



MEMORANDUM

TO: Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: May 21, 2021

RE: OPPOSITION TO HB 1130 PN 1178 (WILLIAMS)

Bill summary: [HB 1130](#) (PN 1178) would amend Megan's Law ([42 Pa.C.S.A. § 9799.14](#)) to add [18 Pa.C.S. § 3011\(a\)\(1\) and \(2\)](#) (relating to trafficking in individuals) and [18 Pa.C.S. § 3013](#) (relating to patronizing a victim of sexual servitude) as Tier I offenses, which require registration for 15 years and annual reporting to the Pennsylvania State Police. It would also add [18 Pa.C.S. § 3011\(b\) and § 3012](#) (relating to involuntary servitude) as it relates to sexual servitude as Tier II offenses, which require registration for 25 years and biannual reporting.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1130.

Megan's Law establishes a required registry for people convicted of (mostly) sex offenses coupled with publicly available information / community notification about those on the registry. The law divides offenses into [three tiers](#) that keep a person on the registry for 15 years (Tier I), 25 years (Tier II), or life (Tier III) **after** the person has served their sentence.

In total, Pennsylvania's Megan's Law requires registration for convictions of over **50 different offenses** as well as the *attempt, conspiracy or solicitation to commit* one of those offenses. The registry is uniquely invasive, requiring the state to publicly post and disseminate personal information for each Pennsylvania registrant ([§ 9799.28](#)), including name, year of birth, current photograph, address of any school or place of employment, license plate number and description of vehicle owned or operated, and more. Placement on the registry also comes with dire and enduring collateral consequences — over half of registrants report a loss of employment, loss or denial of a place to live, loss of a friend, or personal harassment after being placed on the registry.¹ And while many believe this kind of social and economic banishment (for decades or even life) is deserved, it is often our own communities that suffer the consequences of such punitive alienation.

HB 1130 adds non-sexual offenses to the Megan's Law sex offense registry.

Arguably, Megan's Law requires registration for people convicted of certain sex offenses. However, legislators continue to add offenses to the registry, some of which are "no-contact" offenses — offenses that do not require physical contact between the offender and victim. By no means does this imply that these offenses are not serious; many of them are quite serious and are treated as such under current law. For example, HB 1130 would add non-sexual trafficking offenses to the registry. Why is this problematic? People placed on the registry require specialized treatment to be eligible for parole and as a condition of release. But *people convicted of trafficking are not necessarily sex offenders* — requiring them to participate in or complete specialized treatment for which they have no medical need or diagnosis denies others placement in those extremely limited programs and risks impeding therapeutic progress for the other participants who need it. Continuing to add non-sexual, no-contact, and/or secondary offenses to the registry not only undermines the original intent of the law, but it threatens to backfire on the very communities it purports to protect.

¹ Frenzel, Erika, et. al. (2014) [Understanding collateral consequences of registry laws: An examination of the perceptions of sex offender registrants](#). Justice Policy Journal: Volume 11, Number 2 (Fall).

Megan's Law is based on flawed assumptions about sex offenses.

Legislators have an important role in protecting communities from sexual victimization. We do not doubt that the bill sponsors take that duty seriously and sincerely wish to keep their communities safe. Proponents of community notification and registration laws truly believe that placing restrictions on registrants and sharing information about where they live and work will lead to a decrease in sexual victimization. However, decades of research does not bear this out: Megan's Law has showed **no demonstrable effect in reducing sexual re-offenses**² and **no effect on reducing the number of victims** involved in sexual offenses.³

Registration and community notification requirements are premised on three related, but inaccurate, beliefs about sex crimes: (1) communities will be safer if they have more information about who among them has been convicted of a sex offense; (2) people on registries reoffend at a high rate; and, (3) registration restrictions and notification requirements protect people and their families from sexual violence. In fact, increasing restrictions and notification requirements is likely to have the **counterintuitive effect** of increasing the risks to public safety.

More information does not result in safer communities.

Community notification laws can overstate the threat of sexual assault posed by strangers, and lead families to feel safe because they know where registered people are living. As a result, families may ignore the fact that children are most likely to be sexually assaulted by people they already know and in their own homes.⁴

People convicted of sex offenses do not reoffend at a high rate.

Recidivism rates among those convicted of sex offenses are, in fact, much lower than recidivism rates among people convicted of other felonies.⁵

Increased registry restrictions and notifications often increase risks to public safety.

While community notification laws are intended to lower recidivism rates, they may actually have the opposite effect. Such laws often result in people on the registry losing their jobs or homes, being subjected to threats and harassment from neighbors, and being subjected to property damage.⁶ Being placed on the registry can result in lifelong penalties that permanently impact a person's ability to ever successfully reintegrate back into their communities.

Unsurprisingly, the best way to promote public safety is by taking preventative measures — such as ensuring stable housing, treatment, and mental health services.⁷ Support services that help those convicted of sexual offenses return to their lives is the most effective way to reduce recidivism among the small percentage of registered people who actually pose a risk of reoffending.

HB 1130, and legislation like it, will not result in communities being better able to protect themselves from sexual violence. To the contrary, increasing the number of registrants about whom communities are notified, as well as the volume of information publicly available about them, offers **no discernible public safety benefit** and, may, in fact, lead to **increased rates** of reoffense.

For these reasons, we urge you to oppose House Bill 1130.

² Hanson, Karl, et. al. [Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender](#). Psychology, Public Policy and Law (May 8, 2017).

³ Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). [Megan's law: Assessing the practical and monetary efficacy](#) (Report on Grant Award 2006-IJ-CX-0018). Washington, DC: National Institute of Justice.

⁴ Howard N. Snyder, [Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident and Offender Characteristics](#), Bureau of Justice Statistics (2000).

⁵ Alper, Mariel, et. al. (2019). [Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up \(2005-2014\)](#). Washington DC: U.S. Department of Justice, Bureau of Justice Statistics.

⁶ Human Rights Watch, [No Easy Answers: Sex Offender Laws in the US](#) (2007).

⁷ Reagan Daly, [Treatment and Reentry Practices for Sex Offenders](#), Vera Institute of Justice (2008).