

ICON CONSOLIDATED NEWSLETTER, 2023B (July to Dec 2023, #93-#98)

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 2023 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/RP (registered citizen/registered person, 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 11/30/2023

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” (YLOTL) 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/>

YLOTL is regularly updated. Visit [OnceFallen.com](https://oncefallen.com) (or have a loved one check it out for you) to see if a newer edition is available before ordering.

LEGAL ROUNDUP

State v. Corey T. Rector, 2023 WI 41, 5/23/23: Rector pleaded to 5 counts of CP in a single case, his only conviction. The sentencing judge placed him on the SOR for 15 yrs. The state appealed on the grounds any two or more convictions of registry-eligible sex offenses trigger mandatory lifetime registry. The WI Sup Ct ruled (4-3) that Rector is not required to register for life from multiple convictions stemming from a singular case.

Range v. US Atty Gen., No. 21-2835 (3rd Cir. 2023): In 11-4 ruling, Ct ruled the US gov't cannot ban people convicted of non-violent crimes from possessing guns, a federal appeals court ruled on Tuesday. The decision stems from a 2020 lawsuit by a PA man who was barred under federal law from possessing a gun after pleading guilty to welfare fraud. (Most sex crimes are considered "violent" but some may not be.)

Turner v. Smith, No. A164194 (Cal. Ct. App. Apr. 26, 2023): Held that parole officers are not required to knock & announce themselves in compliance with PC 1531 when making the rounds for parole compliance.

US v. Smith, Case 1:22-cr-00352-JSR (SD NY May 11, 2023): Ruled that a warrant is required for a cell phone search at the border, "absent exigent circumstances." "Border-search cases often refer at a fairly general level to the Gov't's interest in "the protection of the integrity of the border," which of course includes the Gov't's interests in preventing the introduction into this country of illicit substances or contraband...But despite the strength of this interest, it is hard to see how it applies to searches of the digital data contained on a traveler's cell phone. When the Gov't interdicts contraband, identifies goods subject to customs tax, or prevents someone from entering the country without authorization, it successfully stops a person or thing outside the country from unlawfully coming into it. But data stored on a cell phone is not like that -- it instead can & very likely does exist not just on the phone device itself, but also on faraway computer servers potentially located within the country. And, wherever the servers are located, the owner of a cell phone can generally access or share part or all of the data on it with anyone else in the world so long as both parties have an internet connection. Stopping the cell phone from entering the country would not, in other words, mean stopping the data contained on it from entering the country... Some courts have suggested that cell phones might contain so-called "digital contraband" such as explicit images involving the sexual abuse of children... Physical contraband, once interdicted, will not enter the country, whereas digital contraband easily could & very likely already has. But, in any event, no party seriously contends that the search of Smith's phone in this case was for "digital contraband," so the Court need not definitively resolve the precise extent of the Gov't's interest in interdicting digital contraband...Searches for evidence relating to a crime (such as the search here) require a warrant, because the Gov't's interest in obtaining evidence -- as opposed to interdicting contraband or other unwanted items or persons -- is not materially different at the border than elsewhere."

*As noted by the Electronic Frontiers Foundation, The 9th Cir in *US v. Cano*, 934 F.3d 1002 (9th Cir. 2019) held that a warrant is required for a device search at the border that seeks data other than "digital contraband" such as CP. Similarly, the 4th Cir in *US v. Aigbekaen*, 943 F. 3d 713 (4th Cir. 2019) held that a warrant is required for a forensic device search at the border in support of a domestic criminal investigation. These courts & the Smith court were informed by *Riley v. California*, 573 U.S. 373 (2014), where SCOTUS held that the police must get a warrant to search an arrestee's cell phone.

State of Montana v. Hinman, 2023 MT 116: The MT Sup Ct ruled the state's current registry rules are punitive & cannot be applied retroactively. (Note: This does NOT eliminate the SOR; it simply states the specific laws passed from 2007 onward cannot be applied to those convicted after those laws took effect. Those convicted before 2007 will likely still have to register; it will likely mean MT will simply have two

sets of rules, like the other states that made similar rulings, like OH.) The Court concluded there is a “growing body of research into the effectiveness of SORs has cast significant doubt on their capacity to prevent recidivism” & “the burdens & intrusiveness of SVORA have increased substantially through the subsequent amendments.” “We conclude that the SVORA structure in place since 2007 is punitive & therefore cannot apply retroactively under the ex post facto clause. Unlike the pre-2007 SVORA, the law today places onerous, life-long affirmative restraints on registrants that significantly hinder their liberty & deprive them of privacy. These burdens & the scope of information collected are excessive in relation to the civil regulatory goal. Criminal conduct is undisputedly the trigger for the registry requirements, & the registry itself, by design, implicates a host of collateral consequences & encourages social stigma. These characteristics are emblematic of criminal punishment.”

The People v. Superintendent, Woodbourne Correctional Facility, No. 47-opn-23 (NY Ct of App, 6/15/2023): NY Ct of App, state’s highest court, ruled the state’s Sexual Assault Reform Act’s (SARA) Executive Law § 259-c (14), i.e., 1000 ft residency restrictions applied to Lvl 3 or those w/ minor victims currently under supervision, doesn’t violate Ex Post Facto when applied to those whose crimes predated the 2005 amendments to SARA. In a separate ruling, *The People v. Superintendent, Livingston Correctional Facility*, No. 46-opn-23 (NY Ct of App, 6/15/2023), the same Court ruled this applies to juveniles.

FL – In 2016, Jared Stephens, a homeless & (untreated/neglected) schizophrenic man, attempted to walk out of a Best Buy w/ stolen laptop. When confronted, Stephens pulled a laptop out of his backpack & said, “Look, I have CP!” He then sat on the floor & looked at CP until police arrested him. Estranged from family & uttering gibberish in open court, Stephens refused to cooperate with his attorney & rejected a 3yr offer. He was sentenced to 150 yrs (excessive), but was recently reduced to 10 yrs + probation due to severe mental illness.

Fallen v. US, No. 19-0233 (D.C. Ct. App. 2023): SORA registration is a severe penalty sufficient to trigger the 6th Amdt right to a jury trial; SORA registration is enmeshed in the criminal proceeding; it is a direct, statutorily mandated requirement that follows from conviction & is ordered by the trial court that imposes sentence. The Court noted that extensive social science research has shown that registration & notification schemes impose serious negative consequences for RPs.

US v. Castellano, No. 21-4419 (4th Cir. 2023): Held that the Dist Ct abused its discretion in retaining a special condition prohibiting defendant from accessing or possessing porn. The Court noted the changed law established in *US v. Van Donk*, 961 F.3d 314, 323 (4th Cir. 2020), & *US v. Ellis*, 984 F.3d 1092, 1099 (4th Cir. 2021), which require the government to put forth “individualized evidence linking pornography to [Defendant’s] criminal conduct or rehabilitation & recidivation risk.” The Gov’t failed to offer any individualized evidence linking Defendant’s consumption of adult pornography & his risk of viewing CP.

Does #1-9 v. Lee, Nos. 3:21-cv-00590, 3:21-cv-00593, 3:21-cv-00594, 3:21-cv-00595, 3:21-cv-00596, 3:21-cv-00597, 3:21-cv-00598, 3:21-cv-00624, 3:21-cv-00671 (M.D. Tenn. 2023): The Dist Ct held that TN’s SOR scheme is punitive in nature so retroactive imposition of the statute’s amendments violates Ex Post Facto. However, in the absence of a putative class action & the “rigorous analysis” performed therein, the Dist Ct declined to grant injunctive relief to every individual currently subject to the statute based on offenses that occurred prior to its effective date, limiting relief to these plaintiffs.

Smith v. St. Louis County Police, No. SC99715 (Mo. 2023): Held the plain language of MO-SORA requires lifetime registration for both Smith & Ford (second applicant, as this case was consolidated with a similar filing) based on the interaction between MO-SORA & federal SORNA. “Thus, the registration requirement pursuant to §589.400.1(7) continues even after the individual’s federal registration obligation

pursuant to SORNA has expired because ‘the state registration requirement is based on the person’s present status as a SO who ‘has been’ required to register pursuant to SORNA.’” What this means is no matter what your tier level was, if you’ve ever been required to register under SORNA, the MO Sup Ct ruled that you’re required to register for LIFE.

Rick v. Harpstead, No. 19-CV-2827 (D. Minn. 2023): Petitioner filed for writ of habeas corpus under 28 USC 2254, seeking his release from MN’s civil commitment center based on newly discovered evidence. After holding an evidentiary hearing, a magistrate judge issued a Report & Recommendation recommending that the Court grant the petition based primarily on new evidence showing the risk of recidivism was much lower than previously understood. MN Dist Ct accepted the magistrate’s report & granted Petitioner’s habeas petition. The Court concluded that it is more likely than not that, considering the new reliable evidence that no reasonable jurist would have found by clear & convincing evidence that Petitioner met the standard for commitment & that Petitioner has shown that the alleged improprieties were so egregious that they fatally infected his commitment proceeding & rendered the proceeding fundamentally unfair. The state is appealing to the 8th Cir.

Clements v. Florida, No. 21-12540 (11th Cir. 2023): Held, as a matter of first impression, that FL’s registration & reporting requirements for SOs did not substantially limit registrant’s actions or movement; thus, registrant was not “in custody” within meaning of habeas statute. The court declined to substantively address Petitioner’s argument appeal that he is in custody in part due to the separate residency restrictions imposed by his registration status & by state & local laws.

Howe v Hughes, Case# 22-1368 (7th Cir. 2023): A USDC ruling found IL’s civil commitment program differed from professional standards & constituted a constitutional violation & issued an injunction. The injunction required IL to provide the plaintiffs with a minimum of 7.5 hours of core group therapy each week, reinstate inactive groups, & use independent evaluators for discharge assessments. 7th Cir reversed; the Court acknowledged that detainees receive minimal treatment, raising doubts about the realistic availability of rehabilitation & release, yet found that the USDC injunction went too far under the Prison Litigation Reform Act, 18 USC 3626(a)(1)(A), which mandates the use of the least intrusive means available to address constitutional violations.

Hopkins v Hosemann, No. 19-60662 (5th Cir 2023): In MS, some sex crimes (& other offenses) are grounds from permanent voting bans, but a 3-judge panel ruled that lifetime voter disenfranchisement is cruel & unusual punishment. This will likely be appealed to the full court. Of note, the 2 judges that struck down the law are Dems while the lone dissent is a Repub.

WI: The state began removing GPS from those convicted of a single offense but convicted on multiple charges. This is in response to *State v. Corey T. Rector*, 2023 WI 41, 5/23/23, which ruled that multiple convictions from the same act didn’t trigger lifetime registration; similar logic was used for both registration & lifetime GPS. The Cap Times reported on 8/8/23 that WIDOC began removing GPS from RPs convicted of multiple charges for the same offense; they had reported 625 RPs not under WIDOC supervision was on GPS but were unsure how many of them the new policy would impact.

Arnone v. County of Dallas County, Texas, No. No. 21-10597 (5th Cir. 2022): Denied a former TX prisoner’s damages claim for unlawful imprisonment after Dallas Co improperly relied on polygraph tests to keep him locked up 13 yrs after his end of sentence. The Court then noted that a *Monell v. Dep’t of Soc. Servs.*, 436 US 658 (1978), which allowed suits against local governing bodies for failing to train employees on the legal use of polys) requires three elements: “(1) a policymaker, (2) an official policy, & (3) a violation of a constitutional right who’s ‘moving force’ is the policy or custom.” The Court ruled Arnone was missing the first element. “Dallas County can be held liable only for those

[policies] decided or acquiesced to by a county policymaker,” When acting in their official capacities, though, both the county sheriff & DA were acting as agents not of Dallas County but of the State.

John Doe v. Mark Keel, No. 28170 (SC 2023): SC Sup Ct ruled that SC can post info on RPs who move out of SC. The Court claims the state has a “legitimate & fundamental interest in promoting the public health, safety & welfare of its citizens, regardless of imaginary boundary lines between states” & that an RP “could easily travel to & from SC at convenient times for licit & illicit purposes.” Over 8k RPs on the SC-SOR don’t live in SC.

Peter Nelson v. Town of Paris, No. 22-2435 (7th Cir 2023): Relying on the *Smith v Doe* 2003 ruling, upheld a lower court ruling (*Nelson v. Town of Paris*, 616 F. Supp. 3d 844 (ED WI 2022)), which had upheld a local 6500 foot residency restriction ordinance, but added, “But based on the record before us, we cannot conclude the same about Paris’s restriction prohibiting designated offenders from living within 6500 feet of each other,” & remanded the case to the lower court for “further factual development.” They also upheld the lower court’s dismissal of Nelson’s due process claim as they claim “the ordinance is rationally related to Paris’s legitimate interest in protecting children.”

People v. Hutchinson, #21CA1575 (CO App Ct, 8/10/23): An RP is labeled an SVP under CO Law if the defendant pursued a relationship with the victim primarily to abuse them sexually; it also requires judges to make specific factual findings when deciding whether to apply the designation. Although it was unclear whether Hutchinson did or did not fulfill all criteria, Distr Ct Judge Patricia Herron adopted the evaluator's findings "in full" without elaboration. "Mr. Hutchinson does meet the criteria for SVP & will be designated as such," she said. "I don't think I need to go through them each for the record at this time. If you want me to, I can, but I don't know that I really need to. I don't think I'm really required to." The CO App Ct overturned the designation because the evidence didn’t support such a relationship has been established (The CO AG office agreed) & "(G)iven the inconsistent statements in the presentencing report & evaluations, along with the district court’s vague reference to adopting the 'findings of the evaluator,' we can’t say with any confidence what the district court found." The case was remanded to the lower court to redo the ruling.

State v. Schilling, Slip Opinion No. 2023-Ohio-3027: Man was convicted in OH then moved to KY for a few years after being classified as a Tier 1. He then returned to OH but the Hamilton Co Prosecutor claimed the RP’s time on the registry is reset to day 1. OH Sup Ct ruled that the time spent on the registry in another state counts towards the total time spent on the registry when deciding the date an RP can apply for early termination.

Ex Parte Danny Richard Lane, 2023-wr-90-084-01-1 (TX Ct of Crim App 2023): Texas’s highest court in 6-3 decision ruled the state’s historical doctrine of “judicial clemency” does not forgive registry requirements. Lane was convicted in 1982 & completed 10-yr probation; in 1987, the trial court “set aside” Lane’s rape conviction through judicial clemency, which had provision that the offense could be considered if convicted for a future offense. Lane got a drug conviction in 1998. TX passed a registry in 1991 & updated it to make SOR for all offenses after 1970. Lane was then arrested for FTR in 2007 & again in 2017. Court ruled however, rejected that recommendation, finding that a duty to register can be terminated only for 2 reasons: the conviction requiring registration is reversed on appeal, or a full pardon based on proof of actual innocence.

State of Montana v. Richard Hinman, 2023 MT 116: Hinman was convicted in 1994. SVORA, known then as MT's SOR Act, required Hinman to maintain registration for 10 yrs. MT legislature amended SVORA in 2007, added more onerous steps & applied them retroactively. Hinman was charged with FTR in 2019. He appealed, arguing that the amended SVORA requirements rendered the statute an unconstitutional ex post facto punishment for his earlier crime. The MT Sup Ct reversed, holding SVORA

as amended is punitive in nature; the requirements brought on by those amendments could not retroactively be applied to defendants whose convictions predate the amendments.

LaCroix v State of Idaho, #CV01-23-07121 (4th Jud Dist Ct ID 2023) – ID agrees to pay \$319k under ID’s Wrongful Conviction Act for man wrongfully incarcerated for FTR & served 5 yr & 9mo. LaCroix was adjudicated as a juvenile of 3rd Deg sodomy in OR & shouldn’t have been required to register under ID law. Meanwhile, in VA, it was reported a man named David Kingrea served a year in jail & 12 yrs on the SOR for a crime he didn’t do & was recently exonerated, but only received \$55k as time on the SOR doesn’t count towards compensation. Kingrea is fighting for more \$\$; he considered his time on the SOR a “death sentence.” Kingrea told reporters, “I mean how much can a person take? It’s hard to put twelve years of terrorizing somebody.”

Cornelio v. State of Connecticut, No. 3:19-cv-1240 (JAM) (USDC CT, 9/14/23): Ruled that disclosure of online aliases chilled Cornelio’s ability to communicate freely & CT has yet to use the law to prevent or detect any criminal activity. Judge Jeffrey Meyer acknowledged that CT Gen. Stat. 54-251(a) & 54-253(b) do not bar anyone from speaking but agreed with Cornelio that the laws burden his 1st Amdt rights. "By compelling plaintiff to disclose to the state police all of his email addresses, social media accounts, & any other internet communication identifiers (such as the name he uses if he comments on an online news article), the law chills and inhibits his right to speak freely on the internet & to do so anonymously if he wishes." Note: This was NOT a class action suit so the ruling is only applied to Cornelio for now.

WA (9/8/23) –Jace Hambrick was arrested in 2017 after responding to a Vancouver detective’s post in the Casual Encounters category of Craigslist about a girl looking for someone to talk to about video games. Court records show the detective messaging Hambrick said multiple times they were a 13-yr-old girl before & after the conversation turned sexual in nature. Hambrick, then 20, expressed doubt that a 13-year-old would be posting on Craigslist, &, at one point, he said he thought the fictitious girl was joking about her age. Hambrick was arrested & convicted. He appealed on the basis of insufficient evidence & that his right to a jury trial was violated because he didn’t personally sign a waiver. The WA Ct of Appeals ruled his right to jury trial was violated due to lack of signature & conviction overturned (after he completed his sentence). On 9/5/23, A Clark Co Superior Ct jury acquitted Hambrick “attempted second-degree rape of a child & communicating with a minor for immoral purposes.” His story had previously appeared in a NY Times Magazine exposé entitled “Convicted of Sex Crimes, but With No Victims.” (Michael Winerip, 8/26/2020. Website link: <https://www.nytimes.com/2020/08/26/magazine/sex-offender-operation-net-nanny.html>)

MO – A MO man (Thomas L Sanderson) won a TRO against the state’s practice of forcing RPs to place signs in their yards on Halloween proclaiming there is no candy to be found there. On 10/27/23, Sanderson won a TRO in the US Dist Ct, ED MO, preventing the state from enforcing the No Candy signs, although other Halloween-related requirements – no handing out candy, no decorations, & turning lights off after 5pm – remained in place. The MO AG appealed to the 8th Cir, but was denied on 10/30/23. It should be noted that in recent years, placing signs in the yards of RPs have been declared unconstitutional. Perhaps most notably, last year’s *McClendon v. Long*, 22 F.4th 1330 (11th Cir. 2022) had ruled against a Georgia Sheriff, declaring signs proclaiming an RP lives at this address “compelled speech” and “not narrowly tailored.” The TRO is enforced for 14 days so it had prevented MO from enforcing the placement of the No Candy signs for Halloween 2023.

CHANGES IN THE LAW 2023

For those who have *Your Life on The List*, 3rd Ed., here are the notable changes to the laws I have found for 2023, so you may wish to make notes in your copy of the book to reflect these changes.

- AL: Added note that ALEA states it does not list juvenile or RPs that moved out of the state on the public registry.
- AK: Matanuska-Susitna (Mat-Su) Borough (equivalent of county) adopted an ordinance on 7/18/23 banning RPs from living 1000 ft. of schools, daycare facilities or public parks.
- AR: HB 1125/Act 35 (2023) banned RPs classified as Level 3 or 4 from buying, owning, or using drones (“unmanned aircraft”), with exceptions made for employment
- FL: Added note that FL passed a death penalty law for some sex offenses w/o murder element with consent of only 8 jurors, but failed to pass scarlet letters, car tag marks, & short term rental restrictions. Added note that “As of November 2018, there were 166 local residence restrictions in 48 Florida counties, including 29 county and 137 municipal ordinances.”
- GA: Under HB188 (2023), some RPs can be sentenced to lifetime probation & GPS monitoring.
- ID: SB 1105 (2023) changed the requirement extra-jurisdictional or “out-of-state” RPs from having an offense substantial to a registerable offense AND required to register in convicting jurisdiction to having an offense substantial to a registerable offense OR required to register in convicting jurisdiction.
- IL: Public Act 102-1133 (2023) now allows name changes under certain circumstances (marriage, religious beliefs, status as a victim of trafficking or gender-related identity; new name must be registered within 3 days.
- KY: SB 80 (2023) added a 1000 feet anti-loitering law and a prohibition on working a mobile business (i.e., a “roach coach” or mobile food cart) within 1000 feet of a list of prohibited areas, signed 3/27/2023 but these new provisions cannot be applied retroactively. Homeless RPs on paper must register every 30 days
- LA: HB135 (2023) Prohibits an RSO or child predator from serving as an election commissioner or election watcher
- MD: SB57 (2023) allows for certain offenses committed after 10/1/2010 to be subject to lifetime supervision.
- MN: HF 28 (2023-2024) allows RPs to vote after release from prison
- PA: added note that 42 Pa.C.S. §9799.25(f) and §9799.55(d) state that no more than five SVPs may live in a group-based home at any one time.
- SD: SB 76 (2023) allows RPs who are eligible to be removed from the registry in the conviction state to petition SD courts for removal from the SD registry; the petitioner must provide a certified copy of the final order from the convicting jurisdiction removing the offender from the registry of the convicting jurisdiction; if denied, the RP can reapply in 2 years.
- UT: HB 146 (2023) added parks, playgrounds, and swimming pools maintained, operated, or owned by a homeowners' association, condominium project, or apartment complex to list of prohibited areas
- WA: SB5352 (2023) allows LEAs to chase those who they believe to be under “reasonable suspicion” violent offenses, sex offenses, vehicular assaults, escapes, assault involving domestic violence, and DUI.
- WA: Under ESHB 1394/ 2023 Laws Ch. 150, juveniles now register for less time
- WI: Added a notice that the WI Sup Ct upheld kidnapping w/o a sexual element as a registerable offense in *State of WI v. James W Smith*, 2010 WI 16. Added note that WIDOC is removing GPS monitors specifically to those who were required to wear GPS due to multiple convictions from the same offense in response to *State v. Corey T. Rector*, 2023 WI 41, 5/23/23. Residency restrictions were unsuccessfully challenged in *Nelson v. Town of Paris*, 616 F. Supp. 3d 844 (E.D. Wis. 2022), which upheld a local 6500 foot residency restriction ordinance. Added notice under residency

restrictions that In addition, many local ordinances may include what is known as an “original domicile restriction,” meaning you cannot move into the municipality UNLESS you had resided in that municipality before your conviction.

TRAVELING & VISITING NATIONAL PARKS

Summer is usually when people think about vacations. RPs are not completely banned from traveling but there are some places that are not friendly to us. First & foremost, if you plan on taking a trip, you must consider registration, proximity restrictions, & residency restriction laws before traveling. For example, if you plan on renting a car & camping at a public park, you may be required by your state to register the vehicle & the location you plan to camp. You may even have to make an itinerary. Check with your registration officer before you make plans.

Many private businesses may institute rules denying services to Registered Persons. As noted in the travel chapter, the Six Flags & Disney World (FL) theme park, & Carnival, Royal Caribbean, & Norwegian Cruise Lines all ban RPs from entry. Hotels & motels have not banned RPs from renting a room unless banned by a state or local law. However, Airbnb, the most well-known “short-term rental” company (i.e., “time-shares” & those who rent out rooms or houses in residential area for short term leases) prohibit RPs from using their services. In recent years, states have also attempted to pass laws to block RPs from using other short-term rental services, though few attempts have been successful. I cannot find any credible reports suggesting anyone has been denied car rentals due to registry.

Park bans in certain states may preclude you from entering state parks; but state & local laws do not apply to national parks, national forests, national grasslands, national monuments, national recreation areas, national refuges, & federally managed reservoirs. Even though the Property Clause of the US Constitution says that the federal government will regulate its own lands, these same federal agencies “made the choice” to allow state & local laws to apply. Currently, 5 of the 6 agencies that manage federal recreation lands do this:

- **Bureau of Land Management** allows state & local laws to apply. 43 CFR §8365.1-7 (“includes, but is not limited to...”)
- **Army Corps of Engineers** allows state & local laws to apply. 36 CFR §327.26 (“includes, but is not limited to...”)
- **U.S. Forest Service** requires its officers to cooperate with state officers in enforcing state laws. 36 CFR §211.3. (Note: The statute only mentions enforcement of “fire, game, & health laws.”)
- **Bureau of Reclamation** allows state & local laws apply to its l&s & recreation areas. 43 CFR §423.3 (“This part & all applicable Federal, State, & local laws apply to all...”)
- **U.S. Fish & Wildlife** allows state & local laws to apply to its wildlife refuges. 50 CFR §25.13 (“Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.”)
- Only the National Park Service remains true to the Property Clause of the U.S. Constitution & forbids state & local laws from applying. This should mean that you can visit a national park even if located in a state with park bans in place.

(Source: <https://www.boondockersbible.com/knowledgebase/do-state-and-local-laws-apply-to-federally-managed-lands/>)

WHAT IS A DAY?

Speaking of travel issues: If I ask you to define a day, what is your answer? For most of us, we think of a day as a 24-hour period, or a “calendar day,” presumably, 12:00am to 11:59pm. When planning a trip, this question becomes more convoluted. I do everything I can to make my registry guide as accurate as possible, but oftentimes I’m as confused by the language of poorly written law as you are.

In FloriDUH, you’re required to register when at a “place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year, & which is not the person’s permanent address.” But FL doesn’t define day. In 2022, SB 1932 would’ve defined “day” to include physical presence in any location for “part” of a day. So, if you arrived at 11:59pm, checked into a hotel, then clocked out the next morning, Is this one day or two? When does the time start? Are they going by calendar time to check-in time? Thankfully, SB 1932 failed to pass, but FL law is still vague & confusing.

TN’s is worse; visitors must register within “48 hours” of entering state (The TN SOR Office states that time begins from the moment you cross state lines but not counting weekends/holidays starting at midnight; but their online FAQ states time begins when you establish “a physical presence at a particular location”). See TCA §40-39-202. Under §40-39-203(a)(1) the law says you must register “Within forty-eight (48) hours of establishing or changing a primary or secondary residence, establishing a physical presence at a particular location...” So does the time start the minute you enter the state, or the moment you establish a physical presence? & why even mention establishing a residence at all if just being present in a location starts the clock?

In IL, their FAQ notes that visitors are required to register if they spend more than 3 total days in a calendar year in the state at ANY location, & will be placed on the state registry (4th day triggers registration).

It seems people want to ask everyone else but the agency that determines when you have to register. I get it, I hate talking to registry officers, too, but if you plan a trip after your release, the only place you can get definitive answers is by contacting the registration office & ask them about visitor’s policies.

RURAL VS URBAN: WHICH IS BETTER?

Recently I was asked which I felt was better for an RP to live, in a city or in the country? In the 20 years since my release, I lived in Cincinnati OH (city pop. 300k, metro pop. 2.8 million), Sheffield AL (pop. 9k; total metro area incl. Muscle Shoals, Florence, & Tuscumbia of about 80K), & now 3 miles outside the village of Tobias (pop. 100). Thus, I’ve lived in a big city, small town, & now I live in the middle of nowhere.

When speaking only from personal experience, I’ve been treated the same way in all three locations. I have personally experienced few problems with people saying derogatory things about me. When I moved to AL for a year I already knew where I could legally stay because my GF’s father worked for the city & thus knew where RPs lived in the area. When I moved to Tobias NE, it was to stay with a fellow activist. Thus, I cannot offer much from my personal examples moving to places outside Cincinnati for comparative purposes. In AL, the nasty things people said behind my back did eventually reach my ears but I had no direct problems from neighbors. When I lived in OH, I lived mostly in low-income, high-crime areas.

I experienced difficulties in seeking housing & employment while in OH. Living in an urban area means more jobs, housing, & programs assisting with but, but it never translated to less difficulty finding help

for jobs & housing. In 2003, OH passed a 1000 foot residency law & I was forced out of one residence. It took 7 months & 131 housing contacts before I found a new home. But in 2010 the OH Sup Ct ruled residency restrictions can't be applied retroactively, so when I needed to move again in 2014, it only took 3 weeks & 34 contacts to find three potential housing leads.

My experiences with employment weren't much better. Despite having a Bachelor's degree, the only job I ever had after my release & before collecting SSI were 2 grocery clerk jobs; the first took 7 months to find, the second took two months to find. I was fired from both after people used my registry status against me. Now that I collect SSI, I refuse to consider working again.

The only time I've ever had any struggles with registration were when I'd visit my mom in AL before moving there. It did feel like urban cops were less judgmental than those in rural areas, though none ever investigated threats made against me. But the only threats I've received in relation to my status are from anonymous online people.

Your Mileage May Vary. In 2016 I conducted a survey of 307 RPs. Of the 303 respondents, 46 (15.18%) responded "I live in a rural area, The Boonies, the Sticks, the Middle of Nowhere"; 39 (12.87%) responded "I live in a small town (less than 10,000 people)"; 86 (28.38%) responded "I live in a midsize town (10,001 to about 100,000 people)"; 84 (27.72%) responded "I live in an suburban area in a major city (100,000+ people)"; & 48 (15.84%) responded "I live in an a downtown/ urban area in a major city (100,000+ people)." The results of the survey shows that RPs are only slightly more likely than the general population to reside in a "rural area" or a small town.

According to my survey, RPs living in rural areas or towns with a population under 10,000 (rural) are MORE likely than registrants living in urban areas/ cities with more than 10,000 residents (urban) to own their own home (41.48% rural vs 29.95% urban), be classified as a Tier 3/ "High Risk" (25.3% rural vs 18.14% urban), be unemployed/ retired/ disabled/ not in the labor force (50.59% rural vs 38.7% urban), have been denied employment (93.67% rural versus 85.71% of urban), lost a job (61.64% rural vs 56.5% urban), & have relied on public assistance (60% rural vs 50.69% urban). Registrants living in rural areas or towns with a population under 10,000 are LESS likely than registrants living in urban areas/ cities with more than 10,000 residents to identify as an anti-registry activist (47.06% rural vs 54.63% urban) or have been listed on the registry for over 10 years (37.65% rural vs 45.41% urban).

RPs living in states that post at least some degree of employer information on the public registry are MORE likely than registrants living in states that do not list any employer information publicly to live in rural areas (39.02% do vs 20.9% don't) & be unemployed (52.85% do vs 34.69% don't). Registrants living in states that post at least some degree of employer information on the public registry are LESS likely than registrants living in states that do not list any employer information publicly to be employed full-time (26.83% do vs 35.75% don't) & experience homelessness (22.31 do vs 27.68% don't). Listing employer information has a significant impact on employment rates & "good job" rates of RPs.

We could speculate some patterns in these stats are the result of certain residency, proximity/presence restrictions, &/or employment restrictions.

I believe most benefits & drawbacks are common sense. Urban areas have more housing, jobs, & other resources compared to rural areas. The drawback is these housing & job opportunities may be closed to us due to local laws. The other benefits not tied to our status include more & better resources, better public transportation, & more things to do. Drawbacks not tied to our status include higher crime, pollution, noise, traffic, & heat (cities are hotter due to more concrete/asphalt & less trees). Rural areas may have less resource agencies, jobs, & housing leads but the tradeoff is less chances of running afoul of residency

or proximity restrictions, & less crime, noise, & pollution that is associated with urban areas. Rent may be cheaper in rural areas but if you do not own a vehicle, you will likely not survive in a rural area.

The bottom line is that it is up to you to decide what is more appealing to you. But in my experience, there have been advantages & drawbacks to living in any environment.

TIER LEVELS

Recently, I was asked how experiences differ depending on tier levels. Sometimes I forget that what is routine to me will be a new experience for many of my readers. I have been working under the assumption that my readers understand or can ascertain through common sense that there is at least somewhat of a difference between those on lower tiers than those on higher tiers. Even in a state like Florida, which has lifetime registration requirements for all RPs, there is still a difference between those classified as “offenders” versus those classified as “Predators.” For example, FL requires all RP’s State IDs/DLs to be marked, but offenders’ IDs are marked with the code, whereas predators’ IDs are marked with the term “Predator” in bold letters. Many states have special rules that only apply to those on higher tiers; for example, IA only applies 2000 foot residency restriction laws those classified as Tier 3.

My own personal experience at least provides an anecdotal example of the differences in treatment as a lower-tier RP versus treatments as a higher-tier RP. In 2003, I was released from in AL state prison. I immediately moved to OH. When I explained my offense to the registry office, they had determined I was a Tier 1 RP. As a Tier 1, I would only be required to register once a year 10 years & then I would’ve been removed from the registry. Even as a Tier 1, I experienced many hardships. I struggled to find employment, ultimately settling on a grocery clerk job making \$6/hr after a 7 mo. search. One of my worst experiences was being interrupted in the middle of a job interview by a person I never spoke to before, told me that she already told me she would never hire me & to get out of the building immediately or be arrested.

In 2005, OH had decided that because I came from a state lifetime reporting requirements, I would be reclassified as a “Predator” (Tier 3). This meant that I would now have to register every 90 days or the rest of my life, plus I was subject to community notification. Days after my first registration after classification, all my neighbors received a postcard in the mail my face, personal information, my offense type, & notice that I was a “Predator.”

A few days after my reclassification, a woman I have been dating ended communication with me (“ghosting” in the current parlance); she later told me her reason for not seeing me further was because I was classified as an “SVP”. Someone began putting complaints about me at my place of employment. After I began my role as an Anti-Registry activist, a vigilante group posted my name & information, emphasizing that I was classified as a “Predator.” At times, I am falsely accused of being a “pedophile,” which has become the go-to “ultimate insult” in our current culture; other times I am falsely accused of pushing to decriminalize age of consent laws, or as said in common parlance, “normalizing pedophilia.”

I received legal assistance to fight my reclassification. I was sent to a court psychologist who gave me the STATIC-99 & the MMPI-2 (a personality test). He determined I was at low risk for re-offense but that I had anger issues. During my reclassification hearing, I discovered that a psychologist performing a routine evaluation on me a year prior to my reclassification placed a note in my records claiming that I had an attraction to minors. I disputed that in court. Ultimately, the judge ruled against me; the judge had blatantly stated that he had seen many RPs argue their low risk & went on to reoffend. He ignored the test showing me as a low risk. Treatment strategies like “avoiding triggers” were interpreted as not accepting responsibility or “minimizing.” This ruling was appealed, but the OH App Ct also ruled against me,

stating that those convicted outside of the states have the burden of proof of disproving they are predatory. How can anybody possibly disprove a negative?

Unfortunately, unless someone explicitly states that they targeted me specifically because I was classified as a Tier 3, as the ex-girlfriend or the reclassification judge had done, it is hard to tell if the discrimination I faced over the years was the result of anti-registry activism (I never hide my status online), my status as a Tier 3 RP, or simply the fact that I am a Person Forced to Register. That is not to say I was oblivious to differences based on Tiers; for example, some housing options in my resource page only accept lower-tier RPs.

Based on what I've read, others have had similar experiences. I believe there is a lot of ignorance in the general population. Having a job as a "professional" does not necessarily mean one can put away personal biases & animus towards RPs.

I think that most LEAs, or at least the ones I have interacted with, largely understand the registry scheme is largely a "dog & pony show." The act of registration in itself becomes routine after a couple of registration periods. By now, I have probably registered over 100 times when you take into account any time I had to move or take an extended trip in addition to my regularly scheduled registration periods. After a while, the registration officer recognizes me. Soon as I walk in the door, he immediately grabs the one page registration form & asks me if there are any updates. While the act of registration in & of itself isn't overly difficult (at least after the initial registration, which is similar to the experience of being "booked" for crime), it is the principle of having my life revolve around registration every 90 days until the day I die that fills me with anger.

When it comes to the general public, however, I believe most people do not understand or care about the Tier system. Many people believe that RP = "Convicted Pedophile." Not many people take the time to understand the difference between Tiers. You may face discrimination based solely on your inclusion on the registry. The bottom line is yes, the Tier you're on will make a difference, at least in some circumstances.

PHILANTHROPY AS AN RP

Philanthropy is defined as "the desire to promote the welfare of others, expressed especially by the generous donation of money to good causes." Many RPs have a desire to "give back" to the community for many reasons, including penance for past wrongs or simply to improve the lives of others. I suggest you consider the cause you choose to support. Here are a few examples of problems donating to charity for those convicted of sexual acts:

Rapper Tekashi 6ix9ine pled guilty to the "use of a child in a sexual performance" in 2015. The crime, which occurred when he was 18, involved a videoed a 13-year-old girl engaging in a sex act with another man & posted it online. He was charged as a youthful offender, receiving probation & avoiding the registry. Despite the fact he's not on the SOR, a charity called "No Kid Hungry" refused a \$200k donation from the rapper; insider.com listed his conviction as the reason for the decline.

In 2011, a person convicted of a sex offense in Ontario in 1990 bought the naming rights for \$150k through a fundraiser for a local ballpark in Amherstburg, Ontario, but protests & public outrage pressured local authorities to rescind the offer.

An October 2022 article by Emily Singer in the American Independent proclaimed that Republican Gubernatorial candidate Kari Lake received "hundreds in donations" while attacking her political opponent, stating, "Convicted sex offenders are coming into this country through our open southern

border & @katiehobbs can't be bothered to care." The article listed the names of the 8 donors w/ donations ranging from a mere \$10 to \$275, along with description of offense & link to registry flier.

Perhaps the most famous RP philanthropist was Jeffrey Epstein. Epstein donated to many prestigious universities, hospitals, & Jewish charities. Businesses like MIT continued to quietly accept large donations from Epstein after his 2008 conviction; after a report published in the New Yorker magazine, MIT claimed the donations were "anonymous." Other charities publicly distanced themselves or denied receiving money from Epstein after his death.

Harvard Law School professor Lawrence Lessig wrote a paper describing 4 types of donors. Type 1 donors are people "who are wealthy & whose wealth comes from nothing but doing good." Type 2 are corporations who may do good or harm. Type 3 are people "who are criminals, but whose wealth does not derive from their crime," arguing that institutions could accept donations from these people on the condition of anonymity, which would prevent the donors' purchasing tacit absolution through association with prestigious institutions. Finally, Type 4 donors are those whose money should always be refused, "people or entities whose wealth comes from clearly wrongful or harmful or immoral behavior. After the MIT fallout, Lessig states that institutions should not accept money from Type 3, either.

Martin Morse Wooster, in a 2020 article published in Philanthropy Today, wrote, "Unlike Lessig, I don't have a comprehensive list of who should & shouldn't be able to donate to colleges. But if a level 3 SO offers to give money to your school, just say no."

If donating your time, you are required to register volunteer work as you would a paid position, & some volunteer jobs still require a background check. Another concern is even if a charity accepts you, a disgruntled employee or customer could out you. If the media covers your volunteer work, it almost always leads to being fired or pressured to resign. A 2018 article in WJAC 6 in PA reported that a volunteer firefighter resigned after the media outed him as an RP, adding there are no laws preventing RPs from serving as firefighters & local lawmakers stating the Fire Dept. has discretion to decide if they wish to hire an RP.

Media coverage is never positive even when it tries not to be negative. In a 2015 article entitled "Volunteer work helps SO deal with past, build a future", reporter John L. Smith of the Las Vegas Review-Journal covered an RP who worked as a handyman & volunteered to transport food to charities in his spare time. (Notice the use of the term "s*x offender" in the headline, as this is a common occurrence when reporters write stories about a specific RP.) Smith wrote:

"And hearing his story, how can you fail to laud Means' selfless efforts on behalf of others, most of them strangers? Perhaps it's only when you're reminded that Means, 62, served nearly a dozen years for sexually assaulting a family member that your opinion changes. It is in that moment, I trust, that you go through the conflicting emotions I experienced recently when I learned how Means was spending his days. Most of us like to think of ourselves as forgiving souls — even compassionate & merciful, but I have to admit when I reread some of the articles about Means I felt revulsion & suspicion."

You must also reconsider supporting charities that refuse services to RPs. In 2015, the Dream Foundation, a charity that provides a "wish" for terminally ill veterans, initially granted a wish to a dying vet in Ohio, & the story made the Dayton Daily News. A few vigilantes outed the vet as an RP & the Dream Foundation rescinded the wish. In a response letter to my own complaint, the Dream Foundation responded, "...the overwhelming feedback that we have had from the community in Ohio where this situation occurred did not feel the same way...One of the first complaints on the website of the TV station was in fact a very strong objection to the dream delivery from another veteran who served." It was later

confirmed it was primarily the work of the Montgomery Co Sheriff's Office, who leaked the registry info to WKEF 22.

I hope that my readers with altruistic tendencies consider concentrating their resources to best serve charities that directly benefit RPs & their loved ones. There are many ways to help fellow RPs besides sending money to an activist group. You could consider doing things to directly benefit an RP. You could buy books for prisoners, rent a room to an RP, or pass along helpful resources like housing & job leads. You could start a local RP support group. RPs have more needs & less resources than any other Returning Citizen. You only need to think outside the box.

SMART TECH

As we continue to integrate "smart" technology into every device imaginable, it is no surprise that "Smart TVs" are now the norm. Smart TVs are TVs that allow access to the Internet &/or have integrated hardware to allow access to a cable service or Internet streaming service (like Netflix) w/o use of a box. Some Smart TVs even have USB Ports so you could view files downloaded from a computer & placed onto a USB drive. This could potentially cause problems should you be among the unfortunate ones who are banned from using the Internet while on post-release supervision (probation/parole, etc.).

I've never heard a single story of an RP being denied access to a Smart TV. In fact, as more devices are becoming "Smart", like home appliances & automobiles, it is becoming difficult to buy modern devices that are not connected to the Internet in some way. Still, there may be the rare occasion that an RP on paper gets a PO &/or judge that sees Smart TVs as a threat & winds up with a ban.

Some of you may have other common concerns with all these "Smart" devices. The government might not be using Smart TVs to spy on private citizens, but some private companies collect viewing habit data to sell to advertisers. Other concerns by consumers include additional ads running on the devices when not watching TV & Smart TV software becoming obsolete in a few years.

Unfortunately, finding a "non-smart TV" or a "Dumb TV" is becoming increasingly difficult, & options are rather limited. Most Non-Smart TVs you will find on store shelves are >40" & not in 4K resolution, though a few larger TVs with higher resolution are available. Major Retailers like Walmart, Best Buy, & Target still sell some Non-Smart TVs, though many will be brands you may not recognize, like Sceptre, Supersonic, or Caixun. (Best Buy, for example, has its own "Insignia" brand.) One option may be buying older TVs from a thrift store or garage sale.

While this does not seem to be a major issue at the moment, it could become an issue if someone ever commits an offense through internet access via Smart TV & it makes headlines. In the near future, it will become virtually impossible to buy a car or home without dealing with "Smart" technology. You will face similar problems finding cell phones w/o internet access ("dumbphones") since even these types of devices often have cameras on them, which may make them off-limits as well. Technology is constantly changing & the law (& Predator Panic) eventually catches up to new tech.

Regarding cell phones, there is a company called Light Phone that sells cell phones w/o internet. As described on their website ("<https://www.thelightphone.com/>), The Light Phone II is a premium, minimal phone. It will never have social media, clickbait news, email, an internet browser, or any other anxiety-inducing infinite feed. It's an experience we call going light. It's a phone, it calls & texts. There is a customizable menu of simple tools, & a dashboard website to manage everything. There is a headphone jack, bluetooth, & it can be used as a personal hotspot." The screen is in black & white, similar to certain eBook readers like Amazon's Kindle. Service plans start at \$30/mo. If you buy their service plan but the phones are "unlocked," meaning can be ported to any service that utilizes 4G service, which is virtually

all major carriers. For those who are unaware, most budget services run on major carrier networks; for example, Straight Talk Wireless, a budget service sold at Walmart, runs on the Verizon Network, while Metro PCS runs on T-Mobile's network. So this Light Phone may be useful for those who are banned from owning phones with internet access.

For now, there is still a chance that you may endure an internet or social media ban IF you are "on paper" (probation, parole, supervised released, etc.). Unfortunately, the *Packingham v NC* 2017 SCOTUS ruling, which unanimously upheld the right of RPs to use social media & the Internet, did not address those on paper. The conservative wing of SCOTUS wrote in their concurring opinion they were open to upholding a ban for those on paper. While most courts are applying *Packingham* to those on paper, some have ruled against those on paper particularly where the Internet/social media was used in the commission of the offense. So for now, it is important to keep up with the latest in "smart tech."

On a related note, the potential death of "physical media", i.e., DVDs, Blu-Rays, CDs, video game cartridges and discs – could be a huge problem should the practice of banning RPs under supervision continue without SCOTUS intervention. In 2024, it has been reported that Best Buy will stop selling physical copies of movies, & Walmart plans to quit selling Xbox games. However, movie & game sections at many major retailers have shrunk for years. In recent years, buyers have been moving in greater numbers to "streaming services" for both movies & video games. While all major retailers have games & movies for sale, they generally have a far larger selection of them online than in the stores. Thankfully, you'll still find movies in abundance at second-hand stores & video games at used game stores, & both at flea-markets, yard sales, or other used item sales events.

But if an RP is banned from the Internet while on paper, that person can't use such services. It will be years before this fully impacts RPs on paper & by then, hopefully the issue of banning RPs on paper from Internet services has been resolved.

NEWEST SCAM ENCOURAGING VIGILANTES

I really hope this does not become a widespread scam because it encourages vigilante violence.

(Source: Logan Jennes. "Scammer urges North Carolina residents to 'bring in sex offenders'." Fox 8 WGHP in NC. 10 Oct. 2023. <https://myfox8.com/news/north-carolina/scammer-urges-north-carolina-residents-to-bring-in-sex-offenders/>)

"The Caldwell Co. Sheriff's Office received multiple calls from residents regarding a scam. People say they have been contacted by someone claiming to be an officer from the Lenoir Police Department. The scammer is telling residents that some SOs are violating their SO requirements. Residents are being told they'll receive a \$5,000 check if they bring the SO into the Caldwell Co. Sheriff's Office. Law enforcement will never ask private citizens to take someone into custody, officials said..."

FAC GETS A RARE FLORIDUH WIN

Rarely do I get the chance to share good news, especially out of the worst state in the USA, FloriDUH. I hope this encourages more of you to consider joining activism efforts upon release. While this impacts a single county, it is still a victory only attainable through dedicated & educated activists.

SOURCE: "How two county coordinators were able to make changes for the better in their county sex offender ordinance." Florida Action Committee, 7/31/23. Edited for brevity.

A FAC county coordinator found out about the Hernando ordinance on 2/2/23, by reading the Hernando Sun newspaper. A Call to Action was posted by FAC on 2/5/23.

The county proposed the following:

- Would prohibit RPs from residing within 1000 feet of schools, daycare centers, playgrounds, public libraries, religious institutions, nursing homes, & long-term care facilities.
- Would not allow RPs to participate in any practice or event, including, but not limited to, any event related to a nationally or locally recognized holiday or seasonal event, if such practice or event is primarily targeted toward non-familial children. There is also wording on the wearing of costumes, make-up, & masks.
- Posting of “No candy or treats here” signs at the residences of RPs on Halloween.
- No displays for any nationally or locally recognized holiday or seasonal event or practice are to be visible from the exterior of the residence, if such displays are primarily targeted to lure a child.
- Cannot enter or remain within the 1000-foot buffer zones surrounding schools, daycares, etc.

In the words of the above-mentioned FAC member & county coordinator: The ordinance had already passed on 1/24/23, but the article did not say this. So, I called my Co. commissioner, John Allocco, on 2/3/23. He texted me back on 2/5/23. From then, until 4/21/23, I was in ongoing contact with my co-coordinator in Hernando Co & Comm. Allocco through calls & texts. I also reached out to the Hernando Co Sheriff’s Office for clarification regarding the ordinance but was often told they “couldn’t provide legal advice.”

Finally, my co-coordinator & I met with Comm. Allocco about the ordinance on 4/21/23, sharing our concerns, mainly that the Halloween sign part of the ordinance had already been declared unconstitutional based on the 11th Cir ruling from Jan. 2022. We also shared our concern that the 1000-foot buffer zone around nursing homes & assisted living facilities would bar me from visiting my father (a 26-year Army veteran) if he had to live in one of these facilities. As well, my co-coordinator & I discussed about allowing RPs to attend other activities in the buffer zones. Comm. Allocco allowed us to suggest new language for the ordinance. As we wrapped up the meeting, Comm. Allocco said he would look into possible changes.

In late May or early June, I texted Comm. Allocco to see about the changes. He said legal was looking into it. Sunday, 7/9/23, I received a text from Danell in Indian River Co telling me the Hernando Board of Co. Commissioners would vote on amending the ordinance to remove the Halloween sign language.

On Monday, 7/10/23, I contacted the sheriff’s office to notify them of my intent to attend the county commissioner’s meeting on July 11 (24-hour notice as per the ordinance), & went to the sheriff’s office on July 11 to verify I was good to go.

At the meeting on 7/11/23, the BOCC dramatically changed the ordinance with the following: removal of the registration fee & Halloween sign language; changing the buffer zone language from “may not enter or remain within a 1000-foot buffer zone of certain places” to “may not loiter or prowl within a 1000-foot buffer zone.” Specific allowances to “visit a relative in a nursing home facility, ALF, or hospital” were added.

From FAC leadership: Because of the tenacity of two FAC members, who happened to also be county coordinators, an ordinance which could have been unbearable for the people required to register in Hernando Co became a little more bearable until the day comes when all laws & ordinances that go with the registry are finally taken down.

RPs in Hernando Co are far from having all the draconian restrictions placed on them from being completely removed, but they have made a good start. This was accomplished by just 2 people speaking up. We also saw this past spring how the FL Legislature was pressured into letting certain bills die. This was accomplished by the many people in Florida & throughout the country who contacted our legislators through calls, emails, & the US Mail to oppose these punitive bills. We are just beginning to see the power in numbers grow & the resulting positive effects. Every email/call gets heard & tallied. Every respectful conversation with an elected official is an excellent opportunity to change a mind about our community. YOUR EFFORTS DO MAKE A DIFFERENCE!

MEASURING SUCCESS

At the end of every year, I try to write something to encourage my readers. It is not easy, as there's far more bad than good to report. I try not to talk about myself in these newsletters but I hit what I believe to be a positive milestone. I was released 20 years ago on 4/1/2003. Yes, April Fool's Day. The other prisoners joked the COs would take me to the gate, creak it open, slam it shut, say "April Fool's, go back to your dorm, inmate!", but obviously that didn't happen.

On my last "SOs Anonymous" meeting before my release (the only thing offered resembling treatment), I got to offer my testimony. I was given a prisoner-made card signed by the SOA members; on the front was a cat latching on to a rope with the inscription, "Hang in there, Derek!" But one person said that he felt I'd be back within 3 years, not because I'd reoffend, but because the odds are stacked against me. By 2002, Alabama already had 2000 restrictions from living or working near schools plus strict registration & community notification laws.

Initially, a church volunteer had secured me housing in Pensacola FL, but a new director came in & decided he didn't want to take in an SO. I'm in need of housing 5 days before my release date & AL law at the time wouldn't release SOs w/o a home plan; some were even getting charged with FTR for failing to secure housing. But one ministry in Cincinnati OH took me in. I spent a year in that home but was eventually pushed out & was homeless for about half a year. It was during my time spent at the library looking for online resources for RPs that I discovered a small group of people fighting the registry. Despite having a Bachelor's in Justice Studies w/ 3.6 GPA, my only post-release jobs were grocery clerk jobs. I lost both when people made a fuss about my registry status. On the upside, after losing my second grocery clerk job, & was finally granted SSI. At least I'd have a roof over my head.

I didn't come out of prison half-cocked & ready to fight the system. I just wanted to stay low profile, work, & come home & relax. When I moved to OH I was classified Tier1 based on my offense but 2 yrs later, was reclassified as a Tier3 "Predator" because AL makes all register for life. They also declared a sleeping room I was renting that was pre-approved by the Sheriff's Office was within 1000 ft of the "Life Skills Center," a GED program for ages 16-22. I fought my reclassification (w/ help from an atty) & residency laws (w/ help from online activists), but lost both court battles in 2006.

I found a new apartment but as soon as I moved in, the city looked to increase restrictions. I had noticed after I testified, it emboldened other to speak out against the ordinance. The ordinance passed, but a grandfather clause was added & a park ban removed from the ordinance thanks in large part to my efforts. It was this early success which inspired me to turn my focus to anti-registry activism. I was told I was a good writer, so I had written a book I called Once Fallen, which was one-part bio & one part condemnation of the registry laws of the time. I had tried to find a traditional publisher but none would publish my book.

In Dec 2007, this fledgling movement held a public rally against the AWA in OH, the first successful public protest by anti-registry activists. This led to the formation of the anti-registry groups you see today like NARSOL, ACSOL, or WAR. A few days after the event, I created the website OnceFallen.com comprised of info I had written about over the past year as part of my book & the residency law fight.

I haven't had the greatest success with dating. I had a couple of relationships that lasted under a year. The registry played a role in at least some of the failures. I moved back to AL for a year in 2009 to try to reconcile with my ex-wife but moved back to OH after that didn't pan out & she used my registry status against me. After returning to OH, I focused on growing OnceFallen.com by writing new articles every month. There was a 2 year period I never went on a date; it was hard to find dates even online. Eventually I started getting some recognition for my website & started getting interviewed by the media several times a year.

The act of registering in itself becomes routine, though I hate the principle of it. For me, finding housing & jobs were the hardest parts of post-release life. The first time I tried finding a place to live in 2004, I lucked out with my first call, the aforementioned sleeping room. When I was forced to move in 2006, it took 7 months & 134 phone calls before I found a new apt completely by chance (by seeing a sign as I was returning from the law library). When I moved to AL, my ex-wife had already known where RPs lived in the city so I didn't struggle to find a place. When I returned to OH, I had left behind a roommate from the apt I had found in 2006 & he still had my room open so I moved back in. In 2011, OH declared residency laws were unconstitutional. So when I needed to move again in 2014 (due to gentrification), it only took me 3 weeks & 34 calls to find 3 potential apts.

I chose to focus on public events like protests in an attempt to generate interest in anti-registry activism, but it never truly panned out. These events only gathered between a half-dozen to about 75 attendees. Over the years, I have faced death threats, SLAPP suits, & even false charges brought against me for daring to speak out against the registry. I even suspect the fire at my apt in 2019 was part of the effort to silence me. Now I reside in NE at a home owned by an activist. I live with my current GF. She is a fellow anti-registry activist & so I never had to explain my registry status to her. We've been together 7 yrs now.

I have also grown the OnceFallen brand over the years. Ever since I formed the website in 2007, people have reached out to me. But after starting the ICoN upon the suggestion & donation by David E. in 2015, I have reached a new audience. I went from a few letters a year to having roughly 1500 ICoN subscribers & hundreds of people reaching out to me each year. I'm now 2 newsletters away from hitting issue #100. Your Life on The List has become the definitive registry survival guide, & I helped get the first Anti-Registry Activist Handbook created & published.

However, I don't make money as an activist. I'm still on SSI & have no home or car of my own. It doesn't take much to make me happy, however. I do have a roof over my head, food to eat, a good woman to share my life with, & a life away from the registry. My immediate needs are taken care of, for now at least.

So let me ask you this—what IS success? Do you count me as a “success story” or not? One the one hand, I am satisfied with my life. It is a simple life. I don't need a lot of material things to make me happy. Where I feel dissatisfied is how I feel my efforts haven't led to results I want. When I organize a rally, there should be more than 75 attendees, because it is estimated there are over 1 million persons impacted by the registry. I've been out 20+ yrs w/o committing a new crime. I've been in the media as an activist & run what I consider to be a successful website but I'm an old man's heartbeat away from experiencing homelessness. I've been homeless & lived in slums & can't afford anything better. I still do not have a driver's license so I'm dependent on public transportation. I experienced years of being alone but have

been in a relationship for 7 yrs. While I'm seen by some as a major player in the anti-registry activist front, the other groups mostly treat me like crap & don't support me. So is this a "success" or not?

Success is a relative term. It is easier to measure another's success than one's own. How you measure your own success is up to you. What do you want out of life & can you reasonably achieve it while plastered on a public registry? Thank is something only you can answer for yourself.

NEW RECOMMENDED READING

From Rage to Reason: Why We Need Sex Crime Laws Based on Facts, Not Fear Hardcover (June 30, 2023) by Emily Horowitz (Amazon Price: \$65)

Details: Analyzing sex-offense laws & false claims, this book shows that laws based on vengeance rather than justice or evidence create new forms of harm while failing to address the real & pervasive problem of sexual violence.

In this timely & extensively researched book, sociologist Emily Horowitz shows how current sex-offense policies in the US create new forms of harm & prevent those who have caused harm from the process of constructive repentance or contributing to society after punishment. Horowitz also illustrates the failure of criminal justice responses to social problems. Sharing detailed narratives from the experiences of those on registries & their loved ones, Horowitz reveals the social impact & cycle of violence that results from dehumanizing & banishing those who have already been held accountable.

From Rage to Reason offers a new perspective on how & why false claims about sex offenses became so pervasive & how these myths fostered ineffective policies that have little to do with the reality of most sexual abuse. It argues that to truly prevent sexual abuse, we must unearth the sources of these misunderstandings, debunk these claims in a systematic way, & have frank & genuine discussions about the limits of legal responses to complex social problems.

Comment: I know the book is expensive but if you can obtain a copy it is extremely helpful when you read it along my own book. Emily uses real stories from RPs & their loved ones, discussing jobs, housing, travel, harassment, impact on loved ones, & the animus that drives SOR legislation.