SEX OFFENDER POLICY BOARD

Summary

October 25, 2015

In 2015, the legislature passed SSB 5154 Sec. 16, which tasked the Sex Offender Policy Board (SOPB) with reviewing the public disclosure of information compiled and maintained for sex offender and kidnapping offender registries.[i] It also required the Board to review to analyze the relationship between chapter 42.56 and RCW 4.24.550 and identify best practices of other states regarding public disclosure. In response, the Board prepared to provide findings and recommendations by reviewing related literature and re-visiting some of its fundamental work reported on in 2009.

In 2009, the Board reviewed twenty years of research to adopt several key findings critical to the development of an effective sex offender management system.[ii] These key findings included, in part, that:

- Washington State's current system supports public safety by setting community notification standards using a risk-based analysis instead of an offense-based method. The system is built on the premise that the community and sex offender response system partner to achieve public safety.
- Empirical validated risk tools are one of the most effective ways to determine an offender's risk to re-offend. The use of standardized dynamic factors can also be helpful in risk level assignment.
- Youths who have sexually offended are different from adults who commit sex offenses in part, because of ongoing brain and neurological development. Sex and kidnapping offender laws regarding juveniles and public policy should reflect their unique amenability to treatment and vulnerability to collateral consequences due to their ongoing development.
- The key to ensuring public safety is to make well-informed decisions based on the best available research.

These findings are relevant to the examination of disclosure of sex and kidnapping offender registration information to the public. A review of the most recent literature builds on the Board's previous research and findings.

In 1990, when Washington state enacted the Community Protection Act, it was predicated on the premise that sex offenders had a high likelihood to re-offend and that increased distribution of personal information kept the public safe. It was also believed that widespread distribution of sex offender registration information would create a deterrent effect; offenders who were known by the community would be on notice that people were watching their behavior and would be less likely to re-offend.

However, studies have not definitively shown that community notification has a decreased effect on recidivism and there is little correlation to either general or specific deterrence.[iii] Instead, much of the recent literature indicates that destabilization of the offender may make reintegration more challenging and therefore, possibly increasing the likelihood of re-offense.

Discussions within the literature regarding the disclosure of sex offender registration information are ordinarily found within articles related "community notification". However, the concept of community notification can often be different than releasing information pursuant to an individualized request. Community notification generally refers to disclosure of information both "passively" and "actively". Passive notification ordinarily refers publishing information on the Internet or maintaining lists of offenders for those who request it. Active notification requires an entity, usually law enforcement, to affirmatively notify communities, daycare and schools, among other organizations, about the existence of the offender in their geographic location.[iv] Affirmative notification can include community meetings, bulletins and/or press releases. Community notification often does not refer specifically to public disclosure in response to public requests. The Board could find no literature which was specifically limited to disclosure pursuant to individual requests therefore, we reviews articles related to notification or disclosure of sex offender information generally.

Literature Review

Public disclosure of sex and kidnapping registration information has a negative impact on offenders. Sex offenders experience physical assault and injury,[v] harassment[vi] and even death[vii] as a result of disclosure of information. Widespread public disclosure of sex offender information also triggers consequences such as unemployment, housing challenges, which in turn can result in an enhanced risk of recidivism.[viii] In a study of female sex offenders in two states, every respondent reported at least one negative effect of being identified by the public registry.[ix]

Other articles cite that it is not just offenders who are affected by the disclosure of their identities and their personal information. The offenders significant others, children, and families are also significantly impacted by disclosure. In an in-depth study of offenders and their experiences with community notification, among other things, the study found that most surveyed either experienced the loss of housing or employment or the ongoing fear of those things.[x] Offenders expressed that there is a large amount of stress on their families which strains the network of supportive relationships and in turn, successful re-integration.[xi]

The stigma of registration and long-lasting punishment of complying with registry requirements is particularly challenging for juveniles.[xii] Registration and notification burdens are felt for a longer period of time and in ways more onerous for juveniles than their adult counterparts.[xiii] While studies have found that youth offender brains are still developing and are more amenable to treatment, they can also experience profound damage to their self-esteem and feel isolated as a result of registration and notification.[xiv]

There is evidence to suggest that unintended and collateral consequences can have a negative impact on offender behavior and stability. Instability and inability to re-integrate can become a criminogenic factor which in turn, contributes to a higher risk of recidivism[xv] and a potential decrease in public safety.

It is clear that the focus of sex and kidnapping offender and registration laws is not on the privacy rights of the offender, nor do we argue that policy should be created based on that premise. The legislature originally recognized a reduced expectation of privacy[xvi] in offender's personal information because of the nature of the crime they committed; however, in light of the significant impact of collateral consequences which heightens the risk of re-offense, recent literature prompts further evaluation of any decision which would allow blanket public disclosure of low-risk offender identity or personal information.

Some articles review whether some constitutional level of privacy should be provided for offenders that are deemed a low risk to re-offend.[xvii] For example, one author observed that Montana has what is described as a "heightened right to privacy" within their state constitution.[xviii] The author asserted that the right of individual privacy must not be infringed upon without a showing of compelling interest and a strict scrutiny analysis requires that the law be narrowly tailored to serve the compelling state interest. Arguably, because Level I offenders are classified at the lowest risk to reoffend, the decision to disclose their information to the public is not narrowly tailored and therefore is unconstitutional. Even though several articles review whether state SORNA laws violate an offender's privacy rights, courts have repeatedly held that there is no *per se* privacy right in the personal information of a sex offender.[xix]

The Washington Supreme Court previously looked at the need to limit disclosure of sex offender registration information when determining whether imposing the state's Community Protection Act to a felony sex offense was an ex post facto violation. In *State v. Ward*,[xx] the court extensively discussed *limited* public disclosure provisions related to sex offender information. The court was asked to review whether retroactively applying the Community Protection Act to felony sex offenses was an ex post facto violation.[xxi] The court concluded that retroactive application of the statute did not violate either the appellants' equal protection or due process rights under the federal and state constitutions.

A review of the court's analysis in this decision indicates that they considered the statutory framework to be one of "limited disclosure".[xxii] Their holding concluded:

> "We hold, however, that because the Legislature had limited the disclosure of registration to the public, the statutory registration scheme does not impose additional punishment on registrants."

The court did not review the question of disclosing sex offender registration information pursuant to the Public Disclosure Act (PDA) Chap. 42.17 RCW which was in effect at the time. The court is currently considering the question of disclosing sex and kidnapping offender registration information in relation to the current Public Records Act (PRA) Chap. 42.56 RCW and RCW 4.24.550 in *Doe v. Washington State Patrol.* However, it is unlikely that the case's resolution will depend on an examination of the individual offender's rights and will more likely rest on whether the information in RCW 4.2.450 is subject to a general public records analysis.

Aside from the impact of release of information on the offender's ability to reintegrate, there is little question that the public feels safer when they have access to sex and kidnapping offender registration information. The Washington State Institute for Public Policy performed to studies on public perception; one in 1998 and a follow-up in 2008.[xxiii] Both studies conducted a random digit-dialing survey to measure the respondent's familiarity with, opinion of, and reaction to the law as well as its purposes and importance. The majority of respondents indicated they felt safer knowing about sex offenders in their community and they indicated that Washington's community notification law was important.[xxiv]

Fifty-four percent of the respondents thought that community notification makes it easier for citizens to harass, threaten or abuse the released sex offender.[xxv] Seventy-eight percent of the respondents thought that special care should be taken to prevent such harassment and eighty-four percent of respondents thought that notification would make it harder for offenders to rent a house, find a new job, or establish a new life.[xxvi]

Other articles report similar results, that even if the public does not actively use offender registration information, they feel better when it is available.[xxvii] This perception of public safety due to large-scale disclosure has been criticized in recent years. Community notification laws were originally enacted based on the premise that sex offenders have a high recidivism rate and jeopardize general public safety.[xxviii] However, there is some question as to whether blanket disclosure of sex offender information actually perpetuates a false sense of security.[xxix] Recent literature indicates that while "stranger danger" is an important theme to educate around, education efforts should be more focused on those family members and friends who are alone with their children.[xxx]

A one-size-fits-all approach to disclosure of sex offender information is not only ill-advised but may cause harm. Although we realize advocating for disclosing less offender information, rather than more information, will likely be challenging,[xxxi] we believe that there is an important balance that should be stricken between record availability and the offender's ability to re-integrate to help ensure a safer public. Thoughtful consideration of reviewing disclosure policy falls in line with many states which are re-examining certain provisions within their sex offender registration and notification laws.[xxxii]

Public Information Compiled for Sex and Kidnapping Registry Offenses and the Relationship Between chapter 42.56 and RCW 4.24.550

Consideration related to public disclosure of sex and kidnapping registration information in Washington is slightly unique because of how many different governmental agencies handle related information and each agency's independent obligations to comply with the Public Records Act. There are various forms of sex and kidnapping offender registration information, which reside within multiple agencies. This information is required by different statutes, most notably RCW 9A.44.130, which pertains to registration of sex offenders and kidnapping offenders.

An offender who is required to register pursuant to RCW 9A.44.130 must, in some format, provide to the county sheriff: name, any aliases used, accurate residential residence or if lacking a

fixed residence, where he or she plans to stay, date and place of birth, place of employment, crime for which he or she has been convicted, date and place of conviction, social security number, photograph, and fingerprints.[xxxiii] The registrant must also provide the sheriff with an accurate accounting of where he or she stayed during the week during if he or she lacks a fixed residence.[xxxiv] If a person subject to registration requirements applies to change his or her name pursuant to RCW 4.24.130, he or she must provide the sheriff with a copy of the application.[xxxv]

The county sheriff is required to send this registration information, photographs, fingerprints, risk level notification, and any change of address to the Washington State Patrol (WSP).[xxxvi] The WSP is required to maintain a central registry of sex offenders and kidnapping offenders who are required to register pursuant to RCW 9A.44.130.[xxxvii] WSP acts as a repository for the sex offender registration forms submitted by the county sheriffs for retention and enters the registration data from these "source documents" into the database.[xxxviii] These documents also include the offender's current risk level classification; it is unknown whether the WSP maintains any documents in support of the classification decision such as the completed classification tool or records related to discretionary leveling decisions. WSP asserts that the State Patrol Database only includes the offender's name, residential address, date of birth, crime for which he or she was convicted, date of conviction, and county of registry.[xxxix]

In addition to this legislative mandate, RCW 4.24.550 requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to, subject to funding, maintain a statewide registered kidnapping and sex offender web site that is available to the public.[xl] The website is required to post information regarding: all Level II and Level III offenders, Level I offenders who are out of registration compliance, and all kidnapping offenders.[xli] Although WASPC stresses that they are not generally a state agency subject to the Public Records Act, they agree that pursuant to specific legislative mandate, they maintain a defined public database with the information in the database constituting a public record.[xlii]

Although law enforcement agencies are primarily responsible for maintaining registration information, many other public agencies are responsible for the initial risk classification and notifications. Other agencies that may maintain sex offender registration information include, but are not limited to, the Department of Social and Health Services, the Juvenile Rehabilitation Administration, the Department of Corrections, the Special Commitment Center, as well as other agencies that may provide services to offenders, which require the use of sex offender information. As governmental entities, these agencies are all subject to the Public Records Act.

In addition to each individual agency's requirement to comply with the Public Records Act, the release of information regarding sex and kidnapping offenders is governed by RCW 4.24.550. It authorizes public agencies to release certain offender information under certain circumstances. The statute does not specifically prohibit disclosure of offender information and in fact asserts that information under the section should <u>not</u> be considered confidential except otherwise provided for by law.[xliii] However, it also sets forth narrowly tailored criteria for the release of offender

information based on who is releasing it and what information is to be released. Release of information pursuant to RCW 4.24.550 is dependent on the offender's risk level.

It is important to note that the public policy behind the Public Records Act is to allow citizens to maintain control over their government, while the public policy related to release of sex and kidnapping offender information is to further public safety. The actual legal relationship between Ch. 42.56 RCW and RCW 4.24.550 may be decided by the Supreme Court when they issue their decision on *Doe*. Until then, observations can be made based on examination of these statutes together and how other states treat disclosure of registration of information.

The Public Records Act requires a government agency to respond to a request for information within five days. Within that timeframe, an office or agency must either provide the record, an internet link to the information, or an acknowledgement of the request with a predicted time frame of when the agency can respond or deny the request.[xliv] Although RCW 42.56.060 protects agencies, officials, public employees or custodians from a cause of action related to loss or damage based upon the release of a record if they acted in good faith in an attempt to comply with the chapter,[1] the act has strict monetary penalties for delay or non-disclosure of records.

By contrast, RCW 4.24.550(7) provides immunity from civil liability to public officials, public employees, a public agency as defined in RCW 4.24.470 or units of local government and its employees as provided in RCW 36.28A.010 unless they act with gross negligence or in bad faith. It also includes a statement of non-liability for failure to release information under the section.

The contrast between the approaches of the two statutes becomes apparent when an agency receives a request for sex offender records. If an agency is asked to comply with the disclosure requirements of both Ch. 42.56 RCW and RCW 4.24.550, it is clear that the most prudent route for an agency to take is to liberally disclose records because there is a strict monetary penalty for non-disclosure under the Public Records Act, and immunity of disclosure or non-disclosure of a record is provided for under RCW 4.24.550. There is little incentive to adhere to the guidelines of RCW 4.24.550, as the agency is liable for potentially large financial penalties under Ch. 42.56 RCW if it withholds a document that is considered public.

Summary of Practices Among States

The phrase "best practice" within the context of public disclosure of sex and kidnapping offender information, may be a misnomer. Sex offender registration and community notification are different systems with different goals. Many states have adopted an offense-based registration system which conditions registration and sometimes notification, only on the commitment of a specific sex or violent offense – not on any assessment of risk. Instead, Washington state relies on risk level classification to determine how to distribute sex and kidnapping registration information.[xlv]

Instead of limiting the state survey to only those states which have adopted a risk-based registration and notification system, we have surveyed all states to find good and common practices

related to public disclosure of sex offender information. We found five areas related to the release of information which could be considered in Washington state.

- Clear identification the relationship between the state's public records act statutes and sex offender registration and notification act statutes.
- Limited availability or disclosure of sex offender registration information based on risk level.
- Distinguishing differences between offender information gathered for the purposes of registration and public-facing information.
- Clear definition in statute the specific information to be disclosed, included, exempted, or deemed confidential.
- Creation of criminal and/or civil penalties specifically for misuse of registration information, not just for using the information in relation to the commission of a crime against an offender.

Six states clearly identify the relationship between the state's public records act and the state's sex offender registration and notification laws. States establish this relationship in several ways. Usually, it's either by clearly identifying an exemption to the state public records act within the SORNA statute, an affirmative statement that the SORNA statutes exclusively govern disclosure of sex offender registration information, or that the SORNA statutes are not subject to the state's public records act.

Louisiana and Alabama affirmatively state that collection and dissemination of registration information is governed by their SORNA statutes.[xlvi] New Hampshire and West Virginia exempts the information located within their SORNA provisions from their respective public records acts.[xlvii] Both Kansas and Florida SORNA laws reference their state's public records acts and clarify that the information within the state SORNA law is subject to public records laws.[xlviii] By clearly identifying which provision governs disclosure of sex offender information, whether it is the state SORNA law or the state public records law, it leaves no room for doubt if there is a conflict. This lack of clarity is what led to the legal issues in the Washington Supreme Court case *Doe v. Washington State Patrol.*[xlix]

Seven states limit blanket availability of information based on risk level. Montana distinguishes not only between disseminating information based on risk level but also, they have chosen to disclose more registration information if the offense was committed against a child.[l]Massachusetts publishes level 2 and level 3 offender information on the Internet but has specific guidelines written by the Sex Offender Registry Board related to any public disclosure of level 1 information.[li] Nevada publishes Tier 2 and 3 offenders on the Internet and maintains tier 0-1 in its central repository which is limited to law enforcement agencies and the courts.[lii]

In Rhode Island, information is disclosed freely about level 2 or level 3 offenders unless they are juveniles[liii] and restricts dissemination of information of non-public registration information without the written consent of the person. Connecticut has a Risk Assessment Board which recommends which level of offenders should be available through the Internet as does New Jersey which has an Internet Registry Advisory Council. New Jersey also maintains guidelines for law

enforcement related to the implementation of SORNA laws, including disclosure of information to the public.[liv] Iowa takes the extraordinary step of considering all sex offender registry records which are not specifically publicly available via the Internet or sheriff's office to be confidential.[lv]

Most states require more personal information from a registrant for law enforcement purposes than they allow to be public-facing or publicly disclosed. Some states accomplish this by maintaining separate databases for law enforcement information versus publicly accessible data.[lvi] Other states accomplish this by defining which information is "public" or "relevant". A few states have combined methods of disclosure limiting some information for law enforcement, listing some information on the Internet and making more information available pursuant to individual request.[lvii] Three states, Oregon, Pennsylvania and Wisconsin, provide victim-specific access to non-public offender information.[lviii]

Low-risk offenders (Level 0 or 1) and juveniles are commonly excluded from web publication and/or disclosure other than for law enforcement purposes. Some of these determinations are made as a result of registration laws which limit registration requirements for juveniles, other determinations are made on an individual basis or pursuant to a policy decision about notification.

Several states clearly define which information is to be disclosed publicly or limited to law enforcement or official purposes. For example, Connecticut defines the word "registry" to identify the information held in the central, public database but restricts dissemination of certain information held in the registry.[lix] Delaware defines "searchable records,"[lx] Montana defines "Public Criminal Justice Information,"[lxi] and Tennessee defines "relevant and necessary information."[lxii] Other states such as Hawaii,[lxiii]Iowa,[lxiv]and "Utah"[lxv] specifically define aspects of records or the website. While this practice seems basic, it can clear up confusion about which records are intended to be publicly accessible, instead of referring vaguely to "website" "database" or "registration information".

Most states have some type of enhanced penalty for using registration information to commit a crime. However, California, Florida, Idaho, Indiana, Illinois, Mississippi, Nevada and Virginia have more severe criminal penalties for misuse of information. Illinois defines and criminalizes "unauthorized release of information." In Virginia, use of registry information which is not authorized is prohibited and unlawful. The use of information to intimidate or harass is a class 1 misdemeanor.[lxvi]

California and Nevada allows for a civil action for damages which are incurred as a result of someone misusing website information. California has the most comprehensive set of criminal penalties and civil recourse for misuse of website information. If someone uses registry information to commit a misdemeanor, they become liable for an additional $10,000 to $50,000 fine. If they commit a felony, they are subject to an additional five year imprisonment. The state also allows an aggrieved person or the Attorney General to bring a civil action for misuse.[lxvii]

[i] Laws of 2015, ch. 261 § 16.

[iiii] 2009 Annual Report to the Legislature, Sex Offender Policy Board, p. 8.
[iii] Drake, E.K., and Steve Aos. "Does Sex Offender Registration and Notification Reduce Crime? A Systematic Review of the Research Literature," Washington State Institute for Public Policy (2009).
[iv] Locke, Christina, and Bill F. Chamberlin. "Safe From Sex Offenders Legislating Internet Publication of Sex Offender Registries." *The Urban Lawyer* 39 (2007):1-18.
[v] Turner, Chrisandrea, L. "Convicted Sex Offenders vs. Our Children, Whose Interests Deserve the Greater Protection?" *Ky. LJ 86* (1997): *477*.
[vi] Lasher, Michael P. & Robert J. McGrath. "The impact of community notification on sex offender registration: A qualitative review of the research literature." *International Journal of Offender Therapy and Comparative Criminology,* 56 no. 1 (2012): 6-28.
[vii] Martin, Jonathan, & O'Hagan, Maureen, "Killings of 2 Bellingham Sex Offenders May Be Vigilante, Policy Say" Seattle Times, August 30, 2005. *See also*, Pandell, Lexi, "The Vigilante of Clallam County," The Atlantic, Dec. 4, 2013.
[viii] Periman, Deborah. Revisiting Alaska's Sex Offender Registration and Public Notification Statute, Alaska Justice Forum 25(1-2):2-5. (Spring 2008-Summer 2008).
[ix] Vandiver, Donna M., Kelly Cheeseman Dial, and Robert M. Worley. "A Qualitative Assessment of Registered Female Sex Offenders Judicial Processing Experiences and Perceived Effects of a Public Registry." *Criminal Justice Review* 33, no. 2 (2008): 177-198.
[x] Zevitz, Richard G., and M. A. Farkas. "Sex offender community notification: Managing high risk criminals or exacting further vengeance." *Pogrebin, M eds* (2004): 114-123.
[xi] *Id*.
[xii] Carpenter, Catherine L. "Against Juvenile Sex Offender Registration," Available at SSRN 2319139 (2013).
[xiii] *Id*. At 771.
[xiv] Pittman, Nicole, and Allison Parker. *Raised on the registry: The irreparable harm of placing children on sex offender registries in the US.* 2013. *See also* Freeman-Longo, Robert E. "Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem." *Sexual violence: Policies, practices, and challenges in the United States and Canada* (2002): 223.
[xv] Prescott, J.J. "Do Sex Offenders Make Us Less Safe?" *35 Regulation 48* (2012-2013).
[xvi] Laws of 199 , ch. 3 § 116.
[xvii] Preble, Johnna. "The Shame Game: Montana's Right to Privacy for Level I Sex Offenders," *Mont. L. Rev. 25* (2014): 297. *See also,* Kabat, Alan, R. "Scarlet letter sex offender databases and community notification sacrificing personal privacy for a symbol's sake," *Am. Crim. L. Rev.* 35 (1988): 333.
[xviii] Mont. Const. art. II § 10.
[xix] Trinkle, Catherine A. "Federal Standards for Sex Offender Registration: Public Disclosure Confronts the Right to Privacy," *Wm. & Mary L. Rev.* 37 (1995): 299. *See also* Turner, Chrisandrea L. "Convicted Sex Offenders vs. Our Children, Whose Interests Deserve the Greater Protection?" *Ky L.J.* 86 (1997): 477.
[xx] 123 Wn.2d 488 (1994).
[xxi] *Id. at* 495.
[xxii] *Id.* at 499.
[xxiii] Phillips, Dretha M. *Community Notification as Viewed by Washington's Citizens.* Olympia, WA: Washington State Institute for Public Policy, 1998. Lieb, Roxanne and Corey Nunlist. *Community Notification as Viewed by Washington's Citizens: A Ten-Year Follow-U.* Olympia, WA: Washington State Institute for Public Policy 2008.
[xxiv] *Id.*
[xxv] *Id*.
[xxvi] *Id*.
[xxvii] Boyle, Douglas J., Laura M. Ragusa-Salerno, Andrea Fleisch Marcus, Marian R. Passannante, and Susan Furrer. "Public knowledge and use of sexual offender internet registries: Results from a random digit dialing telephone survey." *Journal of Interpersonal Violence* (2013): 0886260513511698. *See also,* McCartan, Kieran. "From a lack of engagement and mistrust to partnership? Public attitudes to the disclosure of sex offender information." *International Journal of Police Science & Management* 15, no. 3 (2013): 219-236.
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[xxix] Amyot, Vanessa. "Sex Offender Registries: Labelling Folk Devils," *Crim. L. Q.* 55 (2009):188. *See also* Prescott, J.J. "Do Sex Offender Registries Make Us Less Safe?" *Regulation* 35 (2012): 48.
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[xxxi] Logan, Wayne. "Megan's Law as a Case Study in Political Stasis," *Syracuse L. Rev.* 61 (2011): 371.
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[xxxiii] RCW 9A.44.130(2)(a).
[xxxiv] RCW 9A.44.130(5)(b).
[xxxv] RCW 9A.44.130(6).
[xxxvi] RCW 43.43.540(1).
[xxxvii] RCW 43.43.540(2).
[xxxviii] Brief of Appellant Washington State Patrol at 1, John Doe A, et al v. Washington State Patrol et al, No. 90413-8.
[xxxix] Washington State Patrol's Answer to Amicus Brief at 1-2, John Doe A, et al v. Washington State Patrol et al, No. 90413-8.
[xl] RCW 4.24.550(5)(a).
[xli] *Id*.
[xlii] Brief in Response Washington Association of Sheriffs & Police Chiefs ("WASPC") at 8, John Doe A, et al v. Washington State Patrol et al, No. 90413-8.
[xliii] RCW 4.24.550(9).
[xliv] RCW 42.56.520.
[xlv] RCW 4.24.550.
[xlvi] La. Rev. Stat. Ann. § 15:548 and Ala. Code §15-20A-42.
[xlvii] N.H. Rev. Stat. Ann. §651-B:7 and W. Va. Code §15-12-5.
[xlviii] Fla. Stat. §775.21.
[xlix] No. 90413-8.
[l] Mont. Code Ann. §46-23-508.
[li] Mass. Gen. Laws §178J(b).
[lii] Nev. Rev. Stat. §179B.280-290.
[liii] R.I. Gen. Laws §11-37.1-14(4).
[liv] N.J. Rev. Stat. 2C:7-6 and Kan. Stat. Ann. §22-4907.
[lv] Iowa Code §692A.121(14).
[lvi] Ala. Code §15-20A-7 & 8(b), Ariz. Rev. Stat. §13-3823, Ca. Penal Code §290.46, Idaho Code Ann. §18-8305, Iowa Code 692A.121, Mich. Comp. Laws §28.730, N.C. Gen. Stat. §14-208.14, §14-208.15, and §14-208.29.
[lvii] Me. Rev. Stat. Ann. Tit. §11281(7)(c), Mass. Gen. Laws §178J, NY Code 168.
[lviii] Or. Rev. Stat. §181.843, 42 Pa. C. S. §9799.26, Wis. Stat. §301.46.
[lix] Conn. Gen. Stat. §54-255(a).
[lx]Del. Code Ann. Tit. 11 §4120.
[lxi] Mont. Code Ann. §44-5-103.
[lxii] Tenn. Code Ann. §40-39-206(d)(1)-(15).
[lxiii] Haw. Rev. Stat. §846-3(3)(b).
[lxiv] Chapter 692A Code of Iowa.
[lxv] Utah Code Ann. §77-41-110.
[lxvi] Va. Code Ann. §9.1-918.
[lxvii] Ca. Penal Code §290.46.