

TESTIMONY OF THE

AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA

ON H.B. 164, PROVIDING FOR MANDATORY SENTENCES,

GPS MONITORING AND “CHILD PROTECTIVE ZONES”

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BEFORE THE HOUSE JUDICIARY COMMITTEE

July 29, 2008

Good afternoon Chairman Caltagirone and members of the Judiciary Committee. My name is Karl Baker. I am the Chief of the Appeals Division of the Defender Association of Philadelphia. I have been asked to speak to you on behalf of American Civil Liberties Union of Pennsylvania. I currently serve as a member of that Board, and recently completed a term on that organization’s National Board. Two members of my Appeals Division will also speak separately for the Defender Association.

From our perspective we are greatly concerned that, despite its good intentions, the enactment of House Bill 164 and similar bills<sup>1</sup> would do little to protect women and children from the dangers of sexual assault, and that they would needlessly, unfairly and arbitrarily deprive thousands of individuals of their liberty - at great expense to the state.

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<sup>1</sup>. See also HB 1156, HB 1064, and SB 771.

## Mandatory Sentences

House Bill 164 would establish a mandatory minimum sentence of 25 years for the crime of rape or involuntary deviate sexual intercourse against a child under 13 years of age, with a maximum permissible sentence of 75 years. A report from the Bureau of Justice Statistics indicates that two thirds of all sexual assaults reported to law enforcement agencies consisted of victims under age 18.<sup>2</sup> Of those nine out of ten child victims knew their abusers. Thirty-four percent were family members.<sup>3</sup> Indeed, where the child was under age six, 49% of the reported abusers were family members.<sup>4</sup> Approximately 40% of all abusers of children are children themselves, under age 18.<sup>5</sup>

Under the Juvenile Act, a prosecutor must charge a child arrested of rape or IDSI as an adult offender if they are fifteen years of age or older. What this means is that under HB 164 family members and friends, including those who are children over age 14, must be sentenced to a minimum mandatory sentence of 25 years (or 50 years to life for a second offense, without the possibility of parole).

In 1992 I testified before this Committee in opposition to a list of provisions contained

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<sup>2</sup> Howard Snyder, BJS, "Sexual Assault of Young Children as Reported to Law Enforcement," July 2000, <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf> at p. 2.

<sup>3</sup> Ibid at 10.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid at 8.

in Representative Karen Ritter’s proposed revision to the sexual assault codes. I noted the incongruous consequences the ACLU believed would result from several provisions such as this. My testimony was followed by that of Lynn Abraham, the Philadelphia District Attorney, whom to my pleasant surprise seconded some of my concerns. Her specific concerns were that the draconian impact of certain provisions would make it increasingly difficult for her office to obtain the cooperation of family members in prosecuting sexual assaults. Indeed, family members naturally would be reluctant to testify, or even report a sexual offense committed by another family member or friend, if it meant the certain incarceration of that individual for a quarter century or more. Tax payers should also be reluctant to pay for the inevitable consequence of mandatory statutes – an ever increasing prison population.

The considered policy of the ACLU is to oppose all such mandatory sentences. We believe that all sentencing statutes should allow a judge to consider the nature of the offense and the relevant personal characteristics and circumstances of the individual. The ultimate goal should be that of successfully reintegrating the offender into society as a law abiding and productive citizen.

#### False Assumptions

Our organization has long contended that the proliferation of statutes and ordinances broadly categorized as “Megan’s Law” was based on false assumptions. In fact, the enactment of sexual psychopath statutes go back to the 1930s. The first such statute was enacted by the

state of Michigan in 1937.<sup>6</sup> Similar statutes soon swept the nation. By 1950 they were on the books in twelve states and the District of Columbia.<sup>7</sup> By 1970 there was some form of sexual psychopath statute in thirty-three states and the District of Columbia.<sup>8</sup> In most instances these enactments followed pervasive publicity surrounding a particularly heinous sexual offense.<sup>9</sup>

Soon after they began to appear, however, these statutes came under sustained criticism. In 1995, Professor Andrew Horwitz commented in a Pittsburgh Law Review article that the assumptions relied upon by the legislators who enacted these statutes "were quickly assailed as either unproven or patently false."<sup>10</sup> Among the assumptions that he referenced were the beliefs that sex offenses are committed by an identifiable class of "sexual psychopaths" who share a common diagnosis, and that sex offenders reoffend at a higher rate than other criminals. These assumptions have not held up to scrutiny. Indeed, states began to repeal these statutes in the 1970s as a result of continuing criticism. Often the coalitions that called for repeal were very

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<sup>6</sup>. MICH. COMP. LAWS §§ 780.501-.509 (repealed 1968).

<sup>7</sup>. Edwin H. Sutherland, *The Diffusion of Sexual Psychopath Laws*, in *CRIME AND THE LEGAL PROCESS* 74, 74-75 (William Chabliss ed., 1969).

<sup>8</sup>. Carol Vaneziano & Louis Venziano, *An Analysis of Legal Trends in the Disposition of Sex Crimes: Implications for Theory, Research, and Policy*, 15 *J. Psychiatry & Law* 205, 206 (1987).

<sup>9</sup>. Note, *The Plight of the Sexual Psychopath: A Legislative Blunder and Judicial Acquiescence*, 41 *NOTRE DAME L. REV.* 527, 527-28 (1966).

<sup>10</sup> Horwitz, "Sexual Psychopath Legislation: Is There Anywhere To Go But Backwards?", 57 *U. Pitt. L. Rev.* 35, 42 (1995).

broad. In Wisconsin not a single witness spoke in favor of that state's sexual psychopath statute during a 1979 hearing, and the repeal was adopted by a unanimous vote.<sup>11</sup> In 1983 the House of Delegates of American Bar Association adopted the resolution of a special task force headed by the District Attorney of Denver, Colorado. The resolution added the following standard to the Criminal Justice Mental Health Standards of the ABA:

Standard 7-8.1. Repeal of psychopath statutes.

Statutes which provide for special sentencing and treatment of sexual psychopaths, psychopaths, or defective delinquents should be repealed.<sup>12</sup>

By 1990 only eleven states and the District of Columbia had sexual psychopath statutes on their books. Then in 1995 the nation witnessed an especially heinous sexual assault and murder, which crystalized a stereotype of the sex offender in the minds of the public – the murder of Megan Kanka.

Government studies have long shown that former sex offenders, as a class, have a remarkably low rate of recidivism. Perhaps the most overlooked early study from the point of view of Megan's Law is the 1950 report of the State of New Jersey, Commission on the Habitual Sex Offender. That commission drew the following conclusion:

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<sup>11</sup>. Marie T. Ransley, Comment, Repeal of the Wisconsin Sex Crimes Act, 1980 Wis. L. Rev. 941, 949-50 n.66 (1980).

<sup>12</sup> ABA, Criminal Justice Mental Health Standards , Standard 7-8.1, at 455 (approved 1984) (with Commentary).

Sex offenders have one of the lowest rates as "repeaters" of all types of crime. Among serious crimes homicide alone has a lower rate of recidivism. Careful studies of large samples of sex criminals show that **most of them get in trouble only once**. Of those who do repeat, a majority commit some crime other than sex. Only 7 percent of those convicted of serious crimes are arrested again for a sex crime. Those who recidivate are characteristically minor offenders--such as peepers, exhibitionists, homosexuals--rather than criminals of serious menace.<sup>13</sup>

More recent government statistics continue to support this conclusion. A report released by the Bureau of Justice Statistics in 1989 declared that rapists released from state prisons exhibited the second lowest rate of rearrest for the same offense of all criminals evaluated in that major study. The rate reported in the study was 7.7%.<sup>14</sup> Only released murderers had a lower rate of rearrest for the same crime (6.6%). In contrast, thieves had a rearrest rate of 35.5% for theft, burglars had a 31.9% rearrest rate for burglary, and robbers had a 19.6% rearrest rate for robbery.<sup>15</sup> A subsequent report by the BJS released in 1992 reviewed similar data on sex offenders sentenced to intermediate punishment. There the Justice Department found that persons released on probation for rape had the **lowest** recidivism rate of all offenders - 2.9%.<sup>16</sup>

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<sup>13</sup> State of New Jersey, Commission on the Habitual Sex Offender, Final Report (1950) (quoted in Cohen & Kozol, Evaluation for Parole at a Sex Offender Treatment Center, Federal Probation at 55 (Sept. 1966)) (emphasis added). See also Tappan, P., The Habitual Sex Offender: Report and Recommendations of the Commission on the Habitual Sex Offender, Commission on the Habitual Sex Offender [Newark, Feb. 1, 1950].

<sup>14</sup> Bureau of Justice Statistics, "Recidivism of Prisoners Released in 1983," Table 9, <http://www.ojp.usdoj.gov/bjs/pub/pdf/rpr83.pdf>.

<sup>15</sup> *Ibid.* at 6.

<sup>16</sup> See Bureau of Justice Statistics, Recidivism Of Felons On Probation, 1986-89, at 6, table 4 (1992).

In contrast, probationers released for homicide (presumably homicide by vehicle) had their rate of recidivism reported at 4.9%. Once again, the higher rates of recidivism were for robbery (17.3%), burglary (17.2%), and theft (12.2%).

The most recent comparative study of the Bureau of Justice Statistics Report comes to a similar conclusion. In 2002 the BJS issued a report that followed for three years 9,681 sex offenders who had been released by fifteen states in 1994. In the Summary it stated: “Compared to non-sex offenders released from State prison, sex offenders had a lower overall rearrest rate.”<sup>17</sup> That rearrest rate for a new sex crime was 5.3%.<sup>18</sup> Released child molesters had a rearrest rate of 3.3% for a new sex crime against a child.<sup>19</sup> The statistics also showed that older offenders (over 45) had a lower recidivism rate (3.3%), and that the bulk of the rearrests came in the first year (40%).<sup>20</sup> This last point is consistent with other studies. For example, a ten-year follow-up conducted by Ohio Department of Rehabilitation and Corrections states: “Of all the sex offenders who came back to an Ohio prison for a new sex offense, one half did so **within two years**, and two-thirds **within three years**.”<sup>21</sup>

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<sup>17</sup> Patrick Langan, BJS, “Recidivism of Prisoners Released in 1994,” June 2002, at p. 1, <http://ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf> .

<sup>18</sup> Ibid.

<sup>19</sup> Ibid. at 2.

<sup>20</sup> Ibid. at 1.

<sup>21</sup> State of Ohio Department of Rehabilitation and Correction, “Ten Year Recidivism Follow-up of 1989 Sex Offender Releases,” [www.drc.state.oh.us/web/Reports/Ten\\_Year\\_Recidivism.pdf](http://www.drc.state.oh.us/web/Reports/Ten_Year_Recidivism.pdf) , April 2001, at p. i (emphasis in original).

## Child Protective Zones

House Bill 164 would prohibit every person who is required to register as a sex offender from knowingly **entering** any area within 2,000 feet of a school, playground, park or day-care center. The offense would be punishable as a felony in the third degree. The implementation of such a scheme would drive former sex offenders from their homes, jobs and families in urban communities into rural counties where such facilities are less densely packed – with one exception. Sex offenders under probation or parole would be required to remain in their county of residence in the absence of specific permission from a court.

Residential zoning restrictions against former sex offenders have proliferated in municipal ordinances and in a small number of states over the past several years.<sup>22</sup> These laws and related statutes have spawned hundreds of legal challenges.<sup>23</sup> In California, state and federal courts have placed Proposition 83 on hold or have limited the extent of its reach.<sup>24</sup> In Iowa the County Attorneys Association and Iowa sheriffs have petitioned the legislature to repeal the law as “counterproductive.”<sup>25</sup> In New Jersey an appellate court struck down municipal residency

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<sup>22</sup> Chajewski & Mercado, “An Analysis of Sex Offender Residency Restrictions in Newark, NJ,” Sex Offender Law Report, at p. 1 (Jan. 2008) [hereinafter “Analysis of Residency Restrictions”]. See Appendix, Exhibit A.

<sup>23</sup> MacLean, “Sex Offender Law Challenges Grow,” Nat. Law Journal – Daily Report (6/12/08), [http://www.sdp123a.com/index2.php?option=com\\_content&do\\_pdf=1&id=257](http://www.sdp123a.com/index2.php?option=com_content&do_pdf=1&id=257). See Appendix, Exhibit B.

<sup>24</sup> Ibid (“Legislators did such a good job of selling the idea that the restrictions on residency was a safety measure, people have the false idea it provides safety and politicians fear going against that,” said Corwin Ritchie, of the Iowa County Attorneys Association.”).

<sup>25</sup> Ibid.

ordinances this year.<sup>26</sup>

There are three problems with these ordinances: 1) they are not justified by the recidivism rates of former sex offenders; 2) they create more problems with supervision than they solve; and 3) they have a negative impact on the ability of former offenders to reintegrate into society and become productive citizens. As I noted above, former sex offenders as a group have the lowest recidivism rates of all offenders. Moreover, most of the sex crimes are not committed by strangers lurking near schools and daycare centers. What little research that has been done indicates that housing restrictions destabilize released offenders, and inadvertently increase the overall risk of recidivism.<sup>27</sup> That research also suggests that where a former sex offender lives appears to have no bearing on whether he will commit another sex crime on a child.<sup>28</sup>

The original purpose of our registration law was to allow law enforcement agencies to keep track of former offenders. However, the practical effect of the new residency laws has been to render registrants homeless and to drive them underground. A New York Times investigative

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<sup>26</sup> Ciavaglia, "Will N.J. court ruling affect Pa.," Bucks County Courier Times (July 20, 2008), <http://www.phillyburbs.com/pb-dyn/news/111-07202008-1565473.html> . See Exhibit C.

<sup>27</sup> "Analysis of Residency Restrictions," *supra* at 11 (*citing* (J.S. Levenson and L.R Cotter, "The Effect of Megan's Law on Sex Offender Reintegration," 21 J. of Contemporary Criminal Justice 49-66 (2005a); J.S. Levenson and L.R Cotter, "The Impact of Sex Offender Residence Restrictions: 1,000 Feet From Danger or One Step From Absurd?," 49 International J. of Offender Therapy & Comparative Crim. 168-80 (2005b).) See Appendix, Exhibit A.

<sup>28</sup> Davey, "Iowa's Residency Rules Drive Sex Offenders Underground," The New York Times, at p. 22 (March 15, 2006) (*citing* 2004 study by the Colorado Department of Public Safety and a 2003 study by the Minnesota Department of Corrections) [hereinafter, "N.Y.T., 'Sex Offenders Underground'"]. See Appendix, Exhibit D.

report on the Iowa residency restrictions has revealed that nearly three times as many registered sex offenders were missing after the enactment of the statute than before – many of them because they were deprived of a home.<sup>29</sup>

Furthermore, the negative impact on former offenders cannot be overstated. Most are unable to return to the homes of their wives and families. Juvenile offenders cannot return to live with their parents. Many newly released parolees are placed in rural motels where they are isolated from jobs and resources.<sup>30</sup> Indeed, the authors of the Newark study conclude that residential restrictions in Newark would create “longer or costlier travel routes to reach mental health, substance use, or probation and parole offices as well as places of employment and supportive social networks,” assuming they can get access to public transit.

The “child protective zone” proposed by House Bill 164, however, goes considerably further – it would bar all former sex offenders from **entering** (in addition to living in) all child protective zones. Rather than subjecting them to the punishment of a minor fine, it would subject them to a felony conviction with a maximum sentence of 3 ½ to 7 years. This raises a host of legal issues that would be the grist of criminal appeals and civil suits for years. Those issues fall within the realm of several constitutional provisions, including the Ex Post Facto Clause, the Bill

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<sup>29</sup> N.Y.T., “Sex Offenders Underground,” *supra* at 1, col. See Appendix, Exhibit D.

<sup>30</sup> Geluso, “Supervisors may repeal sex offender law,” *The Bakersfield Californian* (July 11, 2007), <http://www.bakersfield.com/102/story/494375.html> (“Two motels, 40 sex offenders and their not-so-happy neighbors.”). See Appendix, Exhibit E.

of Attainder Clause,<sup>31</sup> the Takings Clause of the Fifth Amendment,<sup>32</sup> the Due Process Clause of the Fifth and Fourteenth Amendments, and the Eighth Amendment cruel and unusual punishment Clause.

In 2003 the United State Supreme Court considered the question of whether Alaska’s sex offender registration statute, which included the posting of information on the Internet, constituted a violation of the Ex Post Facto Clause. Smith v. Doe, 538 U.S. 84 (2003). The issue was whether the passive notification involved in posting information on the Internet constitutes a form of punishment. The Court applied a test that considers whether elements of the target regulatory scheme (1) have been historically regarded as punishment, (2) impose an “affirmative disability or restraint” upon the plaintiffs, (3) promote the traditional aims of punishment, and (4) have a rational connection to a nonpunitive purpose or are excessive with respect to this purpose. In a divided decision reversing the 9<sup>th</sup> Circuit, the Court focused on the fact that the regulatory scheme imposed “no physical restraint” upon former sex offenders. It explained: “Contrary to the Ninth Circuit's assertion, the record contains no evidence that the Act has led to substantial occupational or housing disadvantages for former sex offenders that would not have otherwise occurred.” Id. at 100.

In 2007 the Pennsylvania Supreme Court reached a similar conclusion in a challenge that

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<sup>31</sup> Article I, Section 10 of the United States Constitution.

<sup>32</sup> Mann v. Georgia. Dep't of Corr., 282 Ga. 754 (Ga. 2007) (“This case involves a constitutional takings challenge to OCGA § 42-1-15, which prohibits registered sex offenders from residing or loitering at a location that is within 1,000 feet of any child care facility, church, school or area where minors congregate”) (held: exclusion from plaintiff’s property constituted a “taking”).

I brought to the Sexually Violent Predator provisions of the present Megan’s Law statute. In response to my argument that the provisions were a form of punishment similar to probation, Justice Baer referred to Smith v. Doe and stated: “[T]he High Court refused to find an analogy between probation or parole and lifetime registration obligations, emphasizing the relative freedom of restraint on released sex offenders **in that they are free to work and reside where they wish**, provided they notify the relevant authorities as required.” Commonwealth v. Lee, 594 Pa. 266, 293 (2007) (emphasis added). That decision followed an earlier opinion in which the Pennsylvania Supreme Court explained that registrants remain “free to live where they choose, come and go as they please, and seek whatever employment they may desire.” Commonwealth v. Williams, 574 Pa. 487, 506 (Pa. 2003).

The proposed legislation, however, would clearly alter the current equation by imposing an “affirmative disability or restraint” that our state and federal courts have identified as being punitive.<sup>33</sup>

A pending Senate Bill approaches the subject somewhat differently, but with the same result. Senate Bill 771 would prohibit former sex offenders from “loitering or prowling” within 1,000 feet of the same locations. However, similar anti-loitering legislation has been struck down by both the United States Supreme Court and the Pennsylvania Superior Court under the Due Process Clause.<sup>34</sup>

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<sup>33</sup> See generally Yung, “Banishment By A Thousand Laws: Residency Restrictions On Sex Offenders,” 85 Wash. U. L. Rev. 101 (2007).

<sup>34</sup> See City of Chicago v. Morales, 527 U.S. 41, 119 S. Ct. 1849 (1999); Commonwealth v. Asamoah, 809 A.2d 320 (2002).

## GPS Monitoring

The ACLU supports programs that utilize electronic monitoring to restrict, for example, the movements of an individual on house arrest – if that monitoring is being used as an alternative to incarceration. The present bill goes quite a bit further. It is a step down the road towards monitoring all former offenders who have finished their sentences and served their time. What is more, it performs this surveillance in a manner that brands former sex offenders with a Scarlet Letter.

A similar statute enacted in Tennessee, subsequently faced challenge in the Sixth Circuit. When a divided three-judge panel of the Court of Appeal upheld the statute, the plaintiffs petitioned for a rehearing *en banc*. Although that rehearing was denied, six judges joined in a published dissent which clearly summarizes one of the issues that will face future courts. The dissent explained:

. . . given the large size of the G.P.S. device, the Surveillance Act violates Appellant Doe's constitutional rights under the Ex Post Facto Clause. The box measures 6 inches by 3.25 inches by 1.75 inches. The box must be worn outside any coat or outer garment, making it plainly visible to onlookers. In essence, this box is a modern day "scarlet letter," branding sex offenders with a marker of their crime for all to see.

I believe that the retroactive application of the Surveillance Act constitutes an Ex Post Facto Clause violation because (1) as a catalyst for public ridicule, it is a form of shaming, humiliation, and banishment, which are well-recognized historical forms of punishment; (2) it promotes the traditional aims of punishment; and (3) it is excessive in forcing Doe to broadcast his sex offender status not only to those who choose to inquire, but also to the general public.

Doe v. Bredesen, 521 F.3d 680, 681 (6th Cir. 2008) (Judge Keith dissenting) (citations omitted).

When the requirement of GPS monitoring is combined with the offender's exclusion from "child protective zones," the punitive nature of the regulatory scheme is beyond question. In addition to the legality, however, there are other practical questions. These questions include: 1) how many millions of dollars and work-hours will be expended before the statute is struck down; 2) will it have any positive impact upon the ability of probation officers to provide supervision; and 3) will it lower the already low recidivism rate of the persons to whom it applies?

Only two studies have been published, both dealing with pilot projects. A California report is available on line.<sup>35</sup> A report issued by the Tennessee Board of Probation and Parole is referenced in the press and the California report. Both appear to have reached similar conclusions.<sup>36</sup> Both efforts require an "extensive resource investment around GPS technology" and intensive training of probation officers, supervisors and others.<sup>37</sup> The cost of the pilot program in Tennessee, which covered 34 case workers and 493 sex offenders, was \$2.5 million.<sup>38</sup>

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<sup>35</sup> Turner & Janetta, "Implementation And Early Outcomes For The San Diego High Risk Sex Offender GPS Pilot Program," Center for Evidence-Based Corrections, Univ. of Cal., Irvine (Nov. 2007) [http://ucicorrections.seweb.uci.edu/files/HRSO\\_GPS\\_Pilot\\_Program.pdf](http://ucicorrections.seweb.uci.edu/files/HRSO_GPS_Pilot_Program.pdf) [hereinafter "California Report"].

<sup>36</sup> Ibid. at 25.

<sup>37</sup> Ibid. at 24-25.

<sup>38</sup> Stambaugh, "Monitoring sex offenders helps caseworkers keep tabs on them, study finds," knoxnews.com (May 12, 2007) [hereinafter "Monitoring Sex Offenders"], <http://m.knoxnews.com/news/2007/may/12/sex-offender-tracking-program-gets-good-marks/> .

During the course of the study the case workers responded to a quarter of a million alerts, although new criminal charges were filed against only eight offenders, with two being sex related.<sup>39</sup> The report stated that, “[l]ong and unpredictable work hours have led to ‘burnout and frustration,’ and some experienced officers asked to be reassigned because of the added duties.”<sup>40</sup>

Neither report found any evidence that GPS monitoring reduced recidivism. The article on the Tennessee report leads off by stating: “A \$2.5 million pilot program to monitor sex offenders in Tennessee with a satellite tracking system seems to make little difference as to whether offenders commit more crimes, according to a recent study.”<sup>41</sup> The California report reviewed the Tennessee data and reached the same conclusion: “An evaluation of a Tennessee pilot GPS project, similar to California’s did not find any statistically significant differences in number of parole violations, new criminal charges or days before first violation between GPS-monitored sex offenders and a comparison group of sex offender parolees.”<sup>42</sup> Moreover, its own data showed that “GPS monitoring appeared to have little effect on parolee recidivism.”<sup>43</sup>

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<sup>39</sup> Ibid. See also California Report at 24 (“GPS units often signaled false alarms due to ‘drift’ in the satellite signal; signals were often blocked when a unit was indoors.”).

<sup>40</sup> Monitoring Sex Offender, *supra*. See also California Report at 24 (“Parole agents found the GPS program very time intensive.” “Agent caseloads needed to be lowered to 20:1.”).

<sup>41</sup> Monitoring Sex Offender, *supra*.

<sup>42</sup> California Report at 1.

<sup>43</sup> California Report at 24.

Given the cost, the expenditure of labor, and the lack of any measurable benefit, one must question why a state would want to pursue such a program on such a broad basis. Where a probation or parole officer has a rational and supportable reason to track an offender under supervision, the tools are available.

### Conclusion

For all of the above reasons, we urge this Committee to reject the punitive and counterproductive measures contained in House Bill 164. Before proceeding further we urge you to review the report that the Pa. Sexual Offenders Assessment Board has linked to the home page of its website<sup>44</sup> – “No Easy Answers; Sex Offender Laws in the US.” This 132 page report was prepared by Human Rights Watch with guidance from a number of prominent experts, including a former member of Sexual Offenders Assessment Board – Dr. Robert Prentky.<sup>45</sup> I am making copies of the home page of the SOAB website, and the Summary of the linked report, separately available to the Committee.

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<sup>44</sup> See <http://www.meganslaw.state.pa.us/soab/site/default.asp>.

<sup>45</sup> See <http://www.forensicexaminers.com/robertprentky.html> (“Dr. Prentky was Chief Psychologist and Director of Research at the Massachusetts Treatment Center for Sexually Dangerous Persons from 1980 until 1993. He held faculty positions in the Department of Psychiatry at Boston University Medical School and the Department of Psychology at Brandeis University. In addition, he taught in the Graduate School of Criminal Justice at Northeastern University. In September, 1993, he assumed the position of Director of Clinical and Forensic Services at the Joseph J. Peters Institute in Philadelphia. The Institute is a private, non-profit psychiatric agency that provides services to the victims and perpetrators of sexual crimes. In addition to overseeing all forensic and clinical services, Dr. Prentky managed a grant-supported research program. In July, 1997, Dr. Prentky returned to the Massachusetts Treatment Center as Director of Assessment.”)