**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 87**

**JAN 2023 – “WHEN PEOPLE SAY ‘LIKE IT OR LEAVE IT’”**

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**

*People v. Kastman*, No. 127681 (Ill. 2022): In 1994, Kastman was found to be a sexually dangerous person & was committed to the guardianship & custody of the director of the DOC under the IL Sexually Dangerous Persons Act. Kastman was granted conditional release from institutional care & subsequently filed a petition requesting that the director of the Dept be compelled to provide financial assistance to cover his treatment costs & living expenses. In doing so, Kastman asserted that he was unemployed, disabled, & could not afford his $300/mo treatment costs & the $1800/mo rent for housing that complied with SORA & the numerous requirements of his conditional release. IL Sup Ct concluded that the Circuit Court has the authority under the Act to require the Director to contribute financial assistance to cover the treatment costs & living expenses of an SDP on conditional release. The Court noted that nothing in the language of the statute limits the Directors duties to persons housed in an institutional facility & notes that the term “custody” used in the Act extends beyond physical custody to include the care & control of a guardian.

*State v. Larson*, No. A21-0220 (Minn. 2022): In August 2019, Larson refused to sign the required registration paperwork. The corrections agent asked a special agent of the MN Bureau of Criminal Apprehension for help in obtaining the necessary paperwork from Larson. The Special Agent met with Larson twice & Larson refused to sign both times. The State then charged Appellant with two counts of FTR under MN law, one for each month’s refusal. MN Sup Ct opinion ruled under MN law, separate convictions for failure to register involving the same assignment of a corrections agent violated prohibitions against double jeopardy.

*Jackson v. State*, 2022 OK CR 29: Jackson appealed a revocation of probation order, raising the following propositions of error, arguing that Under the facts & circumstances of the case, the trial court's revocation of Appellant's suspended sentence in full due to technical violations was an abuse of discretion & revocation based on a failed polygraph examination was improper use of polygraph results. OK Sup Ct ruled that Jackson was not given proper notice to participate in SO treatment. Thus, the trial court committed “plain error” in revoking the entire sentence when the penalty should’ve been only 6 mos.

**WE CAN’T JUST “LIKE IT OR LEAVE IT”**

Anyone who has ever criticized the US has likely heard the retort, “like it or leave it.” It seems many prisoners dream of doing just that. I field many questions about which state is the most lenient or if there’s a way to emigrate. None of these have easy answers. It’s easy to tell you which states are the worst (AL, FL, LA, TN, IL, & OK are my top 6 worst) but as I’ve stated in my book, “Your Mileage May Vary” (YMMV). I can never make a guarantee you’ll find a better life by moving to a new location. Maybe you will, maybe you won’t. But this statement from FAC is worth sharing with you because many are discovering we truly have few options, & sometimes, our only option seems to be “hate it & stay.”

From FL Action Comm. “A response to the ‘If you don’t like it, leave’ commenters.” 12/9/2022

“When someone complains about FL, or any other state for that matter, & other commenters reply with ‘then you should move to another state,’ let’s just keep in mind that’s not a viable solution for everyone.

1. If you are on any form of supervision, you can’t just leave. There’s a process that involves the cooperation & willingness of two jurisdictions. Some are on lifetime supervision. The bottom line is; there are a percentage of us who would give our right arms to leave but simply can’t.

2. Many have family or community ties to where we are. Some are caregivers to a loved one, some are parents to a child in school. Uprooting yourself is one thing, but uprooting your dependents is another. Taking an elderly parent away from the doctors they are comfortable with or moving a child away from friends they grew up with is not an easy thing to force on someone. Also, many are divorced & can’t expect an ex-spouse to cooperate in relocating children to another state to facilitate visitation. Given the choice of not seeing their children or suffering in FL, for many there’s no choice.

3. Many of us are dependents ourselves. Can’t find jobs, can’t afford housing, live with parents, siblings, or friends & can’t afford to just pick up & relocate to someplace they have no support. Sure, if you have an Uncle in VT who will let you stay in his guest house & give you a job at his furniture factory, great! You have an option. But if you’re going to get off the bus in Burlington & survive off the $1375 in your bank account, it’s not happening.

4. Some of us are intransigent & unwilling to be stepped on. This is their cause, this is their life. You will find gun owners who would sooner have a firearm pried from their dead fingers than give up their guns. That’s how some people feel about their humanity, their dignity, their family & their rights. To use a maritime metaphor, there are some that will abandon ship & some that will go down with the ship. Respect to those.

By no means is this is a judgment call for anybody who actually has the option to leave & chooses to stay or go. There are very valid reasons for both & every individual has their own personal considerations when it comes to making that decision. I only want to make two statements; if you’re going to make statements telling others to leave FL, please remember not everyone can, & if you’re going to make statements telling others to stay, grab an oar & help us paddle!”

One respondent posted to the FAC post noted that “there is no way for a fresh start anywhere that I know of because we’re basically dead. That, & ‘angel watch’ & the State Dept will bad mouth you to your new country when you apply for a Visa.”

FloriDUH is arguably the worst state for an RC to live; however, there still nearly 30k FL RCs living there. I don’t know what keeps them in FL. Recently, a woman who corresponded with me since 2015 was recently released into central FL. She was told she could not live in her own home, and so her husband was considering selling, yet when I encouraged her to leave the “Land of ‘Duh” she refused. She has family ties there & moving to a new state is intimidating. So she remains in FL.

For those without ties, the most onerous laws are as follows, updated as of 11/2022:

1. Mandatory Lifetime Registration Requirements for ALL Registrants (15): AL, AZ (except kidnapping & false imprisonment w/o sexual element), CA\*, CO, FL, GA, HI, ID (except juveniles), MS, MT, NJ, OR\*, SC\*, TN, WY (Note: States marked with “\*” allow at least some Registrants to petition for removal from the registry after a set number of years but removal is NOT guaranteed.)

2. Registry Fees (24): AL, AR, CO, DE, GA, ID, IL, IA, KS, LA, ME, MA, MI, MS, MO, NH, NY, OH, OR, TN, UT, WI, WY

3. Residence Restrictions (Living Restrictions):

A. Applies to all RCs (15): AL, DE, FL\*, GA\*, ID, KY\*, MS, NC, No. Mariana Is., OH\*, OK, RI, SD, TN, WY (“\*” denotes states where law cannot be applied to convictions preceding the passage of the law)

B. Applies only to “high risk”, higher Tier/Level placement, or offenses against minors (11): AZ, AR, IL, IN, LA, MO, MT, ND, SC, VA, WA

C. Can be added as a rule to those “on paper” (6): CA, CT, HI, NY, OR, WV

D. Municipal ordinances can create living restrictions exceeding those codified into state law (9): CO, FL, IN, ME, MN, NE, TX, WA, WI

4. Presence Restrictions (Also called anti-loitering or proximity laws; Defined as various restrictions on where Registrants can go, such as schools, parks, libraries, malls, recreation areas, or other places one might expect to find children; the laws are too varied to discuss here, but each state listed has some kind of restriction which may apply to some or all RCs;) (31): AL, AR (Lv.3/4), CA, DE, FL, GA, IA, ID, IL, IN, KY, LA (offense against minors), MD, ME, MN\*, MO, MS, MT (Lv3), NC, ND, N. Mariana Is., OK, OR (Lv.3), SC (on paper), SD, TN, TX\*, UT, VA, WI, WY (“\*” denotes no state law but allows local ordinances)

5. States that place humiliating marks on your State ID/DL Cards: (12) AL, AZ, DE, FL, KS, LA, MS, OK, TN, UT, VA (only on CDLs for passenger transport vehicles), WV; In addition, passports of those with offenses against minors have marks placed on their federally-issued passports.

6. States requiring annual renewal of State ID/ DL cards (increasing financial burden): (7) AZ, IL, KS, MS (quarterly), NV, OK, TX

7. Work Restriction Proximity Laws (Laws that prevent registrants from living within a set distance from prohibited areas): (9) AL, DE (if LII/LIII), GA, MI, MT (If considered high risk), RI, SC (only if on supervision), TN, WV (only of on supervision)

8. States considered “substantially compliant” with the Federal Adam Walsh Act (AWA): (18) AL, CO, DE, FL, KS, LA, MD, MI, MS, MO, NV, OH, OK, SC, SD, TN, VA, WY

9. States with Halloween restrictions listed in their state statutes: (5) AR, FL, IL, LA, MO (Applies to all SOs in LA & MO, applies to Tiers 3/4 in AR, Applies to all on parole/ probation or SOs w/ offenses against anyone under 18 in IL, applies only to those on probation/ parole in FL.) In addition, CA, CO, GA, ID, IN, MD, NV, NY, OH, SC, TN, TX, VA, WI conduct named compliance check operations or allow the option for POs or local authorities to pass restrictions against those on probation/ parole.

10. States that prohibit registrants from receiving Medicaid: (1) AR

I’m certainly not going to downplay the humiliation of registration, but registration pales in comparison to residence or employment restrictions. Halloween restrictions may bother RCs with kids of their own more than those w/o kids. All I can add it is make the best out of whatever situation you find yourself in but make a plan to move if things get out of hand (such as harassment by vigilantes or LEOs).

**A Correction to the December newsletter**

The guest post article “Societal Grooming”, it was reported that “Federal Bureau of Prisons UNICOR facilities alone earned a hefty $11B in 2021.” The author sent me the following correction: “For fiscal year 2021 UNICOR earned $404.1M, which is indeed a far cry from the $11B I quoted from CPR. However, the Ashland UNICOR plant has earned $3.1M for the month of December with 2 weeks (or about half a month) left to go! Even a conservative projection of $2.5M per month from ALL 80 UNICOR facilities puts earnings for 2022 at a staggering level ($2.5M per month x 12 months x 80 facilities). While $11B was indeed way off, the point remains the same - The BOP uses slave-wage labor to turn a multi-million dollar profit each year.”

It is often difficult to get accurate numbers, especially since many government agencies made convoluted reports that are difficult to access. Prisons are still corporations, as is the registry, the prosecutors’ offices, and victim advocacy. Never assume the posted numbers by an agency are always an accurate reflection of the money these organizations collect. There are plenty of shady, under-the-table deals in every government agency.