

TO: The House Judiciary Committee,

Rep. John J. Walsh, Chairman

Rep. Kurt Heise, Rep. Judson S. Gilbert II, Rep. Kenneth B. Horn, Rep. Paul Scott, Rep. Kurt Darrow,

Rep. Paul Muxlow, Rep. Bradford C. Jacobsen, Rep. Peter Pettalia, Rep. Pat Somerville,

Rep. Mark C. Meadows, Rep. Bob Constan, Rep. Stacy Erwin Oakes, Rep. Lisa Brown,

Rep. Jeff Irwin, Rep. Phil Cavanagh and Rep. John Olumba

RE: SB188, SB189 and SB206

DATE: March 17, 2011

I have been employed as a caseworker at the Oakland County/Circuit Court/Family Division (Formerly known as Juvenile Court.) for the past thirty-four years. I am recently retired from that position. Since the Sexual Offender Registry in Michigan was created in 1994 it has been changed in many ways. Every change made up to this point has made the SOR more restrictive, more public and has increased the requirements for those on SOR. At this point, Michigan's SOR has cast a net so wide, that it is impossible to distinguish the true sexual predators from those who have simply made mistakes or acted impulsively. With over 46,000 residents on the registry Michigan has one of the largest and most restrictive Sex Offender Registries in the country.

Since 1994 we have learned a lot about juveniles who commit sex offenses. We now know that, particularly with treatment, they are no more likely commit another sex offense than the general population. In 1994 there were no risk assessments specifically for juveniles. Now there are several excellent assessment tools. In 1994 there was no clear data about the juvenile's likelihood to re-offend. Now we have clear data. All of the studies I have found indicate the same finding: Juvenile's who receive treatment are not likely to re-offend.

In many respects, the senate bills that are before you today represent a positive change in direction for the Michigan SOR:

- 1.) Juveniles less than fourteen would be removed from the registry.
- 2.) 14-17 year olds would not be required to register unless the offense is "a Tier 3 Offense".
- 3.) 14-17 year olds would be placed on a non-public registry.
- 4.) Juvenile offenses that were "consensual" have the ability to petition the court to be removed from the registry.

I believe that there are a number of issues within these changes:

- 1.) "The Tier 3 offenses" included in these bills go well beyond those included in the Adam Walsh Act. The federal law only requires juveniles 14-17 years to register for offenses involving penetration by force, threat of serious violence, rendering unconscious, or involuntarily drugged. SB188 still includes other offenses including Gross Indecency, CSC I and CSC 2 when the victim is less than 13 and CSC 3 where none of the above factors exist.
- 2.) 14-17 years old who are placed on the non-public registry are required to register quarterly for the *rest of their lives*.

- 3.) As the law is written, those who have already petitioned the court under the existing law would not be allowed to petition again under the new law.

I understand that the legislature is strongly motivated to pass legislation to bring Michigan into compliance with the federal law; however, I would urge you to move cautiously. In addition to burdensome requirements of the Michigan SOR the federal law adds more.

- 1.) Under AWA, the employer addresses are listed on the website. Unemployment is already a terrible problem for those on the SOR and this requirement will only exacerbate the problem. What employer wants his business listed as "one who employs sex-offenders"?
- 2.) Registrants are required to register the home address, any address where sleep regularly, any and all email addresses, and the description and license of any boats, planes or cars which "regularly use".
- 3.) Under AWA the first failure to register is a felony. Please try to imagine a learning-disabled forty-five year old trying to remember to register *on time* every quarter for an offense that occurred when he/she was fifteen. The odds are pretty good that, at some point along the way, a mistake will be made and this registrant will be back in court on a new felony.

All of the considerable and well-documented damage the SOR has done and continues to do to the lives of those on the registry and their loved ones might be worthwhile if it actually protected the community but it does not. There is no data demonstrating that the SOR has made the community safer or prevented sexual offenses. The costs of monitoring over 40,000 people cannot be a small matter. Certainly, the additional cost of petitioning those who fail to meet the requirements (which they most certainly will) and incarcerating them when they continue to fail must be considered. The cost of wasted human potential is not easy to measure but it certainly matters.

I have been told that despite all the evidence that this law will pass. If that is so, I would ask that you do your best to address the issues I have raised and consider providing additional opportunities for registrants to petition for removal based on assessment of risk they present to the community.

If you have any questions I would be happy to discuss this matter with you. I may be reached at (248) 494-1908. Thank you.

Sincerely,



Kathleen A. Cojanu
2100 Lakeshire Drive
West Bloomfield, MI 48323