

ICoN Consolidated Newsletter, 2016B (July to Dec. 2016, #9-#14)

The Informational Corrlinks Newsletter (ICoN) provides a variety of legal, treatment, activism news & practical info for incarcerated SOs via CorrLinks. This consolidated version covers all legal cases and articles covered in the ICoN newsletters for the first half of 2022 and are offered as a space-saving measure. To better make use of Corrlink's 13k character limit, abbreviations will be used, so ICoN readers need to familiarize themselves with the following acronyms: SCOTUS (Supreme Court of the United States, an acronym in current Internet use), RC (registered citizen, an "SO" currently forced to register), ARM (Anti-Registry Movement, a term sometimes used to describe our reform movement), SOR (SO Registry), AWA (Adam Walsh Act), SORNA (the part of the AWA covering Registration & Notification), Admt (Amendment) & the many abbreviations for states & court jurisdictions. Time dated announcements & resources are not included in this consolidated newsletter. – Compiled Dec. 4, 2022.

ORDERING BACK ISSUES OF THE ICoN & DONATING TO THE CAUSE

Due to a limited budget and manpower, **I do NOT have a regular physical mailing list for these newsletters.** Those with Internet access can print past issues from my site and the other resources I offer at <https://oncefallen.com/icon/>

Consolidated ICoN newsletters are sent out upon request and a payment of two stamps to help offset costs. Please note that some prisons place limitations on mail which may require a higher cost (example: some prisons limit printouts to five single-sided pages per envelope, so a printout taking up 22 pages would require 5 stamps.) Please note your facility's limitations before making a request. Checks/ MOs must be made out to Derek Logue. You can contact me for further info and a list of what I offer at:

Mail - Derek Logue, 2211 CR 400, Tobias NE 68453

Email – iamthefallen1@yahoo.com (this is also the email I use for signing up for the ICoN)

Phone – (513) 238-2873 (No collect calls)

YOUR LIFE ON THE LIST: Edition 3 (A registry survival guide) by Derek Logue

“Your Life on The List: Edition 3” is a registry survival guide, covering a variety of common concerns like housing, employment, compliance checks, travel, and other common questions. It also contains a housing list and a comprehensive overview of the registry, residency/ proximity laws, and other post-conviction laws you may experience as a Registered Person.

To download a free PDF Copy of the guide, visit the front page at oncefallen.com

To order a printed copy from Amazon.com (\$14.95 plus tax & shipping):

<https://www.amazon.com/Your-Life-List-Derek-Logue/dp/B0BSZWQCWV/>

If you are thinking of becoming an activist, consider ordering a copy of “The Anti-Registry Activist Manual: A Guide to Effective Advocacy” by Jonathan Grund. It is available for \$13.50 on Amazon.com:

<https://www.amazon.com/Anti-Registry-Activist-Manual-Effective-Advocacy/dp/B09T893TNR/>

LEGAL ROUNDUP

AZ: The AZ Court of Appeals ruled that accused SOs could not be automatically denied bail. In a split opinion, the majority said it may very well be appropriate to keep individuals who are charged with having sexual contact with minors behind bars until trial. But Judge Peter Swann said simply being charged with a crime — even if there is evidence of the person’s guilt — is legally insufficient. He said a judge can deny bail only if prosecutors can also show that no conditions of release can be imposed to ensure protection of others... Swann said the U.S. Supreme Court in 1987 ruled that said categorical denial of bail is unconstitutional. Instead, the high court said prosecutors must first prove by clear and convincing evidence that no release conditions will reasonably assure the safety of any other person and the community. By contrast, the judge said, the law and state constitutional provisions here require that defendants must be denied bail “upon nothing more than a sufficient showing that they likely committed the offense, without addressing the availability of release conditions that could assure the safety of victims and the community.” [Source: AZ Capitol Times]

NV: An amended lawsuit was filed in Clark County District Court on behalf of unnamed plaintiffs identified as Does 1-17, arguing AB-579 is vague & overbroad in its application, & that the state is applying the law unequally & has no procedures for people to challenge their inclusion on the registry. The Nevada Legislative passed the law in 2007 to comply with the federal Adam Walsh Child Protection and Safety Act, but it has been on hold for years pending legal challenges. In January, the Nevada Supreme Court said implementation could proceed. [Source: Las Vegas Review Journal]

FL: [*Snow v. State*, Fla: Dist. Court of Appeals, 1st Dist. 2016] A criminal defendant charged with “traveling to meet a minor” and “solicitation of a minor” will have one of his charges vacated after the state Supreme Court, [see *State v. Shelly*, 176 So. 3d 914 (Fla. 2015)] ruled double jeopardy applies when someone is convicted of separate charges arising out of the same conduct, and remanded the case back to the 1st Dist Ct of Appeals.

State v. KHH, No. 91934-8 (WA Sup Ct, Jun 23, 2016): The state’s highest court ruled that forcing a teen to write a letter of apology to his alleged victim does not violate the teen’s 1st Amendment rights. The Court stated, “One must face the consequences of a conviction, which often include the loss or lessening of constitutional rights. There is a whole range of constitutional rights that can be affected by a conviction, not the least of which is a loss of liberty. There may be a limitation on the degree to which First Amendment rights may be restricted for those convicted of crimes, but an apology letter condition does not approach that limit.”

Matter of State of New York v. Dennis K., No. 106 Anthony N., No. 107 Richard TT., No. 108 – The NY Court of Appeals, in a 5-1 decision, affirmed in two cases that the presence of a “borderline personality disorder” may be considered as enhancing the risk an offender will commit more SO crimes if treatment is not imposed by courts or, in more extreme cases, offenders are not held in secure mental facilities. Borderline personality disorder, both respondents argued, is not recognized as a condition inherent in sexual disorders and cannot be used as a civil confinement prerequisite. But Judge Eugene Pigott Jr. wrote that Article 10 allows for the recognition that a condition like borderline personality disorder, though not technically a “sexual disorder,” may reflect a mental condition that “affects the emotional, cognitive, or volitional capacity of a person that predisposes him or her to the commission of conduct constituting a sex offense.”

IN: *Richard J. McVey v. State of Indiana*, 73A04-1601-CR-12 (IN Ct of Appeals, July 1, 2016) – The court ruled, “Richard J. McVey was convicted of Class C felony child molesting for molesting his half-sister in 2001. After the molestation, the legislature amended the Indiana Sex Offender Registration Act to require lifetime registration for offenders like McVey, as opposed to the previous requirement of ten

years. It also enacted the unlawful-entry statute, which makes it a crime for a person who is required to register as a sex offender and who is convicted of child molesting to enter school property. McVey contends that both enactments, as applied to him, violate the Indiana Constitution's prohibition against ex post facto laws. We agree with McVey as to the lifetime-registration requirement but not as to the unlawful-entry statute." McVey was attempting to challenge the "unlawful entry" statute because his CDL training school is considered "school grounds" under this law, as well as reduce his lifetime registration to the original sentence of ten years.

McNeill v. State of Nevada, No. 66697 (132 Nev. Advance Op. 54, July 28, 2016): Appellant was a convicted SO on lifetime supervision. When Appellant had been on lifetime supervision for five years, the State Board of Parole Commissioners imposed additional conditions that were not enumerated in Nev. Rev. Stat. 213.1243. The State later filed a complaint charging Appellant with violation of conditions of lifetime supervision and prohibited acts by a SO. The jury found Appellant guilty of violating the conditions of his lifetime supervision. On appeal, Appellant argued that section 213.1243 does not delegate authority to the Board to impose additional supervision conditions not enumerated in the statute, and therefore, he did not violate the statute even if he violated the additional conditions imposed by the Board. The Supreme Court reversed, holding (1) the plain language of section 213.1243 does not grant the Board authority to impose additional conditions, and this omission was intentional; and (2) because the Board-imposed conditions were unlawful and any Board violations cannot be separated from any section 213.1243 violations, the case must be remanded for a new trial. [Summary from Justia.com]

OH: *State v. Mole*, Slip Opinion No. 2016-Ohio-5124 : The court ruled 4-3 that the law arbitrarily added police to a ban on professionals having sex with minors that includes people with authority over children such as teachers or coaches. The government can't punish a class of professionals like police without making a connection between their job and the crime, Chief Justice Maureen O'Connor said, writing for the majority. The law overturned by the court prohibited police officers from having sex with minors if the offenders were more than two years older than the victim.

IN: *Brian Valenti v. Indiana Secretary of State*, et al., 1:15-cv-1304 : A registered SO's lawsuit against the Indiana Secretary of State and other parties will proceed, a federal judge ruled Thursday, denying the defendants' motion to dismiss. Blackford County resident Brian Valenti filed the federal suit alleging his First and 14th Amendment rights were violated because he cannot vote at the local polling place located in the Blackford County High School auxiliary gym. Valenti's suit challenges I.C. 35-42-4-14 that prohibits "serious SOs" from entering school property. The law took effect in 2015, and Valenti meets the definition of serious SO under the statute.

PA: The PA Sup Ct has declared unconstitutional a requirement that all SOs who were juveniles at the time of their crimes must stay on the so-called Megans Law Registry for life, adding it was also unnecessary for public safety. In a 5-1 ruling hailed by juvenile justice advocates, the court upheld a 2013 decision by a York County judge striking down portions of the SO Registration and Notification Act, known as SORNA. We conclude that SORNAs registration requirements violate juvenile offenders due process rights, Justice Max Baer wrote in his opinion.

NY: *Gallagher v. Sullivan*, 9:15-cv-01327-- A judge has declined to ease some restrictions placed on the activities of an SO in a secure psychiatric unit, which the plaintiff said are inhibiting his ability to prepare a suit challenging the terms of his confinement; 14 SOs are involved in a suit arguing their First, Fourth, Fifth and Fourteen Amendment rights are routinely violated through forced confinement in Central New York Psychiatric Center in Marcy, contending their activities are restricted more harshly than they were in state prison, despite their movement into a post-prison setting that theoretically is not supposed to continue or enhance punishment for their sex offenses. One plaintiff was denied the right to buy a computer and printer to use for the lawsuit. Assistant Attorney General Mark Mitchell said courts have

long recognized that inmates in prisons and offenders confined in SO treatment program such as New York's give up many of their constitutional rights.

Martin v. Houston, CASE # 2:14-CV-905-WKW [WO] (M.D. Alabama 2016) – The Court has ruled that the plaintiff's lawsuit can proceed under the "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (for information on RLUIPA's institutionalized persons provisions, please refer to the Civil Rights Division's Special Litigation Section). The case regards a Chilton Co. ordinance that prohibits SOs from living within 300 feet of each other. Pastor Ricky Martin was forced to shut down a transitional program as a result of this ordinance and has been suing the state since 2014.

State v. Moser, A15-2017 (MN Ct of Appeals, August 8, 2016): By eliminating a mistake-of-age defense and imposing strict liability, MN statutes Sec. 609.352, subdivisions 2 & 3(a) (2014), as applied to solicitation that occurs over the Internet, involves no face-to-face contact between the solicitor and the child, and where the child represents to the solicitor that he or she is 16 or older, violates substantive due process. Defendants charged with violating MN Statutes section 609.352, subdivision 2, solely over the Internet and without any face-to-face contact, must be given an opportunity to raise a mistake-of-age affirmative defense if the child represents to the defendant that he or she is 16 or older.

PA: *A.S. v. Pa. State Police*, __ A.3d __ (Pa. 2016) and *Commonwealth of Pennsylvania vs. Lutz-Morrison*, _ A. 3d _ (Pa. 2016): In a pair of same-day decisions, the PA Sup Ct ruled offenders who commit some kinds of sex crimes, such as possessing child pornography, cannot be made to register with state police for life unless they commit at least one more sex crime after their initial convictions. In other words, they have to become recidivists to qualify for the lifetime registration. State police have been requiring such first-time offenders to register for life if they have multiple sex crime convictions stemming from just one criminal incident. The dispute before the Supreme Court hinged on the interpretation of the wording of a state law that requires lifetime registration for some sex offenders who receive "two or more convictions." A Supreme Court majority...concluded the wording means sex offenders in some cases must be convicted of such crimes for two separate incidents to trigger the lifetime registration mandate.

MI: *Does v. Snyder*, No. 15-1536 (6th Cir. Aug. 25, 2016): MI's amendments to its SO Registration Act (SORA) "imposes punishment" and thus the state violates the US Constitution when applying these SORA provisions retroactively. "...[w]hat began in 1994 as a non-public registry maintained solely for law enforcement use . . . has grown into a byzantine code governing in minute detail the lives of the state's sex offenders... In reaching this conclusion, we are mindful that, as Smith makes clear, states are free to pass retroactive sex-offender registry laws and that those challenging an ostensibly non-punitive civil law must show by the "clearest proof" that the statute in fact inflicts punishment. But difficult is not the same as impossible. Nor should Smith be understood as writing a blank check to states to do whatever they please in this arena."

AZ- *Clark v. Ryan*, No. 15-15531 (9th Cir. 2016): Affirming the district court's denial of a habeas corpus petition, the panel held that the Arizona Court of Appeals' decision that Arizona's modern SO registration statute is not an ex post facto law is neither contrary to, nor an unreasonable application of, the Supreme Court's decision in *Smith v. Doe* I, 538 U.S. 84 (2003). This case involved a man failing to register. [note: in my opinion, this case doesn't conflict with the recent 6th circuit case as this case challenged the registry itself, which is upheld by *Smith v Doe*, whereas the 6th ruled on HOW the registry was administered, not the registry itself.]

NC- A new law takes effect on 9/1 “to offenders whose victims were under the age of 18 and to offenders who have been found to present a danger to minors” banning these SOs from places “children congregate,” like libraries, arcades, amusement parks, recreation areas, swimming pools and county fairs. Two people were already arrested for attending a fair under this law. A similar NC law was voided for vagueness under a previous court decision.

FL- A Palm Beach Co court petition filed Aug. 31 claims a hospice patient with end-stage Alzheimer's disease has been threatened with arrest if he does not move out of Heartland of Boynton Beach, a nursing home near a local preschool. The City of Boynton Beach purportedly issued a notice to the SO and the hospice accusing them of violating an ordinance that prohibits SOs from living within 2,500 feet of a school, daycare center or playground. The pleading insists that a criminal prosecution of the SO would have to show he made a "purposeful decision" to maintain residency within the restricted area. His Alzheimer's disease renders him "completely incapable of having the requisite intent or mens rea necessary" to prove as much, the filing states. He was removed from the MA SO list in 2011, according to the recently filed petition.

MN- *State of Minnesota v. Moser*, 2016 Minn. App. LEXIS 59 (Aug. 8, 2016): Court ruled that the “strict liability” approach could not be used for internet solicitation cases where there was no face-to-face contact between the solicitor and the child, and where the child had represented to the solicitor that she was 16 or older (i.e., above the age of consent). Mistake of age (a girl lying about her age) has traditionally not been allowed as a defense.

DC, Congress: Rep. Ted Poe of Texas introduced H.R.5970 - To amend title 18, United States Code, to permit sentencing judges in child sex trafficking cases to order the Attorney General to publicize the name and photograph of the convicted defendants, and for other purposes. This is part of the text. SECTION 1. Short title. This Act may be cited as the “Shame Act of 2016”. SEC. 2. Publication of information pertaining to persons convicted in connection with child sex trafficking. Section 1591 of title 18, United States Code, is amended by adding at the end the following: “(f) The court may order the Attorney General to publish publicly the name and photograph of any person convicted under this section.” [Note: No action was taken on this bill]

Smith v FL (No. SC15-782, FL Sup Ct 2016): held that use of a file sharing program DOES constitute “transmission” of CP under Florida Statute 847.0137. Smith argued that because he never directly sent files to an individual, but instead someone took files from his computer through the use of a file sharing program, he should not be convicted of “transmission”. In his argument, he pointed out that the Fifth District Court of Appeals previously ruled that transmission by method of a file sharing program did not constitute “transmission”. Smith’s District (the Fourth) ruled otherwise and the conflict between the two districts brought the case to the Florida Supreme Court. The Florida Supreme Court reasoned that use of a file-sharing program is “the electronic equivalent of placing a locked box filled with pornographic photographs on his front porch, telling a “friend” that there is something on the front porch he might want to see, and sending the friend a spare key to the locked box.”

State of Oregon v Davidson, S063387 (OR Sup Ct 2016): Ruled sentencing a man to life in prison for public masturbation under the 3 strikes rule was disproportionate to his crime.

CA- A lawsuit challenging a law that requires a marker to be placed in the passports of people convicted of SOs against children is premature because the marker provision is not yet in effect, a federal judge said in a ruling dismissing the suit. U.S. District Court Judge Phyllis Hamilton said Friday it was also not clear yet who would be subject to the passport identifier and what form the identifier would take. This just means we have to wait for the mark to be placed before a lawsuit could proceed.

Does v Wasden, (US Dist Ct ID, 1:16-CV-429), Complaint filed Sept. 22, 2016: 104 plaintiffs come from across the state and the country, convicted in the 1980s and 1990s and say amendments since then to Idaho's SO registry laws amount to retroactive punishment, which is unconstitutional.

AL: The state legislature quietly repealed the 2014 "anti-clustering" ordinance during the special session at the end of summer. The ordinance was created to shut down a halfway house in the area by forcing SOs to live at least 500 feet from each other, but the program sued the state, and after a recent court ruling allowing the suit to continue, the state backed down.

Commonwealth v. Martinez (PA Sup Ct, J-29A-2016), *Grace* (J-29B-2016), & *Shower* (J-29A-2016)- The three cases were consolidated into a single PA Sup Ct decision, ruling that registration requirements can't be increased for people who entered into plea agreements before subsequent versions of the registry schemes were passed. The opinion, which can be found here says that the three plaintiffs who all plead guilty before the enactment of the State's SORNA (in 2012) could not be held to its more stringent requirements. Two of the plaintiff's had registration periods of 10 years (which were then changed to life) and one of the plaintiffs plead to an offense that didn't even require registration (but the offense was added to the list of offenses requiring registration).

People v. Minnis, Case No. 119563 [IL Sup Ct, Oct. 2016]: Ruled a law requiring SOs to register "all e-mail addresses, instant messaging identities, chat room identities and other [i]nternet communications identities that the sex offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the SO, all blogs and other [i]nternet sites maintained by the SO or to which the SO has uploaded any content or posted any messages or information" did not violate 1st Amdt right to free & anonymous speech.

Hughes v. State, Case No. 5D14-4516 (5th Dist Ct Appeals FL, Oct. 2016)- defendant was convicted & sentenced for "soliciting" and "traveling" to meet a minor arising from an incident where he received a response from a detective posing as a 14 yr old girl, to a "casual encounters" listing on Craigslist and then subsequently traveling to meet her; the Court found Appellant's dual convictions for solicitation and traveling after solicitation violate the prohibition against double jeopardy, rejecting the govt's argument that "solicitation" took place on one day and the "traveling" happened the next day & should therefore be separate events.

State of TN v. Thomas Whited, E2013-02523-SC-R11-CD (TN Sup Ct, Nov. 7, 2016)- Reversed and remanded conviction of a man who secretly videotaped teens undressing because "The language chosen by the General Assembly does not include any reference to the defendant's subjective purpose of sexual arousal or gratification...In other words, TN's Legislature did not make the offense of production of CP pornography turn on whether the maker or viewer of an image was sexually aroused." Thus, they could only judge on whether the images themselves were lascivious in nature, i.e., engaged in sexual activity, which they were not.

Bennett v Bigelow, Case No. 20140680 (UT Sup Ct., Nov. 25, 2016)- A registrant does not have to reveal his complete sexual history as a condition of his parole, the Utah Supreme Court has ruled. B.B. sued the Utah Department of Corrections after his parole was revoked when he was ordered to disclose his sexual history — including any uncharged sex crimes — as a part of sex offender treatment. The Court said in a ruling released Saturday night that it violates his Fifth Amendment constitutional right against self-incrimination. "We hold that a threat to revoke a defendant's parole constitutes compulsion for purposes of the Fifth Amendment," Utah Supreme Court Chief Justice Matthew Durrant wrote.

Doe v. Cooper, Case No. 16-6026 & 16-1596 (4th Cir., Nov. 30, 2016)- A federal appeals court has upheld lower court rulings that found portions of North Carolina law restricting where RSOs can gather

are unconstitutional because they're overly broad or vague. A three-judge panel of the 4th U.S. Circuit Court of Appeals in Richmond, Virginia, on Wednesday affirmed the federal lower court decisions, which the state appealed. One provision successfully challenged by several SOs who sued in 2013 prohibited them from going to places where minors gather for educational, recreation or social programs. The other restriction prevented them from being within 300 feet of certain locations where children are cared for or supervised. The legislature last summer approved replacements for the challenged laws while on appeal. The appeals court didn't consider the amended laws.

PEACEFUL PROTEST AGAINST IML IN OAKLAND ATTRACTS MORE THAN 40 PEOPLE

August 2016: More than 40 people participated in a peaceful protest held outside the federal district court in Oakland. Participants included registrants and supporters from California as well as several other states, including Florida, Missouri, Ohio and Oregon. The protest included the burning of SO registration cards by six registrants led by CA RSOL Treasurer Frank Lindsay.

Today's protest was a tremendous success," stated CA RSOL President Janice Bellucci. "We effectively communicated to the public and to the media our position that the International Megan's Law (IML) violates the U.S. Constitution."

The protest immediately followed oral arguments made in support of, and in opposition to, the federal government's motion to dismiss the case. During the court hearing, the government argued that the federal government needs to notify foreign countries when registrants intend to visit in order to prevent child sex tourism and child sex trafficking. The government also argued the need to add a "conspicuous unique identifier" to the passports of hundreds of thousands of registrants in order to stop them from visiting multiple countries during a single trip.

Registrant attorney Bellucci argued that notifications sent to foreign countries have a "chilling effect" upon registrants, many of whom are now afraid to travel overseas. She also argued that notifications are harm registrants' ability to travel overseas in order to meet with family members, conduct business and pursue cultural interests. She further argued that they place registrants and anyone who travels with them at risk of physical harms.

During today's hearing, Bellucci asked Judge Hamilton to deny the government's motion to dismiss the case and instead to allow registrants to amend the complaint. The judge did not issue a decision today... (Note: it was later dismissed for not being "ripe" at the time of the lawsuit)

Protesters held up signs that equated this measure to the laws of Nazi Germany and the Soviet Union. "We're only the third nation in the history of the world that has ever stamped the passports," said Derek Logue, who traveled by bus from Ohio to join the protest. "They may not care about us personally, but it's going to affect all Americans at some point" said Logue. "Mexico is already turning away SOs at the border, Japan does it, South Korea does it." [Note, a couple of weeks after this demonstration, CA-RSOL changed their name to the Alliance for Constitutional SO Laws, or ACSOL, and broke away from RSOL to become a separate organization.]

LEAVING THE USA

No, I'm not leaving the USA, but after International Megan's Law (IML) passed, I have been bombarded with questions regarding traveling outside of the US. At this time, the lawsuit against the "unique identifier in a conspicuous place" to be added to our passports is ongoing. Currently, there is still no plan presented to give us any indication what this identifying mark is going to look like. It is also worth noting

that those living in states failing to adopt “Real ID” by next year may have to show passports even for domestic flights; thus, a passport identifier may cause interference even in domestic travel.

However, before IML actually passed, the SMART Office had already added stipulations to international travel years ago. Currently, individuals in states that adhere to the federal “Adam Walsh Act” (AWA) are required to register their travel plans 21 days in advance. The local registry office forwards the information to federal agents, and the federal agents in turn forward the information to Interpol. Interpol then forwards the information to agents in the country you plan to visit, and you may or may not get turned away at the border.

A new group known as the “Registrant Travel Action Group” (RTAG), a subsidiary of the National RSOL group, is attempting to compile the information from registrants who have already attempted or succeeded in traveling abroad to give individuals an idea as to which countries are routinely turning away registered citizens at the border.

Keep in mind this is a new project and informational change as more data has been collected. (Much of this data comes from stories directly from registered citizens.) Below is a list of countries turning away registrants at the border, according to RTAG. Keep in mind that this information can always change, and also that not every country is turning 100% of SOs away at the border. For example, Mexico instituted “Operation Guardian Angel” to turn away SOs, but it only seems to be applying to individuals flying in, while those crossing the border by land are still able to cross into Mexico. This policy could quickly change, however. [NOTE: I updated this list in June 2017 to reflect update info from RTAG. As of June 2017, this list is accurate. Also, there has been no further action on the passport marks.]

SOs turned away: Mexico, Canada, Costa Rica, Panama, Dominican Republic, Jamaica, Argentina, Brazil, Colombia, Russia, UK, Australia, Cambodia, China, Laos, New Zealand, Vietnam, Dubai, Philippines, Indonesia, Singapore, South Korea, Taiwan, Thailand, Ireland, Nicaragua, Chile, Peru

Laws specifically banning SOs from entry: Mexico, Canada, Panama, Argentina, Brazil, Russia, UK, Australia, Cambodia, New Zealand, Philippines, Japan, Ireland

Laws banning felons in general from entry: Canada, Panama, UK, Australia, New Zealand, Japan, Costa Rica, Ireland, Mexico

Cruise Line travel for Registrants : RTAG states, “We can give definitive information as to Registrant travel as it pertains to cruise lines.”

“RCL: To date, Royal Caribbean uses a “Security team” to review passenger data to determine who may be a registrant. When discovered, the resistant and their family are sent a letter requesting 1. Confirmation that the registrant has informed their reporting agency of intended travel. 2. Detailed description of charges and nature of registration. 3. Discussion as to plans while on cruise. So far, RCL has approved the plans of several registrants and their families.”

“CARNIVAL. To date, Carnival cancels all cruises of Registrants when they become aware of registrant’s status. Many registrants have traveled with Carnival without issue. However, that is apparently true only for registrants whose status is not apparent to Carnival. Carnival has also parceled out their security to a third vendor. Once registrant status is determined, Carnival will black list that individual. This maybe an avenue for a lawsuit but that will be worked later.”

So far no problems with other cruise lines.

BROCK TURNER AND YOU

I live just an hour away from Brock Turner's Ohio home. As you've probably seen on the news, a dozen protesters, some wearing Guy Fawkes masks and toting Anonymous flags, a couple sporting assault rifles (Ohio is an "open carry" state), and holding signs suggesting raping and killing Turner. The protesters made very scary statements to the media. Perhaps some of you fear you will be threatened or protested the same way. Thankfully, the events of the Brock Turner release are atypical of the average experience of a newly released SO.

You may not have armed protests, but the shock of registration, postcards in the mail, and the struggles you'll face finding a home and job won't be any less discouraging. Ultimately, all the hoopla surrounding the Brock Turner case will fade among the sea of media blitzes, and registration will become as mundane as it has become for me. Other famous people like Mike Tyson still register. No one gets special treatment—not Brock Turner, not Mike Tyson, and not me. Registration becomes routine over time, and the longer you register, the less likely you'll be treated like crap, even by the police. (For the record, I've only had one problem with a badge, and it was a US Marshal, not a beat cop.)

However, in the event someone in the neighborhood does take offense by your presence (knock on wood but I haven't had an issue), my advice is to rise above it. Document every instance just in case you need to take this matter to the authorities but don't appear to let it get to you. In time, most folks will see you NOT acting like a stereotypical SO (whatever that's supposed to be) and folks will grow tired of trying to make your life miserable. There is no need to be paranoid. Just use your head, like you do now to survive your prison time. There are many resources out there for support and assistance as well. On the upside, the media has questioned the sanity of having even a high profile registrant like Brock Turner on the registry for life. Perhaps folks are starting to see the insanity of these laws.

Pokemon No: How Mobile Games Can Be a Problem for RSOs

Republished from Wallin & Klarich Law Firm, CA

No doubt you've seen them: scores of people with their smartphones out as they walk in parks, sidewalks and streets. Such is the world of Pokemon Go. The augmented reality game operates by taking real world locations and randomly stocking them with digital monsters and other items, which players can see on their smartphones. Players can "catch" these monsters and train them for combat at "gyms." At designated "Pokestops," players can collect valuable items for use in the game. This means your favorite restaurant, your local park or any place could potentially be sites where Pokemon Go players gather. While Pokemon Go and other games like it are typically harmless fun, they have unwittingly placed some bystanders in the crosshairs of law enforcement. This is especially true for RSOs, who are required to stay away from places where children gather.

Beware: Pokestops Attract Minors

In San Luis Obispo, a Pokestop was located at Sunny Acres, the sober-living facility where persons with addictions and RSO receive treatment. This meant a digital marker was placed in a location that would potentially attract children to the home of RSOs, many of whom have probation or parole conditions requiring them to live a certain distance from places where children gather. In 2006, California's voters passed Jessica's Law, an initiative restricting all RSOs from living within 2,000 feet of a school or park, regardless of whether their crime was against a minor. Recently, the California Supreme Court narrowed that law because suitable housing was virtually impossible to find for many SOs – now parole and probation officers can review housing situations for sex offenders on a case-by-case basis. However, with Pokestops appearing on a digital map of real-world locations, registered SO potentially face a threat to

their liberty that is beyond their control. If you are a RSO, what can you do to prevent this from happening to you?

Stay Away from Location-Based Games

If you are an RSO, one thing that is within your control is whether you decide to play games like Pokemon Go. By avoiding playing these games, you lessen the chance of traveling to places where there are likely to be a lot of minors. There are also ways to find out where Pokestops and gyms are without playing the game. Pokemon Go is based on the maps that its creator, Niantic, used to create another popular augmented reality game, Ingress. The maps for Ingress are available on multiple websites. Checking those maps can help you find where potential Pokemon Go hotspots may be so that you can stay clear of those locations.

REAL ID

Okay, I've gotten questions about Real ID and what it means to you. I discussed Real ID briefly in discussions about traveling as a registrant and how the passport marks may impact even domestic travel. To review, The REAL ID Act was enacted by Congress in 2005 to increase security after 9/11. Real ID is a standard set by the feds for determining identity. I don't need to go into the details about that since that's an issue between states and the feds, but I can discuss how this impacts you in two ways—travel as an SO and prisoner visits. But first, let's review which states are not Real ID compliant.

The following states remain noncompliant and have not been granted a renewed extension and will be subject to REAL ID enforcement following a short grace period. Starting January 30, 2017, Federal agencies and nuclear power plants may not accept for official purposes driver's licenses and state IDs from a noncompliant state/territory without an extension: KY, ME, OK, PA, SC.

The following states did not receive an extension for 2016 or 2017. Therefore, they continue to be subject to current enforcement activities. Federal agencies may not accept driver's licenses and identification cards from these states: MN+, MO, WA+ [+ Federal officials may continue to accept Enhanced Driver's Licenses from these states.] Note that MT is currently "under review" & may not be considered compliant.

For flying, here is the statement from the DHS. "What happens to travelers who show up without a compliant license? Will TSA turn them away?" DHS has been working with states for years around REAL ID compliance and have provided technical assistance, grants and other support to them. We are also providing more than two years advance notice of implementation with respect to domestic air travel to allow ample time for all states to achieve compliance, or for potential air travelers to acquire an alternate form of ID if their state does not comply with REAL ID. Starting January 22, 2018, travelers who do not have a license from a compliant state or a state that has been granted an extension (a complete list of non-compliant states/ territories can be found here) will be asked to provide alternate acceptable identification. If the traveler cannot provide an acceptable form of identification, they will not be permitted through the security checkpoint. Starting October 1, 2020, every traveler will need to present a REAL ID-compliant license or another acceptable form of identification for domestic air travel.

Limitations: Access for activities directly relating to safety and health or life preserving services, to law enforcement, and to constitutionally protected activities, including legal and investigative proceedings will not be affected. Existing agency policies will still apply. The Act does not require individuals to present identification where it is not currently required to access a Federal facility (such as to enter the public areas of the Smithsonian) nor does it prohibit an agency from accepting other forms of identity documents other than documents from non-compliant states (such as a U.S. passport or passport card).

The Act's prohibitions do not affect other uses of driver's licenses or identification cards – including licenses and cards from noncompliant states – unrelated to official purposes as defined in the Act. For example, the Act does not apply to voting, registering to vote, or for applying for or receiving Federal benefits.

The media and the DHS website has only reported that those w/o Real ID would only be prohibited from places like military bases, nuclear power plants, and flights on airlines. I have not seen anything that includes federal prisons (which weren't exactly targets of foreign terrorism), but to be sure, I contacted the DHS directly. They referred me to the BOP, and they responded that at this time there have been no proposed changes to their visiting policies. (As an aside, I had to explain to them just what the Real ID program was in the first place. Your tax dollars at work). The bottom line is for now, don't expect your loved ones to be turned away at the gate.

HALLOWEEN & HURRICANES

Happy Halloween! Halloween is special to be because I was born on Oct. 31, 1976. Yes, I turn 40 this year. I'm looking down the other side of the hill and I don't like what I see on the other side. But anyways, Halloween is an annual tradition for SO reformists, because across the USA, the yearly tradition of Predator Panic (and advertising the public registry) for the sake of ratings. But that is only the tip of the iceberg.

Some of you may have heard about Halloween restrictions. The bad news is they do exist, but the good news is they aren't widespread. Here are some restrictions that have been proposed or passed in recent years: Do not answer the door to trick-or-treaters; No passing out of candy to children; No holiday decorations on homes; No visits to haunted houses, corn mazes, hay rides or other seasonal activities; Do not attend any party where children are gathered; No costumes; No trick-or-treating; Posting a sign stating No Candy at this Residence; and mandatory meeting at a designated location (like jail) during trick-or-treat hours.

I don't have a current list of states (in 2008, CA, MD, SC, TN, TX, VA, & WI had some kind of Halloween laws), but CA-RSOL at the least prevented the state from enforcing the No Candy sign rule last year. For more than 20 years, the Department of Corrections and Rehabilitation has run "Operation Boo," under which sex offender parolees adhere to special Halloween restrictions. CA Parolees must follow a 5 p.m. to 5 a.m. curfew, in which they remain indoors and turn off exterior lights of their home. They cannot offer Halloween candy or put up Halloween decorations and can open the door that night only to respond to law enforcement.

Most of these rules only apply to those on supervision, but it is important to note these laws are arbitrarily enforced should you encounter them. As noted by the FAC website: In South Roxana, IL a Blind man was arrested for violating their Halloween Ordinance because he was present when his step-daughter was handing out candy on Halloween. What's more disturbing than a blind man being arrested for being in the house when a family member was participating in the holiday (he's blind – he couldn't even see the children) or that this law exists in the first place, is the fact that the news reported that, "Police said they had set up surveillance and performed compliance checks on registered sex offenders' homes during the Halloween period." Because laws change frequently and many of these rules are local, not statewide, it is important that you do your own research upon release to not be blindsided by rules in which you aren't aware.

Now to the second part of my rant. The recent impact of Hurricane Matthew is a reminder that your status even affects the level of service you'll receive during a natural disaster. I was aware that laws had passed nearly a decade ago in LA & FL that SOs cannot go to regular shelters in the midst of a hurricane; their

only option is seek shelter in jail or prison. Thankfully, the homeless camp in Miami (of roughly 250 residents) hasn't had to consider a major hurricane in years. When Matthew threatened Miami, the POs had told the residents of the camp that they could seek refuge in the visiting area of a nearby prison or stay at the camp but they couldn't go to a regular shelter. Matthew only grazed Miami, so they didn't receive the full impact of the storm and those who chose to weather the storm weren't in much danger from a little wind and rain. Everyone is okay. From what I gather, those who chose prison shelter were treated okay. Still, the question I pose to you is what would choose, prison or hurricane? I know this is a somber way to end this month's ICoN, but I'd choose to take my chances with Matthew. I've weathered a far bigger storm for the past 13.5 years of my 40 year life. Unless a few more of us weather this storm, we'll continue to see these laws. I hope those of you on the verge of release strongly consider joining the fight. I'll be here waiting when you do.

YOUR BEST LIFE NOW by Derek Logue

I have been writing this newsletter for you for nearly two years, and sadly, it is often bad news. We're often told where to live, work, and even who to date. We are being banned from a growing number of places, and it seems there is little we can do about it. There is a small but growing movement against these laws, of course, but few of the 850k on the list are willing to fight.

Many of you write to me asking questions about how to live a life under all of these conditions. How do we survive prison? We adapt. We find a way to endure the restrictions. However, despite all of these restrictions, it is still possible to succeed if you are willing to work or it. We have higher unemployment rates but not all of us are unemployed. Some of us are homeless, but most have a home. Some of us are harassed by neighbors, some are left alone. Success is a relative term. I haven't been rearrested for a new crime since my release in 2003. I'm a success there. But I've also been homeless and I'm living off SSI and food stamps. Many might not see that as a success, but it also freed me to do this newsletter and run a website that helps thousands of registrants annually.

When I was incarcerated, I tried to make the most of my time. Now, I understand many of you aren't religious nor am I going to cram religion down your throats, but I found Joel Olsteen's 'Your Best Life Now' to be helpful. For those who can't (don't want to) read it, I'll summarize the main points, modified slightly for the sake of our particular plight:

1. "Enlarge your vision": Olsteen says if you think you will be successful and expect success, it will happen. I say don't expect things to be easy, but if you continue to work at it, you can bat he odds. I love proving people wrong, don't you?
2. "Develop a healthy self-image." Look, there will be no shortage of "haters" out there. What matters is rising above it. It is easy to say "don't let it get to you," because we're only human. I have gotten hate mail and a few threats over the years. You may get the same treatment. But you know you aren't what they say you are. Focus on the good parts on you and accentuate that. You aren't a bad person but a good person who had done a bad thing. You paid your debts and moved on. If you allow these folks to dictate your opinion to yourself, you could end up back in prison.
3. "Discover the power of your thoughts and words." We are constantly told we are scum, monsters, pedos, etc., but if you start accepting that label, you behave as your label. A lot of folks end up in bad situations because they talked themselves into it. Just because society labels you a "sex offender" does not mean you are doomed to act like an SO. (And honestly, what does acting like an SO mean?) As a man thinks, so is he.

4. "Let go of the past." When I give media interviews, I always say when a man's time is up, it's up. That should be the end of it. I feel the same way. Don't let this label define your future. Again, many folks have overcome the label.

5. "Find strength through adversity." Trust me, you'll face a fair amount of adversity out here, much like you do in prison, but if you survived prison, you'll survive this. I was a quieter, more introverted person in my youth, but this experience broke me out of it. If there is one thing Americans love, it is someone who beats the odds. You being a success story will inspire those who someday will be in your current place. Strength comes from surviving whatever society throws at me.

6. "Live to give!" We all will share this label, no matter why you were given the label. I don't care if you merely urinated behind a dumpster, had mutual relations with someone too young to consent, looked at illegal pics, or committed a hands-on offense. Society doesn't differentiate. There are agencies out there, including mine, working to change the system. Make helping them a priority, whether by donating (money, manpower or support) to their causes or even starting your own program. For example, I am collecting donations for the registrant homeless camp in Miami for Christmas. I'm accepting money, new underclothes, and hygiene products for them. As registered citizens, we should remember we are the "least o these" as the Bible would say, so we should look out for our own when it comes to charity.

7. "Choose to be happy." Happiness IS a choice for the most part. I can choose to lament the fact I'm living on \$753/mo and \$194/mo food stamps. But I have a roof over my head, foot to eat, and video games for entertainment (thank God for cheap used video games). Most of all, I enjoy receiving the letters and calls from people grateful for what little I offer. Also, the BEST REVENGE against your enemies is enjoying life even under the restrictions. They think we're not supposed to be happy! I go out and take pictures, go to events, travel, go out on dates and to dinners, and buy video games when I have the money to do so, and it drives the haters crazy. They want you to be miserable, not happy.

The bottom line is that you will decide how well you adjust to these restrictions, and my advice to you is to live your "best life" under these laws as possible as we work towards bettering the lives of all registered citizens.

TREATMENT CORNER: DENIAL, A SNEAKY DISTORTION by David E.

Denial isn't just a river in Egypt. It's also a cognitive distortion that resulted in many of my troubles. I denied the fact that my sexually deviant behavior was hurting anyone. I denied that I even had a problem and believed, erroneously, that I could stop anytime I wanted to and simply **CHOSE** not to stop. Was I a complete fool? In reality, my mind was playing one of its cleverest tricks to preserve its identity. The sneaky thing about Denial is that it imparted on me the illusion that I didn't even suffer from it. And, friends who cared enough to point it out to me were just fools or misinformed. Once I learned how Denial worked -- that my mind uses distortions such as Denial to protect my self-esteem by preventing me from seeing the impact of my harmful behavior on victims -- I began to recognize it when rearing its ugly head. After I was able to identify when and how I used Denial, I learned to challenge and squash it. (e.g. Using the self-talk, "My behavior does harm me & others, and I've had trouble stopping.") My successful recovery is in large part due to taking charge of this sneaky distortion known as Denial. By taking full responsibility for my deviant behavior and the true costs it has, I am finally making the positive change in my life that would otherwise have been impossible. Where is your Denial hiding?