**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 82**

**AUG. 2022 – Europe Travel News, Prepping**

ICoN provides legal, treatment, activism news & practical info for incarcerated SOs. Send inquiries in separate CorrLinks email (iamthefallen1@yahoo.com) or to Derek Logue, 2211 CR 400, Tobias NE 68453. My focus is SO laws; I don’t advise/assist on appeals, sentencing issues, non-SO news, & services like people-finding, penpals & mail forwarding.

**LEGAL ROUNDUP**

*State of Wisconsin v. C.G.* (2022 WI 60): WI Sup Ct denies name change for juvy RC who identifies as Transgender (born male but identifies as female), on 1st & 8th Amdt grounds. Court denies registry is punishment & even if they did, they would not consider it cruel or unusual & Ella can take other steps to express her gender identity; she just can’t legally change her name. “For example, nothing prohibits her from dressing in women’s clothing, wearing make-up, growing out her hair, or using a feminine alias. The State has not branded Ella with her legal name, & when Ella presents a government-issued identification card, she is free to say nothing at all or to say, ‘I go by Ella.’” They also noted Ella’s large stature & the nature of the offense in the justification of the ruling.

*US v. Porowicz*, No. 21-2153 (3d Cir 2022): Defendant challenged a condition of his supervised release that allowed probation to conduct “physiological tests” without specifying which ones they would be administering. He argued that there are no limits to what they would be allowed to subject him to. The 3rd Cir concluded that the Dist Ct plainly erred by imposing this condition to submit to unspecified physiological testing without explaining how it satisfies §3583(d)(2).

*State v. Genson*, No. 121,014 (Kansas 2022): RC required to register in KS was convicted of a FTR. He was required to report quarterly, every May, Aug., Nov. & Feb., plus changes. On 9/18, he went in to report a change of phone number. He went in again on 10/9 to report an address change. But he failed to show up for his registration appointment in Nov., instead coming in again on 12/15 to register. He was arrested for missing the Nov. registration. KS Sup Ct ruled the strict liability character of a FTR case bears a rational relationship to the legitimate government interest of protecting the public from SO & violent offenders & is thus not unconstitutionally arbitrary. There is no “intent” or “mens rea” requirement to convict for FTR. Not knowing you have to register something or not having the mental capacity to understand how to register is not a defense to a registration.

**EUROPEAN UNION CHANGES TRAVEL REGULATIONS**

There are changes in European law that may impact future travel plans into most of continental Europe. As noted in an announcement from the EU:

“The European Parliament approved the European Travel Information & Authorisation System (ETIAS) in 2016 to improve border security & safety. ETIAS pre-screens travellers from visa-exempt countries before they enter the Schengen Area. It will be fully implemented in all Schengen nations by May 2023 & mandatory for all Schengen nations 6 months after implementation. This impacts the following nations: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, & Sweden (& soon will include Bulgaria, Cyprus, Romania, & Croatia; Monaco, San Marino, & Vatican City are micro-states that are de facto part of the Schengen area). Iceland, Liechtenstein, & Norway are not part of this agreement as is the UK & Ireland, which both already exclude SOs from entering their respective countries.

An ETIAS authorization will be required for every American citizen traveling to Europe for short-term stays of up to 90 days. ETIAS is not a visa but will nevertheless become a mandatory requirement for eligible U.S. visitors to enter the Schengen Area including those which do not yet fully apply the Schengen acquis. Americans can apply for an ETIAS visa waiver directly online. When the application is complete, petitioners will be required to pay the processing fees. Once the application has been submitted it will be reviewed by the ETIAS security database system. If the application is approved, travelers will receive a confirmation email with the ETIAS for Europe. If the application is denied they will receive an email with a written explanation for the refusal. With ETIAS, tourists can visit all Schengen countries for up to 90 days, for tourism or business.

Travelers with a criminal record may be concerned that their previous conviction will prevent them from obtaining the documentation necessary to enter Europe. Individuals who have broken the law should not be deterred from applying for ETIAS, in many cases, the electronic authorization will be granted.

There are a series of security questions on the ETIAS form that applicants must answer truthfully, informing the authorities of any serious criminal offenses which have resulted in a conviction over the last 10 years. These include: Terrorism (any conviction in the last 20 years), Sexual exploitation of children, Human trafficking, Drugs trafficking, Murder, & Rape. These serious offenses may result in access to Europe being denied, but each case is studied individually. Criminal records for other offenses that are not considered serious are unlikely to result in the ETIAS being denied. It is expected that ETIAS will become mandatory 6 months following its implementation in May 2023. From this point onwards, anyone from an eligible visa-waiver country will be unable to enter Europe without the permit.

U.S. citizens with a criminal record will continue to be admitted to Europe after May 2023. Given that ETIAS was developed to further diminish the threat of terrorism across the continent, only those considered to be a threat will be blocked.” See more at https://www.etias.us/

However, what the ETIAS website does NOT mention is that the USA (under its “Angel Watch” program) has shared registry info to INTERPOL, which is one of the key agencies feeding info to ETIAS. There is no way to predict just how that will effect travel into Europe as an RC but it seems you might find it more difficult to travel to Europe for at least the first ten years after release. It may take a while for reports to come in; the Registrant Travel Action Group (RTG) relies primarily on self-reports from traveling RCs for their travel matrix. So all I can say for now is wait & see what happens once ETIAS becomes mandatory.

On a related note, the US House overwhelmingly passed the reauthorization of the so-called “Frederick Douglass Trafficking Victims Prevention & Protection Reauthorization Act of 2022—authored by Rep. Chris Smith (R-NJ) together with Rep. Karen Bass (D-CA) in a vote of 401-20.

“Today’s legislation will also reauthorize the amazing work being done by Homeland Security’s Angel Watch Center—a project mandated by my International Megan’s Law (IML) enacted in 2016,” said Smith, Co-chair of the Human Trafficking Caucus, which he co-founded 15 years ago. “In just a few years under IML, the Angel Watch Center has made more than 19,000 notifications of planned travel by convicted SOs with more than 7,000 individuals who committed sex crimes against children denied travel, helping to reduce child sex tourism,” Smith said.

Norwegian Cruise Lines quietly instituted a new policy starting 6/1/22 banning ALL RCs from their cruises. There has not been a public notice of this, & there is an ongoing discussion about whether this is a blanket ban or whether it was the result of being listed on the FL state registry (FL’s registry is more open than most.) This was posted on the Florida Action Committee website on 7/20/22.

**PREPPING**

In case you haven’t been keeping up with major world events the past couple of years, the US is in crisis mode. Global warming, supply chain issues, partisan politics, hyperinflation, & the threat of nuclear war have US citizens on edge. RCs have experienced significant hardships even in the best of times. It is worth taking the time to learn prepping & survival skills because even if all these cultural crises are overblown, RCs often face far higher levels of unemployment & homelessness, so these skills may help you survive if you experiences hardship after your release.

I’m not an expert in “prepping” or survival skills. Thankfully, there are still many books on gardening, farming, hunting/fishing, grilling, canning, camping, & even self-defense (though if you’re still a prisoner, your facility may not allow self-defense books). This may the best time to start learning a few survival skills. I don’t have any specific book recommendations but there are numerous prepping books on the market, & they share the same information.

Last year, I tried canning for the first time. I made salsa with tomatoes & onions bought from local farmer’s markets; I grew my own Serrano peppers. I grew herbs, green onions, & peppers last year, & tried my hand at homemade hot sauce. This year, I have tomatoes, radishes, acorn squash, & a pepper plant that survived indoors from last season. I like knowing what is going in my food! Next year I might raise a couple of chickens for eggs (if they don’t lay, for bug control until the fall, then for meat). None of these things are overly labor intensive. It only seems intimidating if you’ve never tried doing things before.

The pandemic also taught us that many jobs could be performed from home or in a self-employed environment. Can you build or fix things like furniture or cars? Can you work on computers (IT, graphical arts, or programming)? There is still a market for the handyman, but there is also an opportunity to find work from home in a changing environment. It just may take a different way to market yourself than in the past. I’m sure there are many books on this subject if you’re in need of ideas.

**REALPAGE INCORRECT SO DATA $9.73M CLASS ACTION LAWSUIT SETTLEMENT**

There is a real popular meme on today’s Internet featuring the cartoon character Spongebob Squarepants with his hands on his hips & speaking in a mocking tone. This news should come with that meme & the caption, “But the registry is not punishment!” (or, as it would be displayed on the meme, “BuT tHe ReGiStRy Is NoT pUnIsHmEnT!”) If the registry is not meant to cause harm to us, then why do people fear being wrongfully placed on it?

As reported on the website topclassactions.com:

RealPage agreed to pay over $9.73 million to resolve claims that it violated the federal Fair Credit Reporting Act (FCRA) by allowing incorrect SOR data on tenant screening reports.

The class action lawsuit settlement benefits individuals who were subject to a RealPage report between 6/14/2017 & 3/2/2021, where the report included a record from a SOR with the record matching the report subject based on the birth date range, but where further review shows a differing birth date.

Tenants attempting to rent an apartment or house may have their background screened during the application process through RealPage. However, RealPage may violate federal reporting laws by including incorrect information on tenant background checks.

A 2019 class action lawsuit claims the company includes information from SORs on certain background checks despite these reports not being associated with the report subject.

The plaintiff says he was attempting to rent an apartment NJ when a rental company ordered a background report on him from RealPage. RealPage allegedly portrayed the plaintiff as an RSO in IN, despite this report belonging to an entirely different person sharing the same name. This inaccurate report cost the plaintiff the apartment he wanted to lease, the class action lawsuit contends.

According to the plaintiff, the inaccurate reporting would not have happened if RealPage did its due diligence & looked into the record further. The record included on his background report allegedly contains a different middle name, date of birth & physical description. The plaintiff claims he was able to debunk this report in mere minutes.

The background check class action lawsuit claims RealPage’s conduct violates the FCRA. RealPage maintains its policies are lawful & argues that full birth dates are not available to the public through many state’s SORs. The company agreed to pay more than $9.73 million to resolve the FCRA class action lawsuit.