**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) #101**

**MARCH 2024 – “TOO MUCH HOPE” vs “NO HOPE”**

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

NOTE: I’d like to remind my readers that if you have a question, even if it is a response to things I have written in this newsletter, PLEASE send it to me in a separate email. There is a 13k character limit to emails on my end, & that includes previously published items you’re replying to. So if my newsletter is 12k characters & your reply is 800 characters, that leaves 200 characters – letters, punctuation, & spaces—to respond. I have over 1500 subscribers. The time it takes to scroll through a long list of names is tedious & I don’t have the time to write everything down when responding to multiple emails. So if you want a question answered, make a new email, don’t hit reply to this email to ask me a question.

**LEGAL ROUNDUP**

*People v. Thai*, 90 Cal.App.5th 427 (2023): CA changed to a 3-tiered registry in 2021; those listed as Tiers 1 or 2 can petition the courts for removal from the lifetime registry after 10yrs or 20yrs, respectively. (You’re not automatically removed; you must apply for removal.) In this case, an appeal from a denial of removal, the Court ruled that if a hearing is requested, the People have the burden of producing evidence establishing that community safety would be significantly enhanced by requiring continued registration. In this case, there was no re-offense in 24yrs & the prosecutors failed to provide evidence treatment was not completed.

*People v. Franco*, #B324852 (Cal.App.2nd, 2024): CA opposed a petition for removal from the registry for an offense from the 1980s, chiefly on the ground that one of Franco’s offenses, if prosecuted today under a statute enacted 21 years after his conviction, would render him ineligible to petition for removal from the registry. But, because the trial court otherwise gave the “egregious” nature of the underlying crime controlling weight while giving no weight to the factors bearing on the now-75-year-old Franco’s current likelihood of reoffending, the court reversed the trial court’s denial of registry removal.

IA - Cherokee Co Dist Ct Judge dismissed a $2.25 civil suit filed by Jeff Goodwin, which had claimed that Shannon Sanders, the former clinical director of the Cherokee Civil Commitment Unit for SOs, initiated an emotional affair with him in 2019. The lawsuit was dismissed with prejudice on procedural grounds. “While there is no doubt that there are some lines which the mental health professional should not cross, this court does not know where they are or whether Sanders crossed them.”

**BILL WATCH**

* ID: HB515 was quickly introduced & passed the ID House; this bill allows death penalty for non-murder “lewd & lascivious conduct” against a minor under age 12. ID defines lewd or lascivious conduct to include, but not limited to, any combination of genital, oral, anal or manual contact. Rep. Bruce Skaug, R-Nampa, co-sponsor of the bill, stated on the “There are times when things are so wicked that retribution is appropriate.” Like FL, the intent is to challenge the Kennedy v. Louisiana 2008 SCOTUS ruling banning death penalty for offenses not including murder. State Rep. Josh Tanner, the other co-sponsor, added “Idaho needs to be like Florida & lead out in this & go, ‘We’re here to protect these kids’.”
* KY: Last month’s reporting on KY HB67 contained a typo; the bill, if passed, will expand statewide living restrictions from prohibited areas (high school, middle school, elementary school, preschool, publicly owned or leased playground, or licensed daycare facility) from 1000ft to 3000ft, not reduce it to 300 feet; SB249 will require those w/ a criminal offense against a victim who is a minor to display their full legal name on social media platforms (which will lead to being kicked off some platforms)
* MS: Under current law, 7 CONSECUTIVE day stays are considered establishing “temporary” residence, 14 days considered “permanent” residence. HB1004 will change the word consecutive to AGGREGATE (total); as it doesn’t specify an aggregate time frame, it is implied 7 total days/yr for establishing a temporary residence & 14 total days/yr for a permanent residence.
* TN: HB1617 & SB2630 would amend TCA Titles 39 & 40, Ch. 39, Part 2, to extend the period of time following termination of active supervision on probation, parole, or any other alternative to incarceration, or discharge from incarceration without supervision after which an RP may file a request for termination of the requirement to register from 10yrs to 15yrs.
* WA: HB2093 failed to advance out of the Community Safety, Justice & Reentry Committee. It would have placed additional regulations on where “less restrictive alternatives” (LRAs, essentially a transitional home) for those deemed “high-risk” & placed in civil commitment can be placed upon release. It would have increased restrictions to “locations where the public is known to congregate” & all LRAs must be run by the state.
* WY: SF92 introduced; SF 92 would bar RPs w/ offenses involving a minor victim from applying for or accepting any paid or unpaid position requiring him to interact primarily with coworkers under age 18, or under 18 customers who aren’t accompanied by their parents. If the bill passes, RPs affected by it could petition for a court order exempting them from its ban.

**“TOO MUCH HOPE” vs “NO HOPE”**

I have been working on this newsletter for 9yrs now, my website for 15yrs, & anti-registry activism for 20yrs. A pattern has developed amongst my readers. Many of my readers tend to fall into two categories:

The “No Hopes” are people who are overly pessimistic & think there is no change of having any semblance of life while on the registry. No Hopes tend to fall for rumors of states abolishing the registry & obsess over finding “legal loopholes” & argue points of law to explain why they are the exception to registry rules. Of course, the law is the law & debating me doesn’t change what the law says. You have to convince the government that you don’t have to register, not me.

By contrast, the “Too Much Hopes” tend to ignore any negative news & downplay the severity of the laws or how difficult life can be on the registry. Too Much Hopes think the laws surely aren’t as bad as it sounds &that I’m simply being “too negative.”

On a 2/8/2024 post on the all4consolaws.org website titled, “Janice’s Journal: Glimmers of Hope,” ACSOL rep Janice Bellucci writes,

. “There are glimmers of hope on the horizon for registrants & their families. Most of that hope is based upon recent court decisions. However, one piece of hope comes in the form of a recently published newspaper article…One form of hope comes from a recently published newspaper article about a person charged with shooting & killing another person. The headline of that article identified the suspect in that killing as a parolee. It was only upon reading the full article that the suspect was also identified as a person required to register. I take hope from this article because I have read many articles in the past identifying the suspect in a case as a “sex offender” even when the crime in question did not involve a sex offense. The most egregious example of that was an article about a person who burned trash in his backyard in violation of a city ordinance.”

An RP was murdered, but the silver lining is that ONE news outlet didn’t refer to the murder victim as an “SO”. Yet others called the victim SO or worse, the dreaded P word. But then the ACSOL article continues by pointing out the opposite, an RP was cited for unauthorized burning of trash & labeled as an “SO” by the news media. So am I merely a pessimist because I fail to see this “glimmer of hope?”

On the other hand, seeing one media outlet not emphasize the murder victim’s status is a small positive. After all, in recent years, there has been some discussion regarding the use of the term SO in therapeutic settings. In Nov. 2021, I made news for speaking during an online open meeting of the COSOMB. The move to stop using the term SO only within the treatment program was up for debate. The “SO” in SO Mgmt Board would have to be changed by an act of the CO legislature. But that move was opposed by victim advocates & prosecutors, which comprised a third of the COSOMB, & I was blasted by conservative media for daring to say the term SO is inappropriate & offensive. I even got a mention on right-wing late night show hosted by alleged “comedian” Gutfeld, where he called me a “creep.” So it is at least understandable why some folks would see even one media outlet being mindful of hateful language.

I suppose that your outlook on life will determine how you see the ACSOL statement. My significant other & I that while optimists see the glass as half full & pessimists see the glass as half empty, realists know the glass is always full of something but the contents are debatable.

Most of ICoN’s readers have yet to experience life on the list. My book, Your Life on The List (YLOTL), & the ICoN is a collection of news stories & topics of interest for those who will eventually free from incarceration & have to live life as a Registered Person (RP). I’ve stated multiple times YLOTL & the ICoN is “Your Mileage May Vary” (YMMV). Some of you are going to struggle while living under a myriad of laws that restrict you from living, working, or visiting at certain places. You may or may not be allowed to have visits with your children or attend certain events or take them certain places like the fair. You might not be allowed to travel or go on a cruise or the county fair or a museum. You might face harassment, vandalism, assault, or even an attempt on your life. You experience, all, some, or none of these things. YMMV.

I’ve had contact with many who have made lives for themselves & even thrived in states at the top of my “worst states” list, while others have struggled & fled states I’d consider the least onerous states for an RP to reside. There are some RPs living in a tent or under an overpass, but others have very good jobs, a house, a family, & a good quality of life. YMMV.

Think of YLOTL & the ICON in the same way you may think of a CPR training class. You may never have to perform CRP on a person having a heart attack or had just been pulled out of water, but it doesn’t hurt to have that knowledge in the event of an emergency. But there is one thing that my readers must accept – unless you are exonerated, or your conviction was before your state had a registry a state that doesn’t apply the registry retroactively (which is very rare), or you have the money to move out of the US upon your release from incarceration, you will register for at least a few years upon release.

Unfortunately, most news is negative. I don’t try to sugar coat news stories like NARSOL & other advocacy groups tend to do. They may report, for example, that someone filed a lawsuit, but not report on the result of the lawsuits, because most lawsuits fail. Most new legislative bills are negative; they seek to increase restrictions or create new restrictions on the lives of RPs. There are few people willing to speak out against these bills so many pass w/o opposition or though. (Often, you’ll hear that such legislation is a “no-brainer,” which is true in the sense that no brains were involved in drafting such legislation.) I don’t take any pleasure in being the bearer of bad news, but blowing smoke up your ass isn’t going to prepare you for life on the list.

I can’t tell you what to think or how to feel, but in my opinion, I believe you should live by the philosophy of hoping for the best but being prepared for the worst. Make reasonable preparations. When you are having feast years, be sure to save for famine years. Not every hardship we face is the result of the registry. The economy, political climate, & our environment impact our lives whether we’re on a registry or not. But we have many hurdles that other Returning Citizens do not face.