

LEGISLATIVE COMMITTEE MINUTES

**HB587**

# Bill as Introduced

HB 587-FN - AS INTRODUCED

2015 SESSION

15-0549

04/09

HOUSE BILL

***587-FN***

AN ACT repealing the registration fee for sexual offenders and offenders against children.

SPONSORS: Rep. Robertson, Ches 6; Rep. Abramson, Rock 20; Rep. C. Chase, Ches 8;  
Rep. Frazer, Merr 13; Rep. Spang, Straf 6; Rep. Emerson, Ches 11

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill repeals the registration fee for sexual offenders and offenders against children.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   repealing the registration fee for sexual offenders and offenders against children.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1           1 Repeal. RSA 651-B:11, relative to the registration fee for sexual offenders and offenders
- 2 against children, is repealed.
- 3           2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
15-0549  
01/26/15

**HB 587-FN - FISCAL NOTE**

**AN ACT**            repealing the registration fee for sexual offenders and offenders against children.

**FISCAL IMPACT:**

The Department of Safety states this bill, as introduced, will decrease state restricted revenues by \$93,400 in FY 2016 and each year thereafter, and will decrease state restricted expenditures and local revenue by \$18,680 in FY 2016 and each year thereafter. There will be no impact on county revenue and expenditures or local expenditures.

**METHODOLOGY:**

The Department of Safety states this bill repeals RSA 651-B:11, relative to a \$50 annual registration fee for sexual offender or offender against children. Under current law, the Department retains \$40 of the fee and remits \$10 to the law enforcement agency which registered the offender. The Department states the amount of paid registrations in FY 2013 and FY 2014 was 1,936 and 1,800, respectively. The Department assumes an average of these two years (1,868) as the amount of paid registrants in FY 2016 and each year thereafter. Therefore, the Department estimates this bill will result in a decrease to state restricted revenue of \$93,400 (1,868 X \$50) and state restricted expenditures and local revenue of \$18,680 (1,868 X \$10).

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 587-FN

BILL TITLE: repealing the registration fee for sexual offenders and offenders against children.

DATE: 2/5/15

LOB ROOM: 204

Time Public Hearing Called to Order:

3:00 PM

Time Adjourned: \_\_\_\_\_

(please circle if present)

Committee Members: Reps. Tholl, Welch, Fields, Fesh, Marston, Burt, S. Sweeney, Barnes, Comeau, Fisher, Martin, Pantelakos, Berube, Robertson, Cushing, Hirsch, O'Hearne, Mangipudi and DiSesa.

Bill Sponsors: Rep. Robertson, Ches 6; Rep. Abramson, Rock 20; Rep. C. Chase, Ches 8; Rep. Frazer, Merr 13; Rep. Spang, Straf 6; Rep. Emerson, Ches 11

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Robertson – This bill affects the victim – when time served for conviction, we need to repeal the registration fee for sexual offenders and offenders against children's registration fee.

Rep. Di Sesa – judge can waive fee if person can't pay.

Rep. Robertson – yes, however not everyone can be waived.

Rep. DiSesa – you do realize you can if no means for penalty.

Rep. Robertson – if person doesn't have funds they can't pay

Rep. O'Hearne – paperwork, you can have hearing for fee or petition court for hearing.

Rep. Hirsch – If this bill passes would this affect the registration.

Rep. Robertson – It would be up to state to find the money

Rep. Jim Webb – Chair Fish-Game, it's not ok to abuse children, for \$50 person can't pay this is downshifting to local level, crime so bad, you may not have to pay money. This would be a large amount not to keep register up probably \$10,000 or more, these people do sentence, but child has to live with the rest of their lives. Person doesn't have to do this.

\* Chris Dornin – criminal justice reform. Fee raises less than \$500,000 a year.

Rep. Pantelakos – would you just let the person go free

Dornin – private registry, make sure you have a defensible purpose.

Rep. Hirsch – what about law, no other bill uses tool people are a risk, how much risk, where do you go to find the overall problem, resolve private-public.

Dornin - \$50 fee back or \$800. Maybe more back to other legal fee, find homeless.

Rep. Hirsch – does this resolve issue.

Dornin – NH harming people on registry.

Rep. Barnes – what is criminal reform doing to victims.

Dornin – brings people together to help people on the right track.

Joseph Brooks – sex offender, family on registration home picture. Family lose job, he harmed by others people defended him, with \$733 month. Sex offender list.

\* Wanda Durvea – son was sex offender; ask what her son had in room. Lost job because of work pressure

Lars Atwell – 15 charged = sex offender

Cheyene Harding – concerned can't make enough money just to stay afloat. \$50/yr, if person served time this should be enough.

Richard Nowling – fee went from \$17 to \$50 anything for luxury, denied, \$ 40 week counselor.

Rep. Mangipudi – what person to compensate money

Nowling – minimum wage.

Rebecca Eder-Linell DOS state police – opposed. We have 2700 sex offenders. . Form is used have to be checked, sign only what you need to read. Last line for 10 days to get back the affidavit financial administrative process. \$93,000 fee a yr, \$105,000 needed.

Rep. Mangipudi – how many do you receive.

Rebecca – we need to understand what they pay for. .98/week these fill out documents properly.

Rep. Cushing – how many don't apply.

Rebecca – 15%.

Respectfully submitted,

  
Rep. Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

CARD 1  
SPONSOR

Rep. ROBERTSON = THIS BILL AFFECTS THE VICTIM = UPON TIME SERVED FOR CONVICTIONS. WE NEED TO REPEAL THE REGISTRATION FEE FOR SEXUAL OFFENDERS AND OFFENDERS AGAINST CHILDREN. REGISTRATION FEE

Q Rep. DISESA = JUDGE CAN WAIVE FEE IF PERSON CAN'T PAY.

A. Rep. ROBERTSON = YES HOWEVER NOT EVERYONE CAN BE WAIVED.

Q Rep. DISESA = YOU DO REALIZE YOU CAN IF NO MEANS FOR PENALTY

A. Rep. ROBERTSON = IF PERSON DOESN'T HAVE FUNDS THEY CAN'T PAY.

Q Rep. O'HEARNE = PAPER WORK, YOU CAN WAIVE HEARING FOR FEE OR PETITION COURT FOR HEARING.

Q Rep. HIRSCH = IF THIS BILL PASSES, WOULD THIS AFFECT THE REGISTRATION?

A. Rep. ROBERTSON = IT WOULD BE UP TO STATE FID THE HOWEY.

CARD 2

Rep. JIM WEAVER = CHILD RISK GAME, IT'S NOT OK TO ABUSE CHILDREN, FOR \$50 PERSON CAN'T PAY. THIS IS DOWN SHIFTING TO LOCAL LEVEL. CRIME SO BAD, YOU MAY NOT HAVE TO PAY MONEY

THIS WOULD BE A LARGE AMOUNT NOT TO KEEP REGISTER UP  
PROBABLY \$10,000 OR MORE, THOSE PEOPLE DO SENTENCE, BUT  
CHILD HAS TO LIVE WITH THE REST OF THEIR LIVES.  
PERSON DOESN'T HAVE TO DO THIS.

CARD 3 CHRIS DORNIN = CRIMINAL JUSTICE REFORM,  
WRITTEN TESTIMONY

Fee RAISES LESS THAN \$500,000 BYR.  
Q Rep PANTALOUS = would you just LET THE PERSON GO FREE,  
D. DORNIN = PRIVATE REGISTRY, make sure you have a DEFENSEABLE  
PURPOSE.

Q Rep HIRSCH = WHAT ABOUT LDR, ANOTHER BILL USES TOOL  
PEOPLE ARE AT RISK, HOW MUCH RISK, WHERE DO YOU GO TO  
FIND THE OVERALL PROBLEM. RESOLVE PRIVATE-PUBLIC

A. DORNIN = ASU Fee BACK OR \$800, maybe more. BACK  
TO OTHERS, LEGAL Fee, FIND HOMELESS

Q Rep HIRSCH = DOES THIS RESOLVE ISSUE,  
D. DORNIN = WILL HARMING PEOPLE ON REGISTRY

Q Rep BARNES = WHAT IS CRIMINAL REFORM DOING VICTIMS,  
D. DORNIN = BRING PEOPLE TOGETHER TO HELP PEOPLE  
ON THE RIGHT TRACK.

CARD 4

Joseph Brooks = sex offender,  
FAMILY ON REGISTRATION, HAVE FUTURE;  
FAMILY LOSE JOB, HE HARMED BY OTHERS PEOPLE DEFENDED  
HIM, WITH \$733 ON THE sex offender LIST.

CARD 5

Wanda DUNYEA = SON WAS sex OFFENDER,  
DID WHAT HORSER HAD IN ROOM, LOST JOB BECAUSE OF WORK  
PRESSURE.

CARD 6  
CARD 7

LARS ATWELL = IS CHARGED = sex offender  
CHRYSE HADIN = COLEMAN CAN'T MAKE MONEY EVEN  
JUST TO STAY OUT AT \$50 BYR, IF PERSON SERVED  
TIME THIS SHOULD BE EVEN.

CARD 8

RICHARD KOLLIN = Fee must FROM \$17 TO \$20, ANYTHING FOR  
LUXURY, DENIED, CONSULTOR \$40 BYR.

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HB 557

# CRIMINAL JUSTICE & PUBLIC SAFETY

Rep MARGIPANT

- Q WHAT REASON TO COMPENSATE MONEY?
- A ROWLIN = MINIMUM WAGE

ERROR 9

R REBECCA BOW-LINELL = OPPOSED BILL

WE HAVE 2700 SET OFFERS PER DS.

FORM IS USED HAVE TO BE CHECKED, SIGN ONLY

WHAT YOU NEED TO READ.

LAST LINE Fee 10 DAYS TO GET BACK ~~THE REFIN~~

FINANCIAL ADMINISTRATIVE PROCESS, 193,000 Fee

R YR. NEED \$165,000 NEEDED

Q Rep MARGIPANT = HOW MANY DO YOU RECEIVE.

A REBECCA = WE NEED TO UNDERSTAND WHAT THEY

Pay FOR 98¢ A WH PLEASE FILL OUT DOCUMENTS

Properly.

Q Rep CASHION = HOW MANY DON'T APPLY

A REBECCA = 1590

# Testimony



## 7th Circuit upholds \$100 annual sex offender registry fee

By Bruce Vielmetti of the Journal Sentinel  
Jan. 28, 2014

The \$100 that Wisconsin sex offenders must pay every year for being listed on a registry is not an unlawful fine, a federal appeals court has ruled. But the court did not address other lifetime conditions of Wisconsin sex offender registration because it found the challengers lacked standing.

The decision by the 7th U.S. Circuit Court of Appeals reversed a ruling by a Green Bay federal judge, and also thwarted the plaintiffs' request to proceed as unnamed. Instead, the court added their names to the case.

U.S. District Judge William Griesbach had ruled the \$100 fee amounted to a fine and therefore was an unlawful "ex post facto" punishment for the two plaintiffs, who had been convicted before Wisconsin adopted the sex offender monitoring law.

Tobin Mueller and Gregory Deangelis remain subject to not only the annual \$100 fee, but also many other lifetime requirements and restrictions of the sex offender registry, even though they now live in Connecticut and Florida, respectively, and never intend to return to Wisconsin.

Mueller was convicted in 1993 and served four years in prison plus six years of probation. Deangelis was convicted in 1985 and served five years, then again in 1993 and served one year. Each is now subject to lifetime registry in Wisconsin.

But if that's true, the court wrote, they would likely never face any real consequence of violating those restrictions, such as changing their name, or photographing children, or not reporting a change of address, because Wisconsin admits it has never tried to enforce completely out-of-state violations of the restrictions.

Mueller and Deangelis do have standing to complain about the annual re-registration and fee, but the court said those aspects of the law are not punitive, and therefore not prohibited "ex post facto" law. Judge Richard Posner wrote the opinion for a panel that included Judge Diane Sykes and Judge Frank Easterbrook.

"The fee is intended to compensate the state for the expense of maintaining the sex offender registry," Posner wrote. "The offenders are responsible for the expense, so there is nothing 'punitive' about making them pay for it, any more than it is 'punitive' to charge a fee for a passport."

On the issue of the plaintiffs' request for anonymity, the court noted that while the plaintiffs contend they've been subjected to shunning and harassment for being on the offender registry, which is public, the court generally opposes secrecy. In this case, judges didn't see how any additional harm from

being named as plaintiffs could outweigh the disruption to their personal lives they say they already have suffered.

**Find this article at:**

<http://www.jsonline.com/blogs/news/242287821.html>

Check the box to include the list of links referenced in the article.





# State of New Hampshire

DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
33 HAZEN DR. CONCORD, NH 03305  
603/271-2791

JOHN J. BARTHELMES  
COMMISSIONER

## LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

**HB 587:** Repealing the registration fee for sexual offenders and offenders against children

**Position:** Opposed

Dear Honorable Members of the Committee:

This bill repeals the registration fee for sexual offenders and offenders against children.

The Department of Safety opposes this bill for the simple reason that it would kill the sex offender registration program because we have no way to fund it unless the Legislature decided to put it in the State Budget, which is doubtful given the current economic outlook on General Fund revenues.

Ever since the first sex offender registration bill passed, the State Police has been given the responsibility for administering the program, but we have always had to conduct it by borrowing and reassigning personnel from other equally important duties. We have office space at Headquarters and a designated Unit, with a Trooper assigned to manage the program and several clerical personnel.

Almost every Legislative session, the law is amended and with almost every change, the Unit staff must go through every single registrant's file to determine if the law change requires a reclassification. Often this involves contacts with and researching files from out-of-state courts, either because the offender moved here from another state where he or she was registered, or lived here but committed one or more of the crimes in another state. This is extremely time-consuming and almost like starting the program all over again.

Then, we have cases where someone fails or neglects to register and this requires gathering the evidence, obtaining a warrant, making an arrest if the individual can be located, and prosecuting the case in court. In other cases, the registrant requests a hearing to prove indigency or to settle some other issue, and we must prepare for and attend administrative hearings. In addition, the State Police is required at least once a year to confirm that the registrant resides where he or she says they do, and we have to take Troopers in the field away from their patrols, in response to calls and investigative duties to go out and physically locate and contact every registrant. Often this takes several visits because nobody is home at the time.

**Local police also expend significant time and effort doing the initial registration and performing periodic checks. Often a registrant may be homeless and living in a shelter or an encampment in the woods somewhere.**

**The annual registration fee is \$50, of which State Police retains \$40 and the remaining \$10 goes to the local police to help recoup some of their costs. Over the past two years, we had an average of 1,868 paid registrations, bringing in an average of \$93,400 a year in a restricted account that we were able to use to fund part of the cost of the Unit, less \$18,680 which we paid to the local police. This is less than the cost of assigning the one Trooper to the Unit, much less the cost of the clerical personnel and the use of Troopers in the field.**

**If you pass this bill you might as well amend it to do away with Sex Offender registration altogether, unless the Finance Committee is willing to fund the Unit from some other fund in the State Treasury.**

Wanda Duryea

I want to give you a little background about me before I get started so you can understand where my opinions come from.

In 1972 when I was 10 years old my stepfather molested me and in 1974 a 17 year old summer school classmate raped me. I am still affected by these incidents today and I am 52 years old.

In 1983 my only child was born and about 18 months later as I worked (as a Security/private investigation officer ) a neighbor called me to report that she had just seen my son at the neighbors home, they said he had thrown up but she suspected that he may be being sexually abused. I left work and picked up my son, I called the police and in essence nothing was found or done.

In early 1985 my son talked to me while we were out driving, he said," mommy Don tried to stick his pee-pee in my butt." I owned and carried a gun, I wanted to kill this couple who had hurt my baby!

I then called NHDHHS, we were interviewed at the Manchester office where they took my son into a separate room and it was their conclusion that he would make a poor witness, because they were able to entice my 2 year old son to lie, I later found that these same neighbors were now watching a mentally disabled little girl, I again called the police and NHDHHS, to my knowledge nothing was done. I told my son who no longer would sleep alone in his bed that they had been taken to jail. My son had nightmares and would not sleep alone until he was 5, yet I was told that there was no therapy available for a child his age. When my son was a teenager I was able to get him counseling, however this was ineffective as he later molested his fiancée's child.

At age 19 my son called me and told me that he had molested a child, I advised him to call the police and turn himself in, which he did.

When my son was paroled from prison he came home to me, he is a registered sex offender. I did

not tell my employer about this. Yet a fellow employee in my last week of employment told me that he saw my son's name on the registry.

A little more background about me... I have asthma, IBS, and menieres disease, all disorders affected by stress.

In the 4 years since my son has been paroled I have been harassed, by receiving hundreds of emails where someone has used my email address to register on child chat sites. This is being investigated by my local police as felony level offenses. I have lost my job of 5 years and have a lawsuit against my employer.

I have had to take time off from work to drive my son to an indegency hearing with the NH State Police and watch them and other officials treat my beloved son as less than human. This year the NH SOR changed the procedure for claiming indegency where now the registrant must cross out the auto selected lines that indicate that they can and will pay the registration fee. My son has ADHD and did

not see that it was auto selected, he called the NH State Police SOR office, days after his yearly registration last March (multiple times) to ask why he had not received a form in the mail to claim indegency this year as he had in past years and repeatedly left messages, he received no call back which resulted in me needing to pay this years fee which I took out of my mortgage payment when he was threatened with prosecution. I again drove to Concord a 75 minute drive from my home and paid the \$50.00 fee out of the only money had which was my mortgage money.

I have met other sex offenders and seen the distress that they go through. I have urged my son to go to the Manchester Police about Don and Cindy Letellier as the statute of limitations is still open. He is reluctant to do that as he feels that because he is a Registered sex offender that nothing will be done, and is concerned about the effects of registration even on the people that molested him. I am hoping that their prosecution may give him some closure, but I think back and do not think that I want my sexual perpetrators to be listed on the

sex offender registry, I do not believe that subjecting anyone to this vigilante prone system will protect children. I think it is necessary for the police to have this information, but fail to see the public value of the registry. I feel that making a registrant of this system pay a yearly fee to be branded with a scarlet letter which subjects them to threats and violence is ludicrous.

# CITIZENS FOR CRIMINAL JUSTICE REFORM

## Testimony for HB 587 to repeal the sex offender registration fee

**By Chris Dornin, founder, CCJR, 620-7946, [cldornin@aol.com](mailto:cldornin@aol.com)**

The \$50 annual sex offender registration violates fundamental property rights, according to successful lawsuits elsewhere in federal court. Those judicial rulings are pretty easy to understand. A person's money is part of their property. And states have failed to prove the registry does anything to protect the public. The fee, which is surely a disproportionate tax and not a benefit to the payor, raises less than \$100,000 a year from the group least able to afford it. The cost to administer the registry is prohibitive next to this paltry revenue. Incidentally, there are no public safety gains from the registry. Voters think it makes them safer. In fact, it endangers them. The cost of running the registry dwarfs the \$55,000 in federal funds New Hampshire would lose if it scrapped the shaming roster entirely.

Manchester police have told me they assign two officers just to enforce the registry. You heard last week that two people work on it full time at the State Police headquarters. The other towns have staff as well who meet four times a year with 61 percent of the registrants, according to testimony you heard last week. Police departments often send flyers to neighbors and schools when a registrant moves to town, an added and counterproductive cost. The resulting harassment often drives registrants away, where the same thing happens in an inter-town competition to get to the bottom soonest. The authorities make surprise visits to the homes of registrants to verify their addresses. State and local police update their records every time registrants change their email addresses, chat room and eBay identifiers, web game avatars, apartments, homes, second homes, schools, jobs, cars, boats, motorcycles, mopeds, skimobiles, vacation trailers, airplanes and private helicopters. On average, half the addresses, license plates, and other data on the public registries in Florida, New York and Texas are wrong.

Not surprisingly, many ex-offenders give up on registering, even at risk of prosecution. Some think they can't register without the \$50 fee. The homeless registrants just disappear. Why bother to check in every day at a new 12-hour home? The good news is that New Hampshire has a pretty good accuracy rate. CCJR sent a fundraising letter to 500 registrants last year. Only 80 came back undeliverable. Thus the New Hampshire error rate is 16 percent. Unless, of course, you count all the homeless folks who have nothing left to register.

New Hampshire is wide open to a federal suit. Passing this bill would prevent one. That federal brief is written, it uses the winning arguments in similar cases, and several John Doe plaintiffs have lined up to make the litigation a class action. If lawmakers defeat HB 587, a federal court might well order New Hampshire to refund all the money it has every collected from registrants, pay the legal fees for both parties, pony up the clerical costs to tabulate all those rebates, and buy the postage to mail checks to many rightful owners, wherever they live tonight, as opposed to tomorrow night. Below is a CCJR position paper showing the data on the registry is untrustworthy, it does not cut recidivism, and it inflicts great harm on registrants, destabilizing them. It is based on the myths that sex offenders have many victims, they have high recidivism, and therapy is useless.



# **CITIZENS FOR CRIMINAL JUSTICE REFORM**

## **Overview of the sex offender issue in NH**

**By Chris Dornin, founder, CCJR**

Cheshire County has become the state's epicenter of vigilantism against people on the registry. David Wheelock of Keene, a disabled registrant, was shot dead at his front door a year ago. A similar front door bludgeoning in October left Walter Field of Westmoreland with major head trauma and blindness in one eye. His assailant was looking for someone else, according to state police. The next door neighbor was a public registrant. I've talked to both men and they are sure a stranger was looking for the sex offender on the public registry.

Neither case has been solved, but there is some possibility the two crimes are linked. Our board at CCJR met last November with ten people on the registry from the Keene area. One man who lives down the street from the murder victim's home told us he was jumped by several neighbors last year calling in a ripper and skinner. Those terms are prison slang for a sex offender. They kicked him while he was on the ground. Now the registrant fears he will lose his girlfriend and his three year old daughter. A vigilante website still glorifies the murder.

### **Other New Hampshire vigilantes**

Nine years ago Lawrence Trant stabbed a sex offender registrant in Concord, left him for dead, and tried to burn two apartment buildings with seven sex offenders among their many fully innocent tenants. "I hope I've done a service to the community," Trant told the *Boston Globe* from prison. "These guys are sexual terrorists."

Stephen Marshall of Nova Scotia killed two registrants in Maine in 2006. Like Trant, he found them online. One of those victims, William Elliot, was on the registry because he slept with his under-age girlfriend when he was in high school.

A chanting Manchester mob burned a scarecrow on the wooden porch of registrant Gloria Huot in 2006. Huot was away, but her roommate watched from inside their home with her two young sons and a baby. That is life on the registry.

Victim advocates in Ohio see the problem. The rape crisis centers in Texas and Cleveland filed an amicus brief supporting the successful *Williams v. Ohio* challenge to the Ohio public registry. Margie Slagle, the lawyer for the women, argued the shaming list perpetuates dangerous myths, creates a false sense of security, misuses police resources, harms and destabilizes former offenders and thus increases the risk of recidivism.

"Any argument," Slagle wrote, "that Ohio's AWA (Adam Walsh Act) is simply a remedial law designed to protect children and the public from sexual abuse and sex crimes is seriously flawed. Ohio's AWA is not based on empirical evidence or proven research, but on fear and misinformation." The Ohio law was similar to New Hampshire's.

### **Our public registry law causes this bullying as predicted in 2002**

John Stephen, former assistant safety commissioner, testified in 2002 in favor of HB 1426 to start posting the registry on line. He told the Senate Judiciary Committee a public list was a good idea because the current sex offense recidivism rate was only 2 percent. Of the 717 people who had ever been on the non-public registry to date 16 had been arrested for new sex crimes: six for aggravated felonious sexual assault, four for felonious sexual assault, two for sexual assault,

three for indecent exposure, and one for criminal restraint. "Sixteen out of 717," said Stephen. "You know, I think that tells you that this (non-public registry) law is working." So he asked that it be posted on the Internet.

Claire Ebel, executive director of the Civil Liberties Union, warned senators of the collateral damage to families of public registrants if HB 1426 became law. "You have 701 other names on that list," she said, "individuals who are being subject to abuse, who have lost their jobs, who have lost their homes, who have been threatened, who have been the victims of vandalism, whose families are being threatened, whose children are being harassed and intimidated and threatened in their schools."

### **Registrants face unique pressures**

The City of Dover drove half of its sex offenders out of town in the first year of a residency restriction aimed only at registrants. The code was struck down in *Jennings v. Dover* in 2009, but several towns still enforce copycat ordinances. A registrant from out of town could unwittingly buy or lease the wrong home there. Precisely that happened to the winner in the Jennings case. Richard Jennings signed a Dover lease with his fiancée too near a park. They had been driven from Portsmouth because neighbors complained to the landlord. Jennings re-registered at his mother's address, stayed with his fiancée in Dover, got busted for failing to register properly, and served another four months in jail. His partner has a daughter living with them. She told me she was getting into a lot of fights at school, but she was standing up to the peer pressure.

### **The registry has no proven benefit**

The full argument against registries can be found in a single article published last year by Elizabeth Reiner Platt, "Gangsters to Greyhounds: The Past, Present, and Future of Sex Offender Registration." It documents the clear historical intent and result of registries – punishment. Ms. Platt quotes Georgia House Speaker Jerry Keen in a moment of great candor during debate on the state's public registry: "If it becomes too onerous and too inconvenient, [sex offenders] just may want to live somewhere else . . . And I don't care where, as long as it's not in Georgia."

Anthony Sowell raped and murdered 11 women in Cleveland while he was on the public registry, according to the Cleveland *Plain Dealer*. The police visited his home half a dozen times on suspicion of foul play without finding the truth. They thought the stench from the corpses buried in his basement came from a sausage factory half a mile away.

A 2000 Iowa Corrections study tracked 233 sex offenders released in 1995 and 1996 under a new sex offender registry law. That group had a 3 percent sex crime recidivism rate after 4.3 years in the community. A similar control group of 201 sex offenders released before the registry law took effect had a 3.5 percent sex recidivism rate in the same length of time. The group supervised under the registry had a somewhat lower average recidivism risk score to begin with, and it had a higher proportion of people on probation as opposed to parole. The difference in recidivism rates was statistically insignificant.

A 2012 study by University of Washington researcher Alissa Akerman found that the addresses for people on sex offender public registries are woefully inaccurate. Sixty percent of the listed Florida registrants were dead, incarcerated again, deported or actually living out of state. The same ratios were 52 percent for New York, 48 percent for Illinois, 36 percent for Georgia and 25 percent for Texas.

An article by researcher Deborah Periman of the University of Alaska at Anchorage entitled "Revisiting Alaska's Sex Offender Registration and Public Notification Statute," published in May 2009 said few offenders commit new sex crimes; that treatment is effective for them; that several

valid risk assessment tools can predict which people are likely to reoffend; that the registry destabilizes sex offenders in multiple ways that make them more likely to reoffend and less likely to seek or stay in community treatment programs; and that public registries do nothing to reduce the incidence of first-time or repeat sex offending.

### **Myth: Sex offenders are mean strangers**

An Ohio prison intake report on sex offenders imprisoned in 1992 revealed that 2.2 18 percent of child molesters were strangers to their victims, and 89 percent of perpetrators had never been convicted before. A 2006 report for the Ohio Sentencing Commission said 93 percent of molestation victims were well known to their perpetrators, over half the offenders victimized close relatives, and 93 percent of molesters had never been arrested for a previous sex crime.

A December 2009 study by David Finkelhor of UNH and colleagues for the US Justice Department analyzed national sex crime data from 2004. That year the estimated population of underage sex offenders was 89,000, and they had committed 35.8 percent of all sex crimes reported to police. One in eight juvenile sex offenders was under age 12.

### **Myth: Public registries protect the public**

Researcher Brian Oliver reviewed a dozen studies on the effectiveness of the sex offender registry as of 2012. None showed that this presumed tool for enhancing public safety had any effect on sex offense recidivism or prevention. He explained why. Sex offenders have low sexual recidivism rates, contrary to popular belief, and well over ninety percent of sex offenses are committed by people who are not registered sex offenders. Below are Oliver's summaries.

Zevitz (2006) compared the recidivism rates of 47 Level III sex offenders subjected to Wisconsin's highest level of notification with 166 Level III offenders subjected to limited notification across a 4.5-year follow-up period. He found no differences in sex offense rearrest rates between the groups.

Sandler, Freeman & Socia (2008) conducted a time series analysis examining differences in sexual offense arrest rates before and after the enactment of New York State's Sex Offender Registration Act. The results provided no support for the effectiveness of registration and community notification laws in reducing sexual offending by: (a) rapists, (b) child molesters, c) sexual recidivists, or (d) first-time sex offenders.

Tewksbury & Jennings (2010) examined the conviction records of 759 sex offenders from Iowa released between 1992 and 1996 (who were not required to register) with 823 sex offenders from Iowa released between 1997 and 2002 (who were required to register). The two groups did not differ on reconviction rates for new offenses.

Letourneau, Levenson, Bandyopadhyay, Sinha & Armstrong (2010) compared 3,231 male sex offenders from South Carolina who were required to register with 2,733 offenders who were not required to register. They found no difference in recidivism rates between the groups.

Madden, Miller, Walker & Marshall (2011) compared 755 sex offenders released from prison in Arkansas between 1987 and 1989 (who were not required to register) with 2,165 registered sex offenders released between 1997 and 1999 (who were required to register). There was no difference between the two groups on sexual recidivism rates.

Tewksbury, Jennings & Zgoba (2012) compared 247 sex offenders released from New Jersey prisons between 1990 and 1994 (who were not required to register) with 248 sex offenders

released from New Jersey prisons between 1996 and 2000 (who were required to register). They found that whether or not an offender had to register was not related to sexual recidivism risk.

**Fact: Sex offenders as a group have low sex crime recidivism**

The U.S. Justice Department evoked the myths about high sex offender recidivism in a June 2002 *amicus* brief in an Alaska sex offender registry appeal that went to the U.S. Supreme court, *Godfrey and Botelho v. John Doe*. Solicitor general Theodore B. Olson wrote that sex offenders "exact an uniquely severe and unremitting toll on the Nation and its citizens for three basic reasons: they are the least likely to be cured, they are the most likely to reoffend, and they prey on the most innocent members of our society."

He was dead wrong on all of those claims. There is much research to the contrary.

A U.S. Justice Department report in 2003 tracked 9,691 sex offenders released from prisons in New York, California, Ohio and 12 other large states in 1994. Their recidivism rate for new sex crime arrests and convictions after three years on parole was 5.3 percent. 7.3 percent of child molesters with two or more prior arrests for that crime were charged anew for molesting. That compares with a 2.4 percent sexual recidivism rate for child molesters with only one prior arrest for that crime. A similar report to the Ohio Sentencing Commission in 1989 said 8 percent of sex offenders were convicted of a new sex crime within a decade. The 10-year Ohio recidivism rate for incest was 7.4 percent.

A 1998 Canadian Government study by Karl Hanson and Monique Bussiere, entitled "Predicting Relapse: A meta-Analysis of Sexual Offender Recidivism Studies," examined 61 research efforts between 1943 and 1995 with a combined sample of 28,972 sex offenders. The overall recidivism rate for new sex offenses was 13.4 percent during the average follow-up period of four to five years. Of the 9,603 child molesters in the combined cohort, the rate was 12.7 percent. Some of these studies dated back to the period when only stereotype serial sex offenders went to prison, thus weighting the results toward greater recidivism.

Roger Hood and three British colleagues followed 162 released sex offenders for four years and tracked 62 others for six years. Their report in 2002, entitled "Sex offenders emerging from long-term imprisonment; A Study of Their Long-term Reconviction Rates and of Parole Board Members' Judgements of Their Risk," found 1.2 percent were re-imprisoned for a new sex crime after two years. The report concluded, "These facts need to be more widely recognized and disseminated if there is to be rational debate on this emotive subject."

Karl Hanson and Morton-Bourgon published a similar meta-analysis in 2005 of 73 recidivism studies with a combined cohort of 19,267 sex offenders. After an average of nearly six years in the community they had a new sex crimes recidivism rate of 14.3 percent.

A 2007 study by the Missouri Department of Corrections tracked 3,166 sex offenders released between 1990 and 2002. Twelve percent had been re-arrested for a new sex crime in those 12 years, and 10 percent had been re-convicted. The report also looked at sex offenders released in 2002. In the first three years on parole their sex crime recidivism rate was 3 percent. The report concluded, "Due to the dramatic decrease in sexual recidivism since the early 1990s, recent sexual re-offense rates have been very low, thus significantly limiting the extent to which sexual reoffending can be further reduced."

A 2007 report by the Tennessee Department of Safety found that 4.7 percent of 504 sex offenders released from prison in 2001 were arrested for a new sex offense after three years. The sex crime recidivism rate was zero for offenders whose original crime was incest.

A 2007 report by Jared Bauer of the West Virginia Division of Corrections tracked 325 sex offenders for three years after release from prison in 2001, 2002 and 2003. The recidivism rate for any return to prison, not just for sex crimes, was 9.5 percent. Only six parolees returned for new sex related crimes, including three for failing to properly register as a sex offender. The sex crime recidivism rate was slightly less than 2 percent. Only 1 percent had an actual sex crime victim.

Utah criminologist Larry Bench tracked 389 Utah sex offenders for up to 25 years after release. His 2008 report disclosed that 7.2 percent had been arrested for a new sex crime.

An Indiana Corrections report in the spring of 2009 found that sex offenders released in 2005 had compiled a 1.05 percent sex crime re-conviction rate in three years. The study said this rate was "extremely low" and showed "a great deal of promise."

Stan Orchowsky and Janice Iwama authored a 2009 study for the U.S. Justice Research and Statistics Association which showed similar low sex crime re-arrest rates after three years for sex offenders released from prison in 2001. The rates by state were as follows: Alaska 3.4 percent, Arizona 2.3 percent, Delaware 3.8 percent, Illinois 2.4 percent, Iowa 3.9 percent, New Mexico 1.8 percent, South Carolina 4.0 percent, and Utah 9.0 percent. The comparison three-year national rate was 5.3 percent noted previously for inmates released in 1994.

A report in July 2011 led by Mark Rubin of the University of Southern Maine's Muskie School of Public Service tracked 900 sex offenders released from prison or probation in Maine between 2004 and 2008. Within three years after release, 3.8 percent had been convicted of a new sex crime.

A report in March 2012 by the State of Connecticut tracked 746 sex offenders for five years after release from prison in 2005. Only 3.6 percent had been charged with a new sex crime, 2.7 percent were convicted, and 1.7 percent had returned to prison for that new crime.

**Citizens  
for  
Criminal Justice  
Reform**



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Website: [www.ccjrn.org](http://www.ccjrn.org)

### Why is Reform Needed?

The United States has about 5 percent of the world's population and 25 percent of the prison population. Nearly 2.3 million Americans are incarcerated, according to the U.S. Department of Justice, and another 5 million are serving parole or probation. That means one in every 31 adults is behind bars or on supervised release. We lead the world in our overuse of prisons. We lock away 730 people of every 100,000 adults, compared with 100 per 100,000 in Europe.



The New Hampshire prison population grew from 394 in 1982 to 2,615 in 2007. That's a 560 percent increase. The corrections budget has more than doubled in the past decade to \$104 million, while the state population grew only 31 percent. A major cause was recidivism. The number of parole violators increased 50 percent between 2000 and 2009. The prisons have done too little to prepare men and women for freedom. Worse, there have been no state-funded services for parolees until very recently. Those are still minimal.

### The *Big Lie*: "Rehabilitation doesn't work."

The simple truth is this. The best practices in education, training, rehabilitation parole and therapy all help protect the community. New Hampshire needs to make that kind of investment as a wise use of resources. At CCJR we support rational, cost effective programs and policies that reduce crime, slow the revolving door back into prison, make our society safer and give ex-offenders a better chance to succeed.

*"Justice denied anywhere —  
diminishes justice everywhere."*

*— Martin Luther King, Jr.*

# Citizens for Criminal Justice Reform

## MISSION STATEMENT

Citizens for Criminal Justice Reform works for a just, humane and restorative judicial and correctional system by means of research, public education, legislative advocacy, coalition building, community organizing and litigation. We support rational, cost effective programs and policies that reduce crime, lower recidivism and make our society safer.

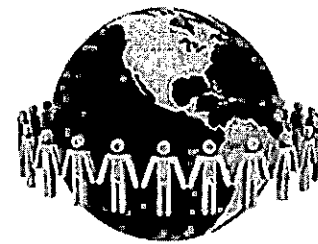
## OUR VISION

CCJR seeks a system of justice that protects the community while promoting the rehabilitation of offenders and the well-being of inmate families.

## OUR GOALS:

- Build, empower, and mobilize an active statewide coalition.
- Debunk common myths and stereotypes about prisons and offenders.
- Reform the criminal justice process to make it more restorative and less adversarial.
- Promote alternatives to incarceration which are less costly and more effective than prison, such as fines, counseling, community service, and restitution.
- Advocate for programs that maintain relationships between inmates and their loved ones.
- Work to reintegrate offenders back into their families and communities.

- Address addiction as a health care issue, not as a criminal offense, and redirect resources to prevention and treatment.
- Oppose mandatory minimum sentences and dangerous overcrowding in our jails and prisons.
- Serve as a networking resource for prisoners and their families.



**"What we can't do alone, we can do together"**

***"The Granite State has long needed a voice like CCJR to challenge the myths behind decades of draconian state policies on crime".*** Chris Dornin, a former correctional counselor, a retired NH State House Reporter and the founder of Citizens for Criminal Justice Reform.

**ACT NOW:** Take that important step to join our efforts to reduce crime, save Taxpayer dollars, aid rehabilitation and reduce the risk of reoffending.

Cut on this line

## Membership

To Join CCJR, fill in, detach and mail to:

**CCJR**  
PO Box 3942  
Concord, NH 03302-3942

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

**Please check type of membership and include annual dues:**

**Membership list is strictly confidential.**

|   |          |
|---|----------|
| <input type="checkbox"/> Prisoner .....             | \$ 2.00  |
| <input type="checkbox"/> Individual .....           | \$ 10.00 |
| <input type="checkbox"/> Family .....               | \$ 20.00 |
| <input type="checkbox"/> Organization .....         | \$ 50.00 |
| <input type="checkbox"/> Life Time Membership ..... | \$100.00 |
| <input type="checkbox"/> Newsletter, email only     | FREE     |

**Make Checks Payable to CCJR.**

If you do not wish to join, but would like to make a donation, gifts are tax deductible. We are a 501(c)(3) organization.



**CCJR**  
**Citizens for Criminal Justice Reform**  
PO Box 3942  
Concord, NH 03302-3942

**"A Non-Profit Criminal Justice Reform Group"**

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 587-FN

**BILL TITLE:** repealing the registration fee for sexual offenders and offenders against children.

**DATE:** 2/10/15

**LOB ROOM:** 204

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Marston

Seconded by Rep. Pantelakos

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

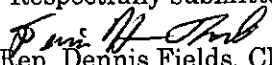
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
  
Rep. Dennis Fields, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 587-FN

BILL TITLE: repealing the registration fee for sexual offenders and offenders against children.

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Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *MRASTON*

Seconded by Rep. *PANTCLARK*

Vote: (Please attach record of roll call vote.) *Yea 13*  
*NAY 0*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
*Dennis H. Fields*  
Rep. Dennis Fields, Clerk



2015 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 587 Title: \_\_\_\_\_

PH Date: 2/5/15 Exec Session Date: 2/10/15

Motion: JTL by MARSTON Amendment #: \_\_\_\_\_  
by PANTELAKOS

MEMBER

YEAS

NAYS

|                             |        |  |
|-----------------------------|--------|--|
| Tholl, John E., Chairman    | 1      |  |
| Welch, David A., V Chairman | 1      |  |
| Fields, Dennis H., Clerk    | 1      |  |
| Fesh, Robert M.             | ABSENT |  |
| Marston, Dick               | 1      |  |
| Burt, John A.               | 1      |  |
| Sweeney, Shawn P.           | 1      |  |
| Barnes, Arthur E.           | 1      |  |
| Comeau, Ed                  | 1      |  |
| Fisher, Robert Z.           | ABSENT |  |
| Martin, John F.             | ABSENT |  |
| Pantelakos, Laura C.        | 1      |  |
| Berube, Roger R.            | ABSENT |  |
| Robertson, Timothy N.       | ABSENT |  |
| Cushing, Robert R.          | 1      |  |
| Hirsch, Geoffrey D.         | 1      |  |
| O'Hearne, Andrew S.         | ABSENT |  |
| Mangipudi, Latha D.         | 1      |  |
| DiSesa, Len                 | 1      |  |
| <b>TOTAL VOTE:</b>          |        |  |

13 yeas

0 nays

# Committee Report

**CONSENT CALENDAR**

**February 11, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB587-FN,

AN ACT repealing the registration fee for sexual offenders and offenders against children. Having considered the same, report the same with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

**Rep. Dick Marston**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |   |
|-------------------|---|
| Committee:        | CRIMINAL JUSTICE AND PUBLIC SAFETY  |
| Bill Number:      | HB587-FN  |
| Title:            | repealing the registration fee for sexual offenders and offenders against children. |
| Date:             | February 11, 2015   |
| Consent Calendar: | YES   |
| Recommendation:   | INEXPEDIENT TO LEGISLATE  |

### STATEMENT OF INTENT

The bill as introduced would have repealed the annual \$50 registration fee. There is a provision in the law that would currently allow the fee to be waived if the offender was unable to afford it. The committee determined that repealing the fee would have resulted in virtually eliminating the registry, which would be a disservice to the citizens of NH.

Vote 13-0.

Rep. Dick Marston  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



## CONSENT CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB587-FN**, repealing the registration fee for sexual offenders and offenders against children.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Dick Marston for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. The bill as introduced would have repealed the annual \$50 registration fee. There is a provision in the law that would currently allow the fee to be waived if the offender was unable to afford it. The committee determined that repealing the fee would have resulted in virtually eliminating the registry, which would be a disservice to the citizens of NH. **Vote 13-0.**

Original: House Clerk

Cc: Committee Bill File

587  
HB Repealing the registration fee for sexual offenders and offenders against children

ITL  
CONSENT CALENDAR  
13-0

The bill as introduced would have repealed the annual \$50 registration fee. There is a provision in the law that would currently allow the fee to be waived if the offender was unable to afford it. The committee determined that repealing the fee would have resulted in virtually eliminating the registry, which would be a disservice to the citizens of NH.

Rep. Dick Marston  
For the Criminal Justice Committee

A handwritten signature in black ink, appearing to be 'D. Marston', written in a cursive style.