

ICON CONSOLIDATED NEWSLETTER 2024A (Jan-June, #99-#104)

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 06/29/2024

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 of Utah v. Valdez (2023 UT 26): The UT Sup Ct ruled that prosecutors violated a defendant's 5th Amdt privilege against self-incrimination when they presented testimony about his refusal to give police the passcode to his cell phone. Verbally telling police a passcode is "testimonial" under the 5th Amdt, & that the so-called foregone conclusion exception does not apply to "ordinary testimony" like this. While not involving a SO case, this may be helpful for defense.

NJ – Gov. Phil Murphy vetoes Bill S524 ScsSca (SCS/1R), which would've expand an intervention program to divert some nonviolent criminal defendants to mental health programs, with Murphy recommending lawmakers bar SOs from the bill. Lawmakers narrowly passed the bill along party lines (Dems in favor, Repubs against.).

PR – It is difficult to get accurate info from the US Territories. When I created the 1st Ed of Your Life on the List, I had previously covered territory laws in previous ICoNs. In 2019, Puerto Rico (PR) has changed their laws. Visitors are now required to register upon arrival & will be placed on the public registry. Those with a "specified offense against a minor" cannot reside within 500 feet of any elementary, intermediate, or high school, or a child day care establishment duly certified & licensed by the corresponding agencies. 4 LPRA §536b. This will be noted in the next edition of the book.

SCOTUS – Denied an appeal in *Clements v. Florida*, No. 21-12540 (11th Cir. 2023), which had held, as a matter of first impression, that FL's SORN did not substantially limit registrant's actions or movement; thus, registrant was not "in custody" within meaning of habeas statute. The 11th Cir 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.

Wismer v Stancil et al., Civil Action No. 22-cv-3217-WJM-SKC (USDC CO, 11/03/2023): Ruled Wismer did not sufficiently allege the CO DOC committed a constitutional violation by repeatedly de-prioritizing him for treatment & keeping him incarcerated beyond his parole eligibility date. "While the Court acknowledges that it must be endlessly frustrating for Plaintiff not to have a date certain on which he will receive treatment, he has not alleged facts showing an arbitrary or capricious scheme that rises to the level of a substantive due process violation." The litigation implicated two connected issues: CO's SO Lifetime Supervision Act of 1998, which authorizes indefinite sentences up to life, & a backlog of people awaiting treatment in the DOC. According to a DOC report from Dec 2023, 828 people were newly incarcerated for sex offenses in the past fiscal year; only 156 entered treatment, & more than half of staff positions in the treatment & monitoring program are vacant.

Henry v. Abernathy, Case 2:21-cv-00797-RAH-JTA (MD AL, 1/10/2024): Henry filed a challenge in federal court to AL Code §15-20A-11(d)(4), which prohibits adult RPs convicted of a "sex offense involving a child" from conducting overnight visits or residing with any minor, including their own children. (AL defines "reside" as spending even 4 hours in a place for three consecutive days & "overnight" as merely being present in the home between 10:30pm-6am.) "The Court concludes §15 20A11(d)(4) directly & unduly burdens the fundamental right to the 'care, custody, & control' of a parent's own children & is not narrowly tailored to achieve the State's compelling interest in protecting the health & safety of minors...The 'fundamental right' 'of parents in the care, custody, & control of their children is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.'" The Court concluded the AL law is not narrowly tailored as it applies to ALL w/ offenses against minors w/o hope of relief.

The People v. Brown, No. 83opn23 (NY Ct of App, 11/21/2023): Brown stole money at gunpoint from his aunt in the presence of his 10-year-old cousin for which he pleaded guilty to, inter alia, the unlawful

imprisonment of the child. Under NY law, this was a registerable offense despite NY's SO court finding that the offense was not sexual in nature. NY's highest court overturned the registry requirement. The Court indicated today's awareness of the "loss of liberty" & stigma of being on a registry is substantially different than when it made a ruling upholding a similar case, *People v Knox* (12 NY3d 60 [2009]). The Court further cited that being on a registry is a "determination of status that can have a considerable adverse impact of an individual's ability to live in a community." The Court considered this case a violation of due process & vacated the individuals requirement to register. More importantly, the Court deemed this ruling "compelling justification" to set a new precedent for this situation moving forward.

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 million 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."

CO: The CO Bureau of Investigation (CBI) released the findings of the investigation into Yvonne "Missy" Woods, which concluded Woods' handling of DNA testing data affected 652 cases between 2008 & 2023, including posting incomplete results in some cases. A review of her work from 1994 to 2008 is also underway, according to the CBI. "This discovery puts all of her work in question, & CBI is in the process of reviewing all her previous work for data manipulation to ensure the integrity of all CBI laboratory results. The CBI brought in third-party investigative resources to protect the integrity of the inquiry."

In the Matter of Rashid Laliveres, No. COA 23-742 (NC Ct of Apps, 2/20/24): Upheld registration requirement of an RP from NY; RP argued that registration shouldn't be required because attempted offenses are not included in the definition of a reportable conviction in NC statutes, but N.C. Gen. Stat. §14-208.6(4)(b) specifically states registration in NC is required if required to register in another state.

State of Iowa v. Kadin Jeffrey Miller, Op. No. No. 22-0903 (IA Sup Ct, 3/8/24): Overturned registry requirement for conviction for 1st deg harassment after posting his ex's nude pics online after a breakup (aka "Revenge Porn"). IA Code §229A.2(10) defines "sexually motivated" for inclusion on SOR as the commission of a crime for "the purpose of sexual gratification of the perpetrator of the crime." The State couldn't prove beyond a reasonable doubt the offense was sexually motivated.

US v Hay, No. 22-3276 (10th Cir 2024): While this case doesn't involve an RP, it is important because it concerns our privacy rights. The 10th Circuit upheld a KS conviction of 10 counts of stealing gov't

property & 6 counts of wire fraud as part of a scheme to defraud the VA by exaggerating his disability. As part of its investigation, VA agents installed a pole camera across the street from his house to film his activities for 68 days straight. “Mr. Hay had no reasonable expectation of privacy in a view of the front of his house...As video cameras proliferate throughout society, regrettably, the reasonable expectation of privacy from filming is diminished.” LEAs have been reportedly acquiring footage from Ring cameras (a private doorbell camera made by Amazon connected to the internet) w/o search warrants to obtain footage of suspects for years. (Amazon claims they no longer do this.) This could become problematic for PRs concerned about being targeted for gov’t surveillance. There are other surveillance companies that provide cameras using mobile phone data instead of WiFi, such as Arlo or Reolink, but there is no guarantee these are not subject to warrantless searches as well.

Kopf v. Kelly, 2024 IL 127464: IL Sup Ct upheld registry & determined that residency restrictions aren’t facially unconstitutional but remanded an “as applied” challenge; evidence of low re-offense rates & 20 years of no further arrest is “irrelevant” (there are times when the legislature’s judgment in drafting a statute “may be based on regional speculation unsupported by evidence or empirical data & is not subject to judicial fact-finding”); challenger didn’t convince the court that residency restrictions violate a fundamental right; living restrictions do not, for example, prohibit an RP from “living with his family in a residence consistent with the statute” or the “right to intrastate travel”; restrictions only needs to pass the “rational basis” test; residence restrictions may be ineffective but aren’t irrational, because “it is reasonably conceivable that preventing child SOs from residing within 500 ft. of a home day care where children gather will protect children.” Residence restrictions aren’t proven punishment because it “does not resemble the historical punishment of banishment, does not resemble imprisonment, is not intended as retribution, bears a reasonable relationship to the rational non-punitive purpose of keeping children safe from child predators, promotes a reasonable method of accomplishing that goal, & is not excessive to its purpose.” Court was not convinced that the registry scheme violated procedural due process or ex post facto, stating that is an issue for the legislature rather than the courts; the Court relied on the precedent established by *Smith v Doe*, 538 US 84 (2003), which upheld the public registry as regulatory. Court also said the right to live where one pleases is not “fundamental” because it “is not ‘deeply rooted in this Nation’s history & tradition’ or ‘implicit in the concept of ordered liberty’ such that ‘neither liberty nor justice would exist if [it] were sacrificed.’”

Montoya v. Jeffreys, No. 22-2791 (9th Cir. 2024): ruled that the IL DOC may not outright ban parents who are RPs from speaking on the phone to their children while they are on supervised release; the Court determined this violates substantive due process. The gov’t may implement call monitoring to minimize the risk of abuse as an alternative to the ban.

Harper v. Glass, Case 4:21-cv-00085-RH-MJF (ND FL, 3/25/2024): Ruled FS §943.0435(4)(a), which requires FL RPs to register both with the sheriff’s office & the Dept. of Highway Safety & Motor Vehicles (“DHSMV”) if they stay in any other location 3 aggregate days/yr, is unconstitutional only to the extent it (a) requires an RP to report in person to the DHSMV a change of “permanent” or “temporary” “residence” that is not either a change of address of the kind that all holders of state ID/DLs must report or a change of the RP’s home or a change of the place where the registrant habitually lives, & (b) requires a RP to “provide confirmation” that the RP has reported such information to DHSMV. FS §943.0435(4)(a), in all other respects, & §943.0435(7) are constitutional on their face & as applied to the plaintiff & do not violate the ex post facto clause. Court declared FS §943.0435(4)(a) to make an in-person report within 48hrs to the FDHSMV applies only to a change of home address (where one lives), & not to a temporary in-state residence. For in-state temporary residences, instead of going in-person to the DHSMV, people registered as sex offenders must report only to the sheriff’s office. Furthermore, they will be able to do so online, not in person. The order directed FDLE to make online access for in-state travel reporting available within 60 days. The order does NOT change the requirement under FS §943.0435(7) that RPs report in-person at least 48hrs before establishing an out-of-state residence (even if

only visiting). Court ruled that out-of-state travel is governed only by subsection (7) of FS §943.0435, not subsection (4)(a).

US v Payne, No. 22-50262 (9th Cir. 2024): While the case didn't involve an RP, this concerns privacy rights. Payne was accused of a drug offense while already On Paper; police forced Payne's hand onto his phone to bypass the "biometric lock" (i.e., software allowing the use of a fingerprint to bypass a traditional password) to access the phone, which had incriminating evidence. Court panel held that the CHP officers did not violate 5th Amdt (self-incrimination); the compelled use of a biometric to unlock an electronic device was not "testimonial" because it required no cognitive exertion, placing it in the same category as a blood draw or a fingerprint taken at booking, & merely provided the CHP with access to a source of potential information. The panel held that, despite the language of a special search condition of Payne's parole, requiring him to surrender any electronic device & provide a pass key or code, but not requiring him to provide a biometric identifier to unlock the device, the search was authorized under a general search condition allowing the suspicion-less search of any property under Payne's control under CA law. But note this applied specifically to the case involving someone on parole.

Does v. Lee, et al., No. 23-5248 (6th Cir. 2024): The entirety of TN's SOR cannot be thrown out because a handful of requirements may be unconstitutional, vacating an injunction granted by US Dist Judge Aleta Trauger & asked the judge to tailor relief for a class of RPs to target only the registry requirements that do not pass constitutional muster. Gov. Lee was dropped as a defendant but the AG (Rausch) can still be sued.

McGuire v. Marshall, Case No. 2:19-CV-174-WKW-JTA (Mid. Dist. AL, N. Div., 5/23/24): Upheld loitering prohibition, State ID/DL marks, & the dissemination of personal information on the AL public website, but under the proper construction of ASORCNA's definition of "reside" & "overnight visit," Alabama's residency provision violates 1st Amdt because it is substantially overbroad on its face. "While the residency provision does not explicitly address speech or expressive conduct, it clearly regulates expressive conduct 'necessarily associated with speech'", as AL's law places 4 hour time limits on being anywhere that's in a prohibited zone.

LEGISLATIVE BILL UPDATES

Starting Jan. 2024, I started reporting on numerous legislative bills. Below are the bills mentioned in the newsletters and the status as of 6/29/2024:

(Terms: Never advanced: Never had a hearing; Failed to advance in time: was favorably advancing but did not pass before legislative deadline, so it may reappear next season; Died in committee: Time expired without a committee advancing the bill to the chamber for a full vote; Passed: Signed into law)

- AL: HB222 will ban RPs from working/volunteering as fire/medical First Responders (Failed to advance in time); Introduced HB452 to ban RPs on supervision from having PO boxes & electronic media, & could require treatment that includes polys (Never advanced); AL: HB81 prohibits those with offenses involving minors from obtaining pardons. (Passed)
- AZ: SB1236 would force many classified as Tier 1s (low-risk) to be listed publicly if convicted as an adult (Passed)
- CO: SB 118 would impose mandatory minimums for individuals convicted of SO, mandating that they serve 75% of their sentence before becoming eligible for parole. The bill would allow offenders deemed "low-risk" to complete sex offender treatment within the community instead of prison (Died in committee)

- FL: SB1230/HB1235 is a repeat of last year's confusing bill that defines day for purposes of registration as including "any part of a calendar day", reduces reporting for international travel to any period of time rather than 5+ days, & makes each incident of failing to report any changes a separate felony. (Signed as CS/CS/HB1235)
- 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'." (Failed to advance in time)
- KY: HB67 will expand statewide living restrictions from 1000ft to 3000ft (Never advanced); 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 (Passed)
- LA: St. Tammany Parish Council advanced an ordinance requiring RP housing providers require landlords to limit occupancy to one RP per 1000 sq ft of property report criminal activity on their properties, pay a \$5k annual fee to the parish, buy insurance that covers up to \$1 million in liability, provide 24/7 supervision on site, erect a 6ft "privacy fence" around the properties, & other restrictions. (Passed); SB371 would allow mandatory surgical castration for offenses against those under age 13 (Passed); HB166 would require RPs to have forced vasectomies (failed to advance in time)
- 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. (Passed)
- OK: SB1890 would prevent ALL RPs from having ANY contact with ANYONE under age 18, even their own children. (Never advanced); HB3992 will require those convicted of offenses against minors to serve 100% of their sentences & make those sentences LWOP (failed to advance in time)
- SD: SB 91 looks to expand residency restrictions to include PRIVATE playgrounds parks, pools, and playgrounds (failed to advance in time)
- 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. (Failed to advance in time)
TN: SB1587 will require parent who willingly leaves a child alone with a RP convicted of an offense involving a minor is guilty of a Class A Misdemeanor. TCA §39-15-401 (Passed); SB2630/HB1617 would extended period before requesting removal from registry from 10yrs to 15 yrs after finishing a sentence, i.e., incarceration, probation, parole (Died in Committee); HB1663/ SB1834 allows the death penalty (or Life, or LWOP) for certain sex offenses against minors without a murder element. (Passed)
- UT: Passed SB11 allowing police to report if an Internet ID/Phone # is tied to a RP
- WA: HB2177 changes "SO policy board" to "sex offense policy board" and would allow an actual RP act as a representative on the board; HB 2178 would allow Lvl2&3 to petition for registry removal after 10 or 15yrs if they remain crime-free. (Died in committee); HB2093 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 (died in committee)

- WI: SB874 will reinstate lifetime GPS for cases stemming from multiple counts for a single event. It is retroactive to 2017 & can be applied even to those previously released from registration duties or weren't previously required to register for life for offenses stemming from multiple counts for the same offense (Passed)
- 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. RPs affected by it could petition for a court order exempting them from its ban if passed (Did not advance in time)
- Federal: HR6382, the "Stop S*xually Violent Pr*dators Act" will "End federal taxpayer funding for SVPs outside of correctional or secure medical facilities" & "Require states to report all convicted SVPs to the DOJ for review of potential federal charges." (Has not advanced but could since federal legislators meet all year long))

Multiple states have introduced or passed laws banning "Artificial Intelligence" (AI) or computer-generated sexual images, or at least those derived from actual minors, as well as sexual dolls w/ "child-like" features (below is only the ones I found so far, & other states passed such laws last year). This means that upon your release, you should be mindful of the things you view or buy online.

- Bills banning AI images based off a living minor: ID (HB465/HB575), IA (HF2243; HF2240 for adults), IN (HB1047), UT (HB238)
- Legislation banning ALL computer-generated sexual images of minors: KY (HB207), TN (HB2163)
- Bills banning sexual dolls w/ "child-like" features: KY (HB207), WI (SB371)

NEWS BRIEFS

Here are a few noteworthy headlines:

FL – Lake Co. sought the death penalty in the case against Joseph Giampa, who has been charged with 2 counts of s*xual battery upon victims under the age 12 & 3 counts of promoting a s*xual performance by a child. This was the first case in the state to seek a capital conviction since the law went into effect in July 2023. Ultimately, Giampa pleaded to a lesser charge, thus avoiding the death penalty.

IN – Anderson IN resident Adam Kinnard was arrested for multiple counts of arson after setting fires at the residences of multiple RPs. Court documents detail that Kinnard told investigators that "he was tired of all the child molesters that were out on the street" & that he had used his cell phone to research where RPs were registered & then targeted these reported RPs by setting fires on their property.

DOJ – Released their July 2023 report SORN in the US, Case Law Summary. (Link: <https://smart.ojp.gov/case-law-summary-july-2023.pdf>) This report is 141 but may be useful for those who research legal ruling on sex offense laws.

CAN RPs BE BANNED FROM CASINOS?

Some states DO have laws that could preclude RPs from entering gambling establishments. For example, the NJ Casino Control Act (NJSA 5:12-71) provides for the establishment of a list of persons who are to be excluded or ejected from any licensed casino, such as career or professional offenders, cheats or criminal offenders. But NJ's doesn't appear to have anyone on the banned list due to registry status.

I have found a singular instance of a RP being banned from casinos, but his case involved a person convicted multiple times of assaulting women & forcing women into prostitution at Las Vegas Strip resorts. This is an outlier; LV's ban list is typically reserved for organized crime & those cause engaging in cheating/fraud. No other reports could be found that suggests that RPs are banned from casinos or any other kind of gaming resort. So this does NOT appear to be an issue of concern, but keep in mind that this relies solely on media reports. As with any private business, casinos can refuse services to us without consequence.

INSURANCE & TRAVEL SERVICES SURVEY RESULTS

From July 2023 to Nov. 2023, I conducted a survey to gauge experiences of RPs & applying for insurance. I also asked a few questions about travel services like hotels, vehicle rentals, & travel tickets. Out of the 271 respondents to the survey:

Insurance Types: Life, 95 applied, 20 (21.05%) were denied due to status, 7 (7.37%) paid higher rates; Health, 199 applied, 3 (1.51%) were denied due to status, 1 (0.5%) paid higher rates; Home, 164 applied, 9 (5.49%) were denied due to status, 6 (3.66%) paid higher rates; Car, 247 applied, 13 (5.26%) were denied due to status, 10 (4.05%) paid higher rates; Renter's, 63 applied, 3 (4.76%) were denied due to status, 0 (0%) paid higher rates; Umbrella, 55 applied, 1 (1.82%) were denied due to status, 2 (3.64%) paid higher rates; Disability, 39 applied, 4 (10.26%) were denied due to status, 0 (0%) paid higher rates; Long-Term Care, 19 applied, 0 (0%) were denied due to status, 1 (5.26%) paid higher rates

Vacation/Travel: Vehicle Rental, 195 applied, 4 (2.05%) were denied due to status, 3 (1.54%) paid higher rates; Hotel/Motel, 222 applied, 13 (5.86%) were denied due to status, 0 (0%) paid higher rates; Short-Term Vacation Rental (Air-BnB, home/chalet rentals), 106 applied, 58 (54.72%) were denied due to status, 1 (0.94%) paid higher rates; Travel tickets (plane/train/bus, etc.), 188 applied, 6 (3.19%) denied service, 0 (0%) paid higher rates.

Anxiety: About an equal number of Respondents (46.49%) reported feelings of anxiety at the prospect of applying for insurance as those who reported not feeling anxiety (47.6%); Nearly three times the number of Respondents reported feelings of anxiety with travel plans (69.39%) than those who reported not feeling anxious (26.57%); Nearly two out of five Respondents (39.11%) reported that they rely on a person NOT listed on the registry to make travel arrangements to avoid potential problems in planning travel.

Certain types of insurance are seemingly harder to obtain for Registered Persons than other types. The most difficult insurance to obtain by far was life insurance, followed by car insurance & home insurance. While a number of insurance agencies, both national & regional, were cited only once or twice, the United Services Automobile Association (USAA), an insurance company primarily for veterans, was by far the most cited company that denied service to RPs.

While relatively few problems have been reported obtaining travel tickets, vehicle rentals, & hotel/motel rooms, over half of RPs who applied for "short term vacation rentals" (i.e., rentals under 30 days of houses, rooms, or other properties that are not established hotels/motels) were denied. While numerous companies were cited as denying services, Air BnB, followed by most cruise lines, were the most cited companies that denied services to RPs. Most RPs who had problems with hotel room rentals were staying for extended periods of time.

RPs & their loved ones still experience high levels of anxiety when applying for insurance or vacation/travel services, with travel issues causing more anxiety than insurance. While nearly half of Respondents (46.49%) stated they experienced anxiety over seeking insurance, nearly seven out of ten

(69.37%) experienced anxiety over travel plans. Nearly two of five Respondents (39.11%) stated that when the RP applies for Insurance or Travel Services, they rely on a non-RP, (spouse, family member, or friend, or even a travel broker) to cover for them.

The short answer is a few RPs were denied insurance, most often when applying to life insurance, & the agency most likely to deny service to RPs is USAA. Some RPs were denied travel services, most often “short term vacation rentals” through AirBnB, & through cruise lines. Thankfully, most RPs faced no problems finding insurance or travel services.

*On a related note, the Registrant Travel Action Group’s “Travel Matrix,” the list of countries that state which nations have turned away RPs, has not been updated since Jan. 2022 & it seems the project is on hiatus, with no word when it may be updated. So for those who like to ask for frequent int’l travel updates, I won’t have any new updates for a while.

COST OF SO TREATMENT

Many of my readers may face a period of post-release supervision, aka parole or being “on paper.” Those folks may be required to check in with a PO & may also be required to pay numerous expenses, including PO fees, registry fees (in some states), & court fines/restitution fees. But therapy fees can be extremely onerous if you are required to take therapy. Take, for example, this list of fees from Ravenhill, a behavioral therapy program in PA:

Intake Interview \$200; Individual/Family Session (45 – 50 mins) \$100/Session; Therapy Group (1.5 hrs) \$45/Group; Psychoeducational Group (1.5 hrs) \$45/Group; No Call/No Show Charge \$50; ABEL Testing \$500; Other Psychosexual Assessments \$500-\$1000; Polygraph Examination \$350; Client Documentation Requests \$50-\$200; Staffing Costs \$100/hr/clinician (charges will begin when clinician(s) leave the office if the staffing is held remotely)

Some clients may be eligible for a sliding scale fee, if supplemental funding from supervising agencies is available. This eligibility is determined by agreement between the referring/supervising agency & Ravenhill. Eligibility will be contingent on my amenability to the intervention, my participation & cooperation in the program, as well as the availability of funding offered by the referring/supervising agency. **PAYMENT IS REQUIRED AT THE TIME OF SERVICE.**

Obviously, these bills can rack up quickly. In a 2019 Marshall Project article, one person spent upwards of \$150k on finding & maintaining a home that meets registration requirements. Another noted her son’s treatment cost \$23k, polys \$4k, & \$100/yr registry fee. (Note that this is over time, not per year, & in one instance, included buying a home. The article did not state how long this time period was.) There are also hidden costs like lost wages from not being employable. The two surveys I conducted in 2016 & 2023 have found many RPs are welfare dependent. Many are on SSI, which pays \$943/mo max as of 2024.

Jeffrey Nichols noted in his Sept. 2023 newsletter “The Legal Beagle, “[I]n my first year (on Tennessee’s “Community Supervision for Life”) after being released from prison on August 2, 2021, I paid the below fees:” \$95 per month for supervision & GPS monitoring; \$850 one-time fee for a psychosexual evaluation; \$175 twice a year - Maintenance Polygraphs \$40 per week for sex offender treatment; & \$150 annually for the sex offender annual registry fee. “In total I paid approximately \$4,220.”

But rent prices are also extremely high; in the most “affordable” states (according to the website RentCafe, average rent prices in the US are \$1700/mo. Even in the “most affordable” states, the average rent prices are at least \$1000/mo. Of course, this means there are still residences for rent below that, but they are extremely hard to find.

If you are going to be “on paper” upon release, you may have to choose between paying for treatment & paying for rent. Paying your registry & treatment fees will keep you out of jail but being homeless is no fun, especially since you’ll have to register more frequently at the lease, & put you in danger of supervision violations at the worst. I’m not saying you’ll have the same problems, but you might want to be prepared for the worst.

HOMEOWNER’S ASSOCIATIONS (HOAs)

I was recently asked about rights as an RP regarding Homeowners associations (HOAs). It seems counterintuitive for an RP to desire to live in an HOA. HOAs tend to have a poor reputation these days. As one RP put it, “HOAs suck. What started out as a group to assist each other in protecting property values has morphed into a bunch of nosy neighbors with a God complex. HOA covenants are not laws & have no legal force beyond the association being able to sue a non-compliant member for breach of contract.”

First, allow me to explain the difference between an HOA & rental properties. With rental properties, you are renting, not buying. You do NOT own the property. Thus, they CAN discriminate against you because you are not a protected class, & private persons don't have to rent to you if they don't want to, & you can be evicted from rental properties.

An HOA is an organization made up of people who own homes in the same community, like a condo, townhouse or planned development of single-family homes. The HOA helps manage the community, & it collects monthly fees to pay for shared amenities. You agree to pay for these amenities when you sign up to move into an HOA. But the key difference is that you OWN that property. A condominium (or condo) is like an apartment where you own the interior of your home, but the HOA owns & manages the exterior & common areas & will have the most rules. A townhouse is a single-family home that is at least 2 stories tall & shares at least one wall with another townhouse. Townhouses typically offer the same types of features & services as condo, but own both the interior & exterior of your townhouse, so you’ll face fewer HOA regulations. Single-Family Home HOAs tend to be the least restrictive but there are still some rules you must follow. You must follow their rules; if you refuse to pay the HOA fees or break the rules, you could be fined, sued, or even have a lien filed on your property. Conversely, the HOA must follow all federal, state & local laws like the Fair Housing Act or the Americans with Disabilities Act. HOA board members have a legal responsibility to act in the best interests of the homeowners in the community.

While there has been a lot of discussion about banning RPs from HOAs, there aren't many court cases on this subject.

In 2020, the Wildwood Estates Homeowner’s Association in Beatrice, NE filed a suit against an RP but it was dismissed. A Gage Co. judge stated that concern over the RP’s residence was nothing more than speculation & that the association must demonstrate a real threat of great or irreparable injury & found that the association had not demonstrated a probability of success on their challenge. The HOA later filed a motion to dismiss the lawsuit.

In *Lake Naomi Club, Inc. v. Rosado*, 285 A. 3d 1 (Pa: Commonwealth Court 2022), the PA Commonwealth Court of Pennsylvania (the state's intermediate court), ruled against an HOA restriction banning those classified as Tier 3 (those considered "high risk") from an HOA property. The Court pointed to *Fross v. County of Allegheny*, 610 Pa. 421, 20 A.3d 1193 (2011), a PA Supreme Court ruling which held that an Allegheny Co. ordinance that broadly excluded RPs from residing in county population centers was preempted by the Sentencing Code, 42 Pa.C.S.§§9701-81, & the Prisons & Parole Code (Parole Code), 61 Pa.C.S.§§101-7301.

“Although Fross involved a county ordinance & not a restrictive covenant by a private community, the Sup Ct's ruling clearly established a public policy that local counties & municipalities cannot impose SO residency restrictions due to PA's statewide legislative scheme governing the release of SOs, manifested in SORNA & the Sentencing & Parole Codes. If local counties & municipalities must adhere to these statewide mandates, so must private residential communities.” This could mean that states that allow municipalities to create their own ordinances might rule that HOAs could make similar rules if it went to court. If PA allows municipalities to create local ordinances in the future, this case might eventually be overturned. There are some news reports that some HOAs have passed SO bans in FL & OH.

But in *Mulligan v. Panther Valley Property Owners Ass'n*, 337 N.J. Super. 293 (App. Div. 2001), the NJ Appellate Division upheld an HOA's amendment precluding Tier 3 RPs from residing (but not owning the property) within the common interest community.

In *Lake Holiday Property Owners Association, Inc. v. John Koempel*, No. 23-MR-17 (Cir. Ct. LaSalle Co.) (January 30, 2024), a circuit court ruled restrictive covenants banning any type of RP from residing in the community were enforceable. The Court noted that Koempel knew of the rule before he moved in, unlike the PA case, where the rule was created after Rosado had moved into his home. HOA ‘restrictive covenants’ are a private contract, so constitutional safeguards aren't applicable. The court further held that owners have a choice as to whether they want to live in a community that has restrictions on sex offenders & that they have “...ample alternatives & may just decline their membership in the community”; Koemel is not being compelled to sell his property; his family can still reside there, but he can't; Koempel can rent the property; & Koempel couldn't point to a law identifying RPs as a protected class of persons. While this was a trial court ruling & non-binding, IL has upheld a number of draconian laws like park bans, so I have little hope this will be overturned on appeal.

An attorney in AZ claims, “In 2014 the Arizona Legislature specifically authorized HOAs to have CC&Rs prohibiting RSOs in their community. A.R.S. §33-1260.01(H) & §33-1806.01(H).” The actual statute reads, “This section does not prohibit & an association may lawfully enforce a provision in the community documents that restricts the residency of persons who are required to be registered pursuant to §13-3821 & who are classified as level 2 or level 3 offenders.”

Meanwhile, an attorney in NV states his state may not uphold an HOA rule from banning RPs in a 2016 article, citing registry data cannot be used for “any purpose related to ... housing or accommodations” (still accurate as of this writing), harassment concerns, lack of state statutes or legal precedent allowing such bans, infringement on private property rights, & even potential Fair Housing violations

Unfortunately, some folks are willing to pass HOA rules knowing they'll likely never be challenged. Tony DeGirolamo, the Avondale HOA president (in Starke Co, OH) boasted of creating new rules to discriminate against RPs. He told Cleveland News 19 in 2013, “They're not breaking the law, they're violating our deed restrictions for which the homeowners association is responsible to enforce,” DeGirolamo explained how the HOA will enforce it, even if an RP is not breaking a law. “Enforcement starts with a letter. It starts with a letter from our management company telling them they are violating the deed restrictions asking them to stop. Which would mean selling their property or moving out. If they don't follow those instructions, then we have to go to court.”

The general consensus on the topic suggests that HOAs should not publish an RP's info & direct them to the state's public registry. One article suggested, “Look into amending the HOA governing documents to ban SOs from renting or owning property in the community after seeking a lawyer's advice. Such amendments are potentially illegal & likely to be declared as such by the courts.” States can vary wildly on rules. The LA Times published in 2013 that, “Penal Code §290.03 allows the board to pass (registry

info) along to owners as long as it merely restates factual details... However, the law is tricky. If a seller were to refuse to sell to a RSO solely on the basis of that person's inclusion on the state database — & such a motivation could be proven — that would be a violation of CA Penal Code §290.039(j). Violations of this provision may entitle the registered individual to damages & payment of their attorney's fees.”

The short answer is that your rights as a property owner vary by state statutes regulating residency restrictions &/or may be determined by whether a condition for moving in existed before an agreement was made allowing the RP to reside within the HOA. Few court rulings likely exist because litigation is costly. It is your decision, but my opinion is HOAs are not worth the hassle.

INTERNET IDENTIFIERS & ANONYMOUS SPEECH

The right to anonymous speech has been long-established as a fundamental right. But this year, KY passed SB 249, which will require Registered Persons (RPs) to use their real names if they wish to maintain a social media profile. I find this bill problematic because RPs are easily targeted online for harassment & threats. For example, in February, I voiced disapproval of the actions of one NE State Senator on Twitter; she responded by posting a screenshot of my registry info & referring to me as a “creeper.” (Others who voiced disapproval of her were not attacked by this legislator.) Had I used an alias, perhaps she would not have known it was me & wouldn't have posted a response intended to inflame readers & attack me. Furthermore, if I posted her personal address online as she did me, I would've been accused of doxing or harassment & possibly faced a criminal charge.

Registered Persons, as a vulnerable population not protected by laws that normally protect the vulnerable, have legitimate reasons for anonymity on the Internet. As noted by the website freedomforum.org, “Anonymity can protect privacy & keep people like whistleblowers & activists safe...The ability to speak freely can help separate the content of the speech from the identity of the speaker. Sometimes, if people know who the speaker is, they might think differently about the message. Anonymity can lessen this bias. More importantly, being anonymous can protect vulnerable people. “People who need to have a voice but don't have the ability to associate their real name with that speech have a very good reason to want to speak anonymously.” The Founding Fathers often used aliases or spoken anonymously.

Social media companies & websites are private businesses, & can legally discriminate against Registered Persons because we are not a “protected class.” Meta (i.e., Facebook & its affiliated platforms like Instagram) & TikTok has a particularly hostile policy towards Registered Persons that includes an explicit ban in their Terms of Service (TOS). You might face online hostility on sites that don't exclude you from their services.

Registered Persons have expressed anxiety meeting people in person, so it is understandable you'd want to start a social media account to make friends or express your viewpoints. While it is fun to share your opinions on various topics that are important to you, the Internet makes it easier for people to say terrible things to you even when the subject matter is on a rather mundane topic. Social Media platforms known to openly ban Registered Persons altogether include Meta (Facebook & Instagram), most online dating websites, Nextdoor, & TikTok. But if you insist on using social media, I suggest using it sparingly if at all, & immediately block any potential problem accounts the moment they use words like “pedo” or groomer.”

The right to anonymous speech has not been fully protected by legislators. For those concerned about the right to speak freely on the Internet without fear of being degraded or threatened due to registry status, it is disheartening to know that a majority of states & territories require Registered Persons to turn over Internet Identifiers. Registry data can be used by social media companies to remove your social media

profile. That's why the KY bill is damaging; KY isn't saying you can't have a social media account, but it passes along that info to the social media companies that will delete your profile if someone reports you.

Courts have conflicting rulings on the right of RPs to engage in anonymous online speech. *Bailey v. Commonwealth*, No. 0613-18-3 (Va. Ct. App. 2019), *People v. Minnis*, 67 N.E.3d 272 (Ill. 2016), & *Iowa v. Aschbrenner*, No. 18-1045 (Iowa 2019) upheld Internet Identifier requirements. *Doe v. Commonwealth ex rel. Tilley*, 283 F.Supp.3d 608 (E.D. Ky. 2017), *Doe v. Harris* (9th Cir. 2014), & *Doe v. Nebraska*, 898 F.Supp.2d 1086 (D. Neb. 2012) ruled Internet Identifier requirements were unconstitutional. A review of Internet Identifier reporting requirements in 2022 by the website www.probationinfo.org found the following:

- States/territories not requiring registration of Internet Identifiers (23): AL, CA, CT, DC, GA, GU, ID, KS, MA, MN, MP, MS, NE, NJ, NV, OR, PR, RI, UT, VI, VT, WA, WY
- States/territories that require reporting of Internet Identifiers but does NOT post info on public registry (27): AK, AR, CO, DE, HI, IL, IN, KY, MD, ME*, MI, MT, NC, ND, NH, NM, NY, OH, OK, PA*, SC, SD, TN, TX, VA, WI, WY (Notes: ME's law only applies to those sentenced on/after 1/1/2013; PA's law only applies to those convicted on/after 12/20/2012.)
- States/territories that require reporting of Internet Identifiers AND allows searches through a database "by specific identifiers separate from registrant's profile" (5): AZ, FL, IA, LA, MO

ETIAS UPDATE

I continue to take lots of questions about international travel, & in the past year, there were concerns over the European Union's new "European Travel Information & Authorisation System (ETIAS)" program. It was supposed to roll out in 2024 but has been delayed until 2025. An article from etias.com covers what to expect when applying to ETIAS while having a record. While I have covered much of what is written in previous discussions, reading it from the official website should help clear up any confusion. In the original announcement, the EU stated, "U.S. citizens with a criminal record will continue to be admitted to Europe after May 2023. Given that ETIAS was developed to further diminish the threat of terrorism across the continent, only those considered to be a threat will be blocked." Until ETIAS is established, there is no way to know for sure if RPs will face difficulties trying to visit Europe once ETIAS is fully operational. (Before anyone asks, the Travel Matrix still hasn't been updated, so I have nothing new to report.)

APPLYING FOR ETIAS WITH A CRIMINAL RECORD

(Source: <https://etias.com/articles/applying-for-etias-with-a-criminal-record>)

After several delays the new European Travel Information & Authorisation System (ETIAS) now looks set to be launched in 2025. ETIAS is not a European Visa but an approval to travel to & within Europe which is electronically linked to a passport. Without an ETIAS approved passport it will be impossible for "third country nationals" (citizens of countries which are neither members of the European Union nor the Schengen Area) to enter the European arena as such approval will become mandatory in the near future.

Can a traveler with a criminal record apply for ETIAS? The short answer is yes. However, depending on the severity of the crimes involved (& the accompanying sentences) a criminal record may considerably reduce an applicant's chances of securing an ETIAS or even lead to refusal. Third country nationals, such as U.S. & UK passport holders, will require ETIAS approval before venturing into Europe after 2025 & this approval must be secured either online or via a dedicated mobile app. The process involves filling out a detailed questionnaire & supplying basic information concerning the applicant's name, address, date of birth, gender, nationality etc. But an ETIAS application form also requires details concerning a person's current state of health, existing medical conditions & previous criminal record or convictions.

ETIAS, while still strict, aims to be fairer to applicants who have fallen foul of the law. Depending on the seriousness of the crime committed, & the amount of time elapsed since conviction, it is possible for applicants to acquire an ETIAS although there may be extra steps that need to be taken & more procedures to go through...

Criminal record & the ETIAS application process: Although the introduction of ETIAS is rapidly approaching the application process is still being fine-tuned. The online application form will require basic details including name, address, age, gender etc. but will then delve into more personal information regarding an applicant's health status & any criminal history. It has not yet been finalized as to how in-depth the application form will be but it will certainly involve past convictions, fines for more serious offences & any period (or periods) of time spent in prison. Because ETIAS is designed to strengthen security across Europe the application form will target not just criminal activity but also possible links to terrorism. Therefore details regarding an applicant's travel to areas of war or conflict & involvement with terrorist groups or activity will also be sought.

ETIAS approval not a guarantee: It should be noted that different European countries have different rules regarding who is & is not allowed to enter their territory. Even if an applicant with a criminal record has successfully applied for & received ETIAS approval this does not guarantee automatic entry to all EU or Schengen Area countries. Even with an ETIAS approved passport it may be difficult to travel to & within Europe if the passport holder has spent more than three years in prison. Individual countries also operate their own system of assessment which may result in a refusal of entry. Germany, for example, reserves the right to refuse entry to, or deport, any visitor who has:

- Served a sentence of three years or more for public order offences
- A conviction for drug-related offences with an accompanying sentence of two or more years
- Been convicted for any crimes involving human trafficking

Generally speaking, visitors to Europe with the necessary ETIAS approval will not be questioned about minor offences by border officials but it can happen & it is always best to answer such questions honestly as any information supplied can be quickly checked against the ETIAS security database.

Criminal record database checks: In order to thoroughly check an applicant's criminal history the European Commission approved the creation of the European Criminal Records Information System (ECRIS) in April 2019. The aim of this system is to store all information pertaining to third country nationals convicted of a crime & allow for the speedy exchange of this information between all European Union & Schengen Area member states. It is envisaged that ECRIS will greatly aid in the ongoing fight against both crime & terrorism as the system will incorporate several new & improved features including:

- Online security checks will return a “Hit” or “No Hit” on individuals whose details are being checked. A “Hit” will detail an applicant's criminal history & in which country (or countries) the offences took place.
- ECRIS will store not just details of an applicant's criminal record but also scanned fingerprints & photos if available.
- ECRIS will be used to check an applicant's criminal history & also to spot possible terrorist connections or security risks.
- Other benefits of ECRIS are spotting possible identity theft & to check & clear a person wishing to work with minors or applying for a firearms license.

At present, ETIAS applications are not checked against ECRIS unless an applicant admits to a criminal record on the application form. However, the EU Commission is currently considering changing this & allowing all applications, particularly those that raise some suspicion, to be checked through ECRIS.

Criminal, Terrorist & Security Checks: The security section of the online ETIAS application form has not, as yet, been completely finalized & it is possible more details regarding past criminal or terrorist activity may be added. Criminal activity questions will pertain to the preceding 10 years while any terrorism-related offences will cover the last 20. As things stand this is the information that will be required in relation to criminal convictions: Criminal damage (persons or property), rape, murder, money laundering, drug trafficking, human trafficking, & sex crimes against children.

Any terrorism-related convictions in the preceding twenty years will also need to be described including details of the offence, the county in which the offence occurred & length of the applied sentence. The security background check will also ask for details of any previous deportation order or expulsion from any of the EU or Schengen Area member countries. Should any of the security background questions be answered in the affirmative the applicant will then be presented with a further set of questions which must be answered honestly & in full. Providing false, misleading or incomplete answers will likely lead to an instant refusal.

Border Checks: The EU Commission has stated its intention that only those applicants with convictions for serious crime or terrorism will be refused an ETIAS. Once granted, the holder of the ETIAS approved passport is entitled to enter & travel through the EU & Schengen states with little, if any, border checks. This does not mean, however, that access to any particularly country is automatically guaranteed as border checks are always a possibility even for citizens of a EU member state.

In most cases, a country is more concerned about the threat of terrorism or crimes committed within its own borders & a minor criminal conviction that occurred sometime in the past is of little concern or interest to the security forces. While the vast majority of third country nationals with an ETIAS approved passport & a criminal record will be allowed to pass the border check it may not always be the case as the decision to grant or refuse entry rests ultimately with the border security personnel.

“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 CPR 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.

MILESTONES

Have you noticed yet that this is my 100th ICoN newsletter? Most folks like to celebrate milestones & anniversaries. What are your milestones?

April 2023 was my 20yr anniversary since my release, Dec 2023 marked 15yrs of OnceFallen.com, & next year marks 10yrs of the ICoN, since the first newsletter was sent out in May 2015. (For the first year, the newsletters were released every 2 months.) I have one other major milestone upcoming—20yrs since I discovered a small online group that eventually became the Anti-Registry Movement.

When I was released from an AL prison, I stayed in a religious program but after 10mos, I was out on the street, staying at a City Gospel Mission. I spent the first half of 2004 looking for a residence & job. ANYTHING would do. On Thursday, 4/15/2004, I went to the library on & searched for housing & stumbled upon a poll on a website that was dedicated to debating SO laws. The poll asked, "Should homeless sex offenders be punished for not complying with registration laws that require them to register the address where they live?" (FYI: The final results of that poll, which ran from 4/13/2004 to 5/20/2004, was 292 (69%) said "Yes", 105 (25%) said "No", & 28 (7%) said "Not sure.")

The poll also had a comment board. The first response was from a female PO from FL, who responded, "Of course homeless people should be punished. All sex offenders should have to register even if they live in a box. Just register the box & the location. What possible excuse can someone have for not knowing where he'll put his head down each night?" To that was a reply, "Quite evident that you have lived the carefree sheltered life. A truly transient homeless person can't tell you where they will sleep tonight, because they have no clue which train they will ride out on. They don't know if there ARE any boxes in the alley today, or if they will still be there tomorrow. How about the local police precinct for a registered address, & the SO stops by every few weeks to check in, or comes by to let them know he's going to be catching the 6:15 freight to Chicago on Track 9?"

My own response to the poll, my first time speaking out about these laws, was, "How CAN you punish someone who is trying to comply with registration laws but can't because he has no place to live? I am speaking from experience. I did all my time, got out & I'm homeless. Every day I go out looking for a job in vain, I'm not allowed to stay in shelters, & I'm supposed to be able to find a place to live without assistance. So am I supposed to go to jail because circumstances are beyond my control?" At that time, my time ran out at the City Gospel Mission as the maximum stay was 90 days. I had, however, gotten assistance to stay in a hotel for a few weeks so crisis was averted as I continued to seek employment. But with no job prospect in sight, I was facing sleeping on the streets yet again. In addition, due to my

transient status, I had to check in weekly, which is during business hours, which is when I could be out looking for a job.

The PO's response to me: "Nothing personal about you. Just look at the big picture for a minute. Registries exist because people want them. They want to know where SOs live. They want to feel like they have some control over avoiding being victimized in the future. They want to know that the police & POs are checking on these guys & keeping everyone safe. Simply stated, people are afraid of SOs & fear for their safety as well as their children. Now if you wanted all these things how would you feel about a SO with no address & no possible way for LE to track him?"

I still hear similar justifications 20 years later & it still angers me. The audacity of this alleged PO telling me I should ignore my own suffering just so people can FEEL safe!

I had managed to stay in a hotel for 6 weeks. In that time, I my job search was still unsuccessful, even after going through a local program designed to help ex-felons get jobs. On 5/10/2004, I posted on the website thread my time at the hotel was ending that weekend. I did end up sleeping outdoors for a couple of days. In response to the news, that PO posted, "Can you register your address as the public library? Why or why not? It sounds like you may be sleeping on the bench outside. Have you looked into renting a camper? A tent? What's the latest on your employment situation?" I have to laugh at this notion. This idiotic PO thought it good advice to register the local library as my address. I thought, "How many people on the registry did she screw over with her bad advice?"

I had hit rock bottom, but a day later, I found a job, stocking shelves for \$6/hr. A 7th Day Adventist allowed me to stay in his apartment until I found a place of my own. I found a sleeping room about a month later. I averted a crisis after half a year of homelessness. But a few months later, I faced more legal battles to keep that humble sleeping room. Thankfully, I had met people on the website I stumbled upon back on 4/15/2004, which led me along the path that brings me where I am today.

Not much has really changed. I'm still dirt poor, still forced to register, & still seeing idiots on the Internet thinking it is OK to say that we don't deserve redemption. FL is still a terrible state run by terrible people like that PO, & many FL RPs are still homeless. But had I not found that website that day, I might not be here, typing this message right now. So 4/15/2004 will be a milestone for me—20yrs as an activist. I never had kids of my own by I've had the same girlfriend for over seven years now.

As an RP, you may have your own milestones. Some unfortunately revolve around the registry. Most states coordinate your registration period to land around the time of your birthday. Also, you might miss milestones related to your offspring if you live in a state that doesn't allow you to live with minors. You might not be allowed to attend school plays or graduations. On the upside, perhaps you have the ability to make your own milestones—celebrating release dates, being sober & crime free, maybe starting a good job or a family. Many states don't fully impede our ability to make some semblance of a life for ourselves. That's largely up to you.