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THE AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
TO THE PENNSYLVANIA HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE
PUBLIC HEARING ON HOUSE BILL 77

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Introduction & context

The [American Civil Liberties Union of Pennsylvania](#) is a non-profit, nonpartisan organization dedicated to defending and expanding individual rights and personal freedoms throughout Pennsylvania. The ACLU of Pennsylvania has a vested interest in legislation that proposes changes to our criminal legal system, particularly when those changes raise constitutional red flags. Thank you for inviting us to testify on HB 77.

Due to the enactment of sex offender registration and notification laws beginning in the mid-1990s, public access to registry information made people aware of registrants living in their neighborhoods. A mixture of fear and sincere desire to protect children in their communities led many residents and lawmakers to enact legislation restricting people on the registry from living near areas where children congregate.

These types of laws fall within the traditional approach to sex crime policies, which has included the widespread use of restrictive external social controls rather than an evidence-based approach to target more effective assessments, treatment and management of such individuals. Often these restrictive measures are justified on the grounds of public protection because policymakers mistakenly believe people convicted of these offenses are most likely to reoffend. However, research has demonstrated the assumptions used to justify the conditions and restrictions placed on registrants are rooted more in negative emotional reactions rather than empirically supported data.

Although federal law does impose some state registry requirements per federal Megan's Law and the [Adam Walsh Child Protection and Safety Act](#) (SORNA), none of these federal mandates require states to enact residence restrictions for people on their state registry. Nevertheless, as many as 37 states (and many cities and municipalities in between) have enacted some form of residence restriction, resulting in a piecemeal approach that varies greatly by jurisdiction.¹

Since their enactment, these statutes and ordinances have continued to face legal challenges. In New Jersey the State Supreme Court struck down residence restrictions imposed by local ordinance on many constitutional grounds.² In Pennsylvania, the ACLU-PA successfully challenged an Allegheny County law that

¹ States with residence restrictions include: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Missouri, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

² [Elwell v. Township of Lower](#), 2006 WL 3797974 (N.J. Super. Ct. Law Div. 2006).

would have excluded people on the registry from living virtually anywhere in the county.³ The Pennsylvania Supreme Court found that the county ordinance impeded the execution of and purpose of Prison and Parole Code and the State Sentencing Code. Many other states continue to see similar challenges to their statutes.

Not only do these types of residence restrictions raise numerous constitutional concerns, there is little evidence to support the effectiveness of these laws. In fact, the consequences of such restrictions may inadvertently undermine the goal of improving community safety by hindering the rehabilitation, treatment, and reintegration of these individuals.

Analysis of House Bill 77 (PN 66)

Bill summary: Proposed provisions under [House Bill 77](#) (PN 66) would prohibit an individual classified as a sexually violent predator (SVP) from residing within 2,500 feet of a public school, private school, parochial school or daycare center for the duration of their required registration period. For anyone classified as an SVP, this would be a lifetime prohibition. Additionally, the legislation would require any SVP currently living within the prohibited zone to move from the residence within six months of enactment.

The ACLU of Pennsylvania opposes HB 77 (PN 66) for the reasons outlined below.

1 | Residence restriction statutes are fraught with constitutional concerns.

A | Current constitutional protections and legal challenges

The [Pennsylvania Constitution](#) is one of the most protective state constitutions there is. Under Article I, Section I, the PA Constitution provides all with the “inherent and inalienable rights” to life, liberty, property, reputation and pursuing one’s happiness. The PA Constitution has often been construed to provide greater protections than the United States Constitution, especially in the areas of the right to privacy, the right to freedom of expression, the right to be free from unreasonable search and seizure, property rights, the right to reputation, and the rights of the accused, to name a few. In addition to the Pennsylvania Constitution, the United States Constitution and Bill of Rights affords all individuals equal protection under the law as well as other due process protections.

In light of these protections, some states have successfully challenged residence restrictions similar to those proposed under HB 77, including California, Florida, New Jersey, New York, Massachusetts, Michigan, Pennsylvania, and Rhode Island. Legal battles continue over state laws, and in some cases, over city and municipal ordinances, including in Alabama, Colorado, Idaho, Illinois, Louisiana, Nevada, and Wisconsin. While the specific legal arguments vary by case, in states where residence restriction statutes have been challenged, the arguments center on the following constitutional violations:

- Procedural and substantive due process
- Equal protection
- Ex post facto clause violations
- Overbreadth and vagueness
- Prohibitions on double jeopardy

³ [Fross v. County of Allegheny](#), 20 A.3d 1193 (Pa. 2011).

B | Specific constitutional concerns

Residence restriction statutes violate a host of constitutionally protected rights under both the Pennsylvania and United States constitutions.

For the purposes of this testimony, we will focus on the constitutional concerns raised by HB 77, namely that the bill would likely violate due process protections and the prohibition against ex post facto laws.

Due process: In the simplest of terms, the right to due process is what separates a free society from a police state. When the Fourteenth Amendment of the Constitution says that the government shall not "deprive any person of life, liberty, or property, without due process of law," that does not mean that the government cannot take away a person's life, liberty or property, but that it cannot take those things away without first giving that person a fair chance to defend him or herself. For instance, the government cannot imprison someone or take away his or her children without allowing the person to challenge the government's actions.

When considering this basic framework of due process and the mandates imposed by a residence restriction, it appears that those subject to this law would be deprived of their right to choose where they live and possibly be deprived of their home. The proposed legislation affords no opportunity to contest such a mandate as it specifically applies to an individual.

As part of the analysis, we must also consider whether the government's interference with these rights are rationally related to a legitimate governmental interest. The purported governmental interest in HB 77 is to protect children from possible victimization. No one can dispute that protecting children is not a legitimate governmental interest. However, the government's actions must also be rationally related to advancing those interests. Furthermore, the Pennsylvania Supreme Court has recognized a heightened rational basis test that must also assess whether the governmental interference is "unreasonable, unduly oppressive or patently beyond the necessities of the case and bears a real and substantial relation to the purported policy objective."⁴ As will be discussed further in the testimony, based on the research available regarding the efficacy of these statutes, the rationale behind residence restrictions is dubious at best and would impose undue burdens on the registrants subject to the restrictions.

Ex post facto: We now turn to the issue of whether a residence restriction statute would violate the prohibition against ex post facto laws. Protections against ex post facto laws can be found in both the United States and Pennsylvania constitutions.⁵ The analysis requires a two-part test to determine whether a legislative enactment is punitive. The first inquiry asks whether the legislature intended a statutory scheme to be punitive. If so, the inquiry ends. If not, the reviewing court must assess whether the statute nonetheless is punitive in its effect. In *Kennedy v. Mendoza-Martinez*, the U.S. Supreme Court first articulated a list of seven factors for a court to consider when presented with an ex post facto analysis.⁶ In its subsequent *Smith v. Doe*⁷ ruling, the court concluded the following five factors were relevant when analyzing sex offender risk management laws:

⁴ *Gambone v. Com.*, 101 A.2d 634, 637 (Pa. 1954).

⁵ The prohibition on ex post facto laws appears twice in the United States Constitution—the first time in [Article I, Section 9](#), which serves as a limitation on Congress' authority to pass laws: "No Bill of Attainder or ex post facto law shall be passed;" and the second time in [Article I, Section 10](#), which constitutes a restriction on the power of the states: "No State shall . . . pass any Bill of Attainder, ex post facto law, or law impairing the Obligation of Contracts, or grant any Title of Nobility." Pennsylvania's ex post facto provision is found in [Article I, Section 17](#) of our Constitution, and states that: "No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed."

⁶ The two-part test was first articulated in the United State Supreme Court case, *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, (1963).

⁷ *Smith v. Doe*, 538 U.S. 84, (2003).

1. Is the penalty historically considered punishment?
2. Does the restriction impose an affirmative disability or restraint?
3. Does the restriction promote the traditional aims of punishment?
4. Does the restriction have a rational connection to a nonpunitive purpose?
5. Is the restriction excessive with respect to its purpose?

When assessing residence restriction statutes under the five relevant factors, it is hard not to question the constitutionality of these laws:

- 1. Is the penalty historically considered punishment?** Under the first factor, a historically similar punishment to residence restrictions is banishment, which has been used repeatedly to eject those who would not or could not comply with a community's rules. The PA Supreme Court has already acknowledged that residence restrictions on people convicted of sex offenses "banishes [them] from their pre-adjudication neighborhoods and support systems." **Because the PA Supreme Court has already considered residence restrictions a banishment, HB 77 would fail to clear the first factor.**
- 2. Does the restriction impose an affirmative disability or restraint?** The second factor appears to be easily met, as the law does not work *unless* it prevents (restrains) individuals from living in certain places. Restricting where people live is, of course, the *stated purpose* of these types of statutes.
- 3. Does the restriction promote the traditional aims of punishment?** Under the third factor, if these types of restrictions are truly civil, then they would not promote the traditional aims of punishment, namely retribution and deterrence. However, the specific provisions in HB 77 seek to treat all SVPs the same without consideration as to the specific circumstances of a defendant's case, whether they specifically pose a threat to children, or even whether their offense was committed against a minor. Instead, HB 77 would apply its restrictions universally to everyone classified as an SVP. While it may not be the intent, the effect of these restrictions is to promote further retribution for the crime for which they have already been punished.
- 4. Does the restriction have a rational connection to a nonpunitive purpose?** The fourth factor requires there be a rational connection to a nonpunitive purpose. Presumably residence restrictions are rationally connected to the goal of keeping children safe. However, the term rational means it must be based on reason and logic. It cannot be said that all SVPs universally pose a greater risk to children than any other type of registrant.
- 5. Is the restriction excessive with respect to its purpose?** The fifth factor is concerned with how excessive the law is in respect to its stated purpose. In the case of residence restrictions, there are real concerns that the law will sweep in individuals who pose no threat to children, whose crime did not even involve a minor, and whose particular risk of reoffending against children has never been determined.

The potentially punitive effect of these laws is significant, especially considering that these are individuals who have been allowed to return to their community following their punishment—an implicit agreement that they are safe enough to be in the community, regardless of whether they are subject to parole or probation supervision. To impose a restriction after the fact can have no other effect but to punish, especially since these restrictions apply for life.

When considering all five factors, it is clear that HB 77 raises serious questions as to the constitutionality of residence restrictions, even if only applied to SVPs.

2 | Residence restrictions are a solution in search of a problem.

A | Current law

The statutes controlling registration and other mandated requirements for Megan's Law registrants are found under [Title 42, Chapter 97](#), Subchapters H and I. These are some of the most complex laws to navigate because the specific requirements will vary depending on when the offense occurred and which law was in effect at the time. For our purposes, we will limit the discussion to requirements under SORNA and other statutory provisions that relate specifically to individuals classified as SVPs.⁸

Current law already imposes numerous layers of reporting and restrictions for registrants following release, which would address any purported problems HB 77 seeks to solve (and more). Specifically, these layers include: registry requirements; court-ordered special conditions of supervision; and mandatory probation.

Registry requirements: Under current law, an individual classified as a SVP is required to register and report to the Pennsylvania State Police for their lifetime.⁹ The individual is required to appear in-person every quarter (every three months) to provide or update registration information, to be photographed, and to state whether they are in compliance with mandated lifetime counseling.¹⁰ It should be noted that if an individual who is required to register becomes transient (homeless), they must appear in-person monthly. In addition to periodic in-person reporting, the following information must be reported within three business days upon initial release from confinement and when there is a change relating to the information:

- A change in name, including an alias.
- A commencement of residence, change in residence, termination of residence or failure to maintain a residence, thus making the individual a transient.
- Commencement of employment, a change in the location or entity in which the individual is employed or a termination of employment.
- Initial enrollment as a student, a change in enrollment as a student or termination as a student.
- An addition or a change in telephone number, including a cell phone number, or a termination of telephone number, including a cell phone number.
- An addition, a change in and termination of a motor vehicle owned or operated by a registrant, including watercraft or aircraft. In order to fulfill the requirements of this paragraph, the individual must provide any license plate numbers and registration numbers and other identifiers and an addition to or change in the address of the place where the vehicle is stored.
- A commencement of temporary lodging, a change in temporary lodging or a termination of temporary lodging. In order to fulfill the requirements of this paragraph, the individual must provide the specific length of time and the dates during which the individual will be temporarily lodged.
- An addition, change in or termination of e-mail address, instant message address or any other designations used in Internet communications or postings.
- An addition, change in or termination of information related to occupational and professional licensing, including type of license held and license number.

Anyone not complying with the registration or in-person appearances may be criminally charged for failing to comply with registrations requirements.¹¹

⁸ For brevity, statutes may only be cited as necessary.

⁹ See, 42 Pa.C.S. §§ [9799.15](#) and [9799.55](#).

¹⁰ See, 42 Pa.C.S. [§ 9799.70](#).

¹¹ See, 18 Pa C.S. [§ 4915.1](#) or [§ 4915.2](#).

Special conditions of supervision: Mechanisms already exist that allow restrictions on where SVPs may live. If it is determined by a judge as part of a sentence that the individual should not reside in a particular area or with particular people because of a risk specific to that individual, the judge may order that as a condition of their supervision on parole or probation. Likewise, restrictions on residence may be imposed as a condition of parole that is determined after the lengthy and involved parole process.¹² What is most important about these determinations is they are done on an individual basis as it directly relates to the needs and potential risks associated with the individual's release.

Mandatory probation: Finally, a recent change in the law mandates that individuals convicted of registerable sex offenses be sentenced to a mandatory three-year period of probation following any other sentence imposed by the court.¹³ The court may impose the mandatory period of probation in addition to the maximum sentence permitted for the offense for which the defendant was convicted. This means that after the conclusion of all other sentences, including confinement and parole, the individual will also continue to serve this mandatory period of probation and be subject to all the conditions of supervision and specific orders by the sentencing judge.

B | Specific concerns

Residence restrictions do not prevent future sex offenses.

Residence restriction laws are premised largely on the notions that (1) people convicted of sex offenses have very high recidivism rates and (2) that strangers commit most sex crimes. However, the evidence does not support these common misconceptions. In fact, those convicted of sex offenses have some of the lowest recidivism rates of all offense types¹⁴ and the majority of sex crimes are perpetrated by someone known to the victim.¹⁵ Although this information is widely available, many sex offense laws are influenced by emotional responses to high profile crimes and public outrage rather than the evidence that the vast majority of child sex abuse is committed by acquaintances, family members, people who supervise children and not the random stranger. Protecting children from sexual abuse is undisputably a worthy goal. Unfortunately, HB 77 fails to advance that goal and worse, would likely result in damaging, if not dangerous, collateral consequences.

Residence restrictions threaten the stability of registrants, which can threaten public safety.

Despite the good intentions behind such laws, residence restrictions neither reduce sex offenses against children nor increase the safety of children. These laws create a false sense of security while resulting in real troubling consequences for registrants, such as transience, homelessness, loss of family support, and financial hardship. These consequences disrupt the stability of those on the registry, which pose a real threat to successful reintegration. Registrants are often pushed to areas that are more rural (the higher the population density the more likely neighborhoods include schools, daycares, etc.). These conditions can lead to diminished access to specialized treatment and probationary supervision, employment and housing disruption, and separation from supportive and/or dependent family members. These factors can hinder

¹² See the Sexual Offenders Assessment Board (SOAB)'s website for an overview of the [Parole Board Assessment Process](#) in these cases.

¹³ See, [42 Pa.C.S. § 9718.5](#).

¹⁴ See, [Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up \(2005-14\): Full report \(ojp.gov\)](#), but also [BJS fuels myths about sex offense recidivism, contradicting its own new data | Prison Policy Initiative](#) to understand how the framing of the data by BJS reinforces harmful misconceptions about people convicted of sex offenses by alarmist framing which has led to enacting laws based on bad policy.

¹⁵ According to data from the Bureau of Justice Statistics, approximately 93% of all sex crimes are perpetrated by people known to the victim prior to the offense. Likewise, the majority of sexually abused children are victimized by someone well known to them and approximately 60% of offenses take place in the victim's home or the home of someone they know. [Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sexual Assault of Young Children as Reported to Law Enforcement \(2000\)](#).

effective treatment and may interfere with the overall goal of reducing recidivism and re-victimization. In fact, unemployment, unstable housing, and lack of support are associated with increased criminal recidivism.

Thus, residence restrictions, aimed at improving community safety, may inadvertently create an environment in which registrants are more at risk to reoffend.

Two states, Minnesota and Colorado, have studied the potential effectiveness of sexual offender residence restrictions on recidivism. Both studies concluded the restrictions had no effect on recidivism.¹⁶ In fact, in states that have enacted such laws, the outcomes have been contrary to the goal of promoting safety. For example, in Iowa—one of the first states to enact a residence restriction statute—the residence restriction led to the displacement of thousands of registrants, many of whom became homeless or transient, making them more difficult to track and monitor. Within six months of the implementation of Iowa’s law, the number of people on the registry who could not be located more than doubled.¹⁷ **Ironically, residence restrictions undermine the reliability and purpose of any sex offender registry.**

Rather than applying a blanket policy that treats all registrants the same, regardless of offense, behavior or victimization patterns, risk management should be commensurate with the level and type of risk presented by each individual. These types of assessments are currently performed by the Sex Offenders Assessment Board (SOAB) whenever an individual is being considered for parole. Strategies to limit victim access, including housing restrictions, can be applied by a supervising officer and treatment provider on an individual basis, as is common under current Pennsylvania practice. We should not be enacting legislation that undermines existing law and practice that are narrowly tailored and better suited to address individual registrants.

Residence restrictions create more problems than they solve.

When we further examine the real life consequences these restrictions have, as well as consider the outcomes in states that have already enacted statutes, we see that these laws cause more problems than they fix.

Consider the additional unintended consequences these laws invite:

- Residence restrictions are not only imposed on the registrants, but their families as well.
- If a registrant is disabled and can only live with support, these laws may prohibit them from living with the only assistance they have.
- An exclusion zone of 2,500 feet (which is almost half a mile), is so large that it would effectively make entire communities off limits and banish most individuals to inaccessible areas.
- Because the options for housing would be dramatically reduced, these laws have the real potential to keep people in prison for much longer than necessary or their parole may be denied solely for the reason no available housing can be found.
- HB 77 would likely increase the need for group-based homes, few of which currently exist. And because PA already restricts the number of registered individuals who may live in a group-based home to a total of five, many would be left without options. Furthermore, federal law prohibits people on a Megan’s Law registry from living in public housing or receiving housing vouchers.

¹⁶ In 2004, the [Colorado Department of Public Safety](#) used mapping software to examine the residential proximity to school and daycare centers of 13 sexual offenders who sexually recidivated in a study of 130 sexual offenders over a 15-month follow-up period (15 offenses by 13 offenders). The results demonstrated that recidivists were randomly located and were not significantly more likely than nonrecidivists to live within 1,000 feet of a school or daycare. In 2007, the [Minnesota Department of Corrections](#) investigated the potential effectiveness of sexual offender residence restrictions to reduce recidivism. The authors examined the offense patterns of 224 sexual offenders released between 1990 and 2005. The results demonstrated that residence restrictions would not have prevented any re-offenses. Of the 224 offenders, only 27 (12%) established contact with their victim(s) within one mile of the offenders’ home and not one established contact near a school, park, or playground.

¹⁷ Levenson, J.S. (in press). “Collateral consequences of sex offender residence restrictions.” Criminal Justice Studies. <https://ccoso.org/sites/default/files/import/Collateral-consequences-residence-restrictions-in-press-CJS.pdf>

Conclusion

ACLU-PA opposition to HB 77

In light of the analysis above, the ACLU-PA urges legislators to oppose HB 77 for the following reasons:

1. HB 77 would likely violate registrants' due process rights, while bearing no rational relationship to a legitimate purpose. There is no research to support the effectiveness of residence restrictions or evidence to show that recidivism rates are impacted by a registrant's proximity to places where children congregate.
2. HB 77 would violate the prohibition against ex post facto laws. HB 77 seeks to retroactively punish people who have already completed their sentences and who have already been released back into their communities. As PA has already recognized, these banishment zones would push individuals into more rural and/or more inaccessible areas, where the opportunities to find housing, employment and treatment are small, if nonexistent.
3. HB 77 is a solution in search of a problem. Current law already imposes numerous requirements and restrictions for people classified as SVPs. Not only is HB 77 unnecessary, its "solution" is broadly applied, ineffective, and likely counterproductive, making communities less safe by forcing more people to the margins of society, if not into outright homelessness.

Recommendation

Because we do not believe that residence restrictions can overcome grave constitutional deficiencies, the ACLU-PA strongly urges legislators to abandon these types of laws. Legislative efforts should instead focus on evidence-based strategies that may actually address the goal of protecting children without infringing on the rights of individuals and creating additional barriers to reentry and reintegration post-release.

We urge the committee and other members to carefully consider the research and the constitutional concerns raised by these types of statutes before scheduling House Bill 77 for consideration.

Appendix | Residence restrictions bibliography & other resources

Joanne Savage, Casey Windsor, "Sex offender residence restrictions and sex crimes against children: A comprehensive review," *Aggression and Violent Behavior*, Volume 43, 2018, Pages 13-25, ISSN 1359-1789, <https://doi.org/10.1016/j.avb.2018.08.002>. Abstract: "In this paper, we provide a comprehensive review of the empirical evidence related to the effectiveness of residence restrictions imposed on sex offenders for preventing sex crimes against children. This topic is important because such laws currently exist in many states and there is ongoing debate about changes in law in some jurisdictions. We build on previous reviews by narrowing our scope and applying a greater focus on important methodological features of the studies. In the absence of a body of direct tests, we examine a triangulation of empirical tests related to assumptions of residence restriction laws. The analysis suggests that residence restrictions have little potential for preventing sex offenses against children. Most importantly, the data indicate that very few sex crimes against children have been by the offender's residence near a school, daycare center, or park. Because only one direct test of this research question has been published, we make specific recommendations for future research to fill gaps and to provide more compelling evidence to policymakers."

Rosselli, Michelle K, and Elizabeth L Jeglic. "Factors Impacting upon Attitudes Toward Sex Offenders: The Role of Conservatism and Knowledge." *Psychiatry, psychology, and law : an interdisciplinary journal of the*

Australian and New Zealand Association of Psychiatry, Psychology and Law vol. 24,4 496-515. 16 Jan. 2017, doi:10.1080/13218719.2016.1254562

Lussier, P., Chouinard Thivierge, S., Fréchette, J., & Proulx, J. (2023). "Sex Offender Recidivism: Some Lessons Learned From Over 70 Years of Research." *Criminal Justice Review*, 0(0).

<https://doi.org/10.1177/07340168231157385>

Hanson, R. K., Harris, A. J. R., Letourneau, E., Helmus, L. M., & Thornton, D. (2018). "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*, 24(1), 48–63. <https://doi.org/10.1037/law0000135>. Abstract: "Whereas there is a common assumption that most individuals with a criminal record can be eventually reintegrated into the community, the public has different expectations for sexual offenders. In many countries, individuals with a history of sexual offenses are subject to a wide range of long-term restrictions on housing and employment, as well as public notification measures intended to prevent them from merging unnoticed into the population of law-abiding citizens. This article examines the testable assumption that individuals with a history of sexual crime present an enduring risk for sexual recidivism. We modeled the long-term (25-year) risk of sexual recidivism in a large, combined sample (N > 7,000). We found that the likelihood of new sexual offenses declined the longer individuals with a history of sexual offending remain sexual offense-free in the community. This effect was found for all age groups and all initial risk levels. Nonsexual offending during the follow-up period increased the risk of subsequent sexual recidivism independent of the time free effect. After 10 to 15 years, most individuals with a history of sexual offenses were no more likely to commit a new sexual offense than individuals with a criminal history that did not include sexual offenses. Consequently, policies designed to manage the risk of sexual recidivism need to include mechanisms to adjust initial risk classifications and determine time periods where individuals with a history of sexual crime should be released from the conditions and restrictions associated with the "sexual offender" label."

Rydberg, J., Huebner, B. M., Grommon, E., & Miller, A. (2023). "Investigating the Effect of Post-Release Housing Mobility on Recidivism: Considering Individuals Convicted of Sexual Offenses." *Sexual Abuse*, 35(5), 539–567. <https://doi.org/10.1177/10790632221127980>.

Williams, M., Comartin, E.B., & Lytle, R.D. (2020). "The Politics of Symbolic Laws: State Resistance to the Allure of Sex Offender Residence Restrictions." *Univ. Denver Law & Policy*, 42(3), 205-309.

<https://doi.org/10.1111/lapo.12153>.

Rolfe, Shawn & Tewksbury, Richard & Schroeder, Ryan. (2016). "Homeless Shelters' Policies on Sex Offenders: Is This Another Collateral Consequence?". *International Journal of Offender Therapy and Comparative Criminology*. 61. 10.1177/0306624X16638463. Abstract: "The primary focus of sex offender research has been on the efficacy and collateral consequences of sex offender registration and notification (SORN) and residence restrictions. Past scholarship has found these laws to cause numerous re-entry barriers for sex offenders. Such barriers have affected sex offenders' ability to find and maintain housing, employment, and social support. Moreover, registered sex offenders (RSOs) have become homeless due to such laws. Although previous scholarship has highlighted the collateral consequences of SORN, there is a lack of scholarship addressing homeless sex offenders. Specifically, the current study assesses policies regarding RSO access to homeless shelters in a four-state region, focusing on the effect of structural, procedural, and geographic factors, as well as a shelter's proximity to children. Drawing on the loose coupling organizational framework, the findings suggest that a small maximum occupancy, unwritten policies for RSOs, being in Kentucky or Tennessee, being located near a school, and being near a higher proportion of homes with children all decrease the odds that a homeless shelter allows RSOs. Furthermore, although unwilling to make exceptions to the policies regarding RSOs, shelters were generally willing to make exceptions to other policies governing shelter accessibility."