

My Turn: Sex-offender laws: We can do better

By *TIM ACKARMAN, Miller*

It's easy to understand the motivation.

The heartbreaking cases of Jetseta Gage and Evelyn Miller, among others, have provoked anger and fear in a state that is (thankfully) unaccustomed to such ugly crimes.

Predictably, the response has been an outcry for government action to prevent further such tragedies. And just as predictably, many high-profile politicians have taken up the cry as well.

Hopefully, this is motivated primarily by a sincere desire to protect and serve the public. Likely, it is at least in part driven by an urge to appeal to voters as an election year approaches. After all, who could be opposed to protecting children?

One issue has recently become the focus of this tough-on-crime crusade: sex offender residency laws.

The logic on residency restrictions seems straightforward enough: Keep the offenders away from the kids, and the kids will be safe. Unfortunately, simple (simplistic?) logic and noble intent do not necessarily make for good law.

No matter how great a proposal sounds, any new statute must pass a two-question litmus test: 1) Will it produce the desired effect? and, 2) Will there be unintended consequences?

Examining the second question first, the answer so far is a resounding yes. The state law prohibiting sex offenders from living within 2,000 feet of schools and day cares, after surviving years of legal challenge, was put into effect earlier this year.

In order to comply with the law, offenders have of necessity gravitated to neighborhoods and communities without such facilities. Not surprisingly, those places have not been thrilled to receive them.

Many communities have responded by making local sex offender ordinances that expand on the state restrictions. With each community that does so, others feel compelled to respond in kind to prevent an influx of offenders in their own back yard. This domino effect has even reached to neighboring states.

What may well ensue is a sex offender ordinance arms race, a one-upmanship of "our laws are tougher than yours." If so, further legal challenges, and the expenses associated with them are likely to follow. This, in addition to the costs associated with administering and prosecuting current sex offender regulations, will place a heavy burden on law enforcement and judicial systems that are already

stretched thin.

Still, that's a small price to pay if it protects children. So will it?

Ours is a mobile society. We can be across town in a matter of minutes and across the globe in a matter of hours. Many choose to work or play a good distance from where they live.

Thus, a residency requirement is likely to have little impact on where convicted sex offenders travel. We might prevent them from living near a school, but we can't prevent them from working near one. We may keep them from residing near a public library, but we cannot bar them from using it. We can be sure they don't keep house too close to a bus stop, yet they may well take the bus to work the next morning.

In the end, residency restrictions are "feel good" laws filled with hollow promise. We can do better.

Meaningful prison terms, mandatory counseling, transitional facilities and electronic monitoring for high-risk offenders would do more to protect society while better using our limited resources.

There are also questions of humanity and compassion. Current law treats all offenders equally. Yet all crimes and all criminals are not equal.

While some sex offenders have committed heinous crimes against the youngest of children, others have entered into consensual relationships with teens only a few years younger than themselves. Yes, it shows irresponsibility and terrible judgment, but does it warrant a lifetime of ostracism from polite society?

If we condemn all offenders to permanent second-class status, if we view them always with suspicion and contempt regardless of their efforts at reform, aren't we removing much of the incentive to make those efforts in the first place? If so, the most tragic, and most ironic, effect of residency restrictions may be that they promote rather discourage additional offenses.

At this most holy time of year we are all called upon to examine ourselves and admit that we come up lacking. God's love and salvation were given freely to all of us when we were most unlovable. Should earthly forgiveness be reserved only for those with little to forgive? Will that produce a desirable effect, or will there be unintended consequences?

Merry Christmas and Happy New Year, folks!

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