legislators began holding hearings in January on the effectiveness of a 2002 law that bars sex offenders from living within 2,000 feet of a school or day care facility. Sen. Keith Kreiman, Democratic co-chairman of the Judiciary Committee, says he expects the law to be revised but not repealed. "It is very politically risky to even hold hearings," he says, because lawmakers who change the rules could be called "soft on crime."

State figures show sexual-abuse convictions have remained steady since the law took effect, but the number of sex offenders failing to register has more than doubled. Sen. Jerry Behn, a Republican who wrote Iowa's law, says it may be overly broad. He says he's talking to colleagues about how to focus on "true predators."

•**Oklahoma** —Like Lamons, other legislators say they'll try to narrow their state's restrictions. "Let's apply them to those who are the highest risk to society," says state Rep. Gus Blackwell, the Republican majority whip.

Sgt. Gary Stansill, head of the Tulsa Police Department's sex-crimes unit, says the current law applies to too many offenders and that he spends "way, way too much of my time" trying to enforce it. He says he investigates as many cases of sex offenders not registering as he investigates rape reports. He considers less than 10% of the state's 8,000 convicted sex offenders to be high-risk and is lobbying lawmakers to focus on them.

•**Georgia** —Republican state Rep. Robert Mumford, vice chairman of a judiciary panel, says he plans to propose a bill to scale back the state's law. With the backing of the Georgia Sheriffs' Association, he suggests removing many bus stops and churches from the list of areas where offenders are banned.

•**Kansas** —On Feb. 12, the state Senate passed a bill that extends for another year Kansas' moratorium on local governments restricting where sex offenders can live.

Some cities have rejected such restrictions. Among them: Topeka; Maplewood, Minn.; and Covington, Ky.

Several offenders have challenged residency rules in court, claiming they unfairly punish offenders who have served their time. In December, New Jersey Superior Court Judge Valerie Armstrong rejected a local ordinance as too broad. She said it had several flaws. For example, she said, it violated U.S. law that says being on a sex offender registry cannot disqualify someone from housing.

### 'Unintended consequences'

Many of the state laws are known as "Jessica's Laws" because they were passed or expanded after the slaying in Florida of 9-year-old Jessica Lunsford in 2005. Her neighbor, convicted sex offender John Couey, is on trial for the crime.

The surge in residency restrictions happened in the absence of research proving that they work.

"Residency restrictions have a lot of unintended consequences," says Jill Levenson, professor of human services at Lynn University in Boca Raton, Fla. She says many offenders are "more likely to resume a life of crime" if pushed into rural areas, because they have less access to jobs and mental health services that bring them needed stability.

Levenson surveyed 135 sex offenders in Florida, which passed a law in 2003 barring those who hurt children from living within 1,000 feet of where kids gather. Most said they had been careful not to commit crimes near their homes, so residency rules made little difference. Others said that even outside restricted areas, they live near kids.

Sex offenders seeking victims are likely to go to another neighborhood so they won't be recognized, the Minnesota Department of Corrections found in a 2003 study.

In Colorado, convicted molesters who committed more offenses lived no closer to schools or child care centers than those who had not re-offended, according to a report in 2004 by the state's Department of Public Safety.

In Arkansas, however, Jeffrey Walker of the University of Arkansas found in 2001 that child molesters are nearly twice as likely to live near schools than those convicted of sexually assaulting adults. Walker says he doesn't know why that's the case, or whether proximity to kids makes them more likely to offend again.

### Housing problems

The need for housing for paroled sex offenders in Illinois is "close to crisis levels" because of residency restrictions, says Jorge Montes, chairman of the Illinois Prisoner Review Board. He says it's in a Catch-22 situation, because without a place to live, a parolee cannot be released.

"We go into cyclical incarceration," he says, adding that more than 400 sex offenders are doing parole in prison because they have no place to go. He says many are not child predators.

Janet Allison, 45, a mother of five in Georgia, says she was forced to move from a four-bedroom home in downtown Dahlonega to a two-bedroom mobile home "way off on a dirt road" because she is a convicted sex offender and her former home was within a quarter-mile of a church.

Allison's situation also reflects how residency laws can affect those who aren't sexual predators. Allison says she was arrested five years ago for allowing the 17-year-old boyfriend of her pregnant daughter, then 15, to move in with them. She was convicted of being a party to child molestation.

Allison didn't go to prison, but three of her children were put in foster care, and she's not allowed to have contact with her daughter or grandson. "I didn't touch anyone," Allison says. "I just thought I was protecting my daughter."

Keen, author of Georgia's residency law, says it applies to all released sex offenders, regardless of their offense, because the state has not classified them by risk. He says those released in the future will be assessed, and the restrictions will target more serious offenders.

### Additional approaches

Dyersville, Iowa, is among the cities with the strictest residency laws for sex offenders: It bars them from living anywhere in the city.

Mayor Jim Heavens says the city did so to protect public safety and property values. "We consider this a crude tool, but at least we can do something. We're not trying to banish people," he says, adding that the city might make an exception for sex offenders who pose little risk to public safety.

Researchers who study sex offenders say that other approaches could be more effective in dealing with released sex offenders than broad residency laws:

- **More checks by probation officers** — David Finkelhor of the Crimes Against Children Research Center at the University of New Hampshire says the best way to monitor offenders is to require frequent meetings with well-trained officers.
- **Mandatory therapy** — Kim English of Colorado's Division of Criminal Justice recommends having freed offenders attend therapy in group residential centers.
- **Polygraphing** — Levenson says lie-detector tests also can be helpful, along with electronic monitoring and required driving logs.

Illinois is inviting officials from other states to a conference in April to discuss the effects of residency restrictions.

"Somebody is going to end up with a huge problem," says Frances Breyne of the Kansas Department of Corrections, "unless we all get on the same page."


### Find this article at:

[http://www.usatoday.com/news/nation/2007-02-25-sex-offender-laws-cover\\_x.htm](http://www.usatoday.com/news/nation/2007-02-25-sex-offender-laws-cover_x.htm)

Check the box to include the list of links referenced in the article.

Related Advertising Links

What's this?

 **Chase Free Checking**  
Get \$75 when you open a checking account with direct deposit-apply now  
[www.chase.com](http://www.chase.com)

**Free Callaway Golf Club Set**  
Act now and get a Callaway Golf Club set! For a limited time only.  
[sports-fitness-rewardpath.com](http://sports-fitness-rewardpath.com)

**Fight Song Ringtones**  
Download ringtones to your phone. Get them complimentary now!  
[RingRingMobile.com](http://RingRingMobile.com)

Place your ad here