

USLegal Pamphlet on Megan's Law and Sex Offender Registration



INTRODUCTION

Megan's Law are laws dealing with sex offender registration and community notification. The theory behind Megan's Law is that communities will be better able to protect their children if they are informed of the descriptions and whereabouts of high-risk sex offenders. High-risk sex offenders have been shown to pose a serious danger of reoffending. Notification of sex-offender information to the community aids law enforcement in investigations, provides legal grounds to detain known sex offenders, may deter sex offenders from committing new offenses, and offers citizens information that they can use to protect their children. Megan's Law is named for seven-year-old Megan Kanka, who was kidnapped, raped, and murdered by Jesse Timmendequas, a repeat violent sexual

offender. Megan's home state of New Jersey passed the first "Megan's Law" in 1994. Megan's Law has become a generic name for laws in the United States requiring law enforcement authorities to make information available to the public regarding registered sex offenders. Laws vary by state regarding what information will be made available and how it should be disseminated. Typically, such information includes the offender's name, picture, address, incarceration date, and nature of crime. The information is often displayed on free public websites, but may be published in newspapers, distributed in pamphlets, or through various other means.

WHO MEGAN'S LAW COVER

The criteria varies by state, but the typical offenses requiring registration if convicted include:

- aggravated sexual assault,
- sexual assault,
- aggravated criminal sexual contact,

- endangering the welfare of a child by engaging in sexual conduct that would impair or debauch the morals of the child,
- luring or enticing,
- kidnapping (if the victim is a minor and the offender not a parent),
- criminal restraint, and
- false imprisonment

FEDERAL LEGISLATION

At the federal level, Megan's Law is known as the Sexual Offender (Jacob Wetterling) Act of 1994. On May 17, 1996, President Bill Clinton attempted to strengthen the Jacob Wetterling Act by adding an amendment to the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071); the amendment is known as Megan's Law. The Act requires persons convicted of sex crimes against children to notify local law enforcement of any change of address or employment after release from custody, whether from a prison or

psychiatric facility. The notification requirement may be for life or a fixed time period, usually ten years. In 2003, the U.S. Supreme Court handed down decisions in a couple of important cases that upheld the constitutionality of Megan's Law. The Court found that state laws that allow the use of the Internet to notify parents of the presence of convicted rapists and child molesters in their own neighborhoods do not violate the constitutional rights of the listed sex offenders.

THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT

The Adam Walsh Child Protection and Safety Act (Pub.L. 109-248) is a federal law that was enacted on July 27, 2006. The Walsh Act categorizes sex offenders into three tiers and requires that Tier 3 offenders (the most serious offenders) update their whereabouts every three months and register for life. Tier 2 offenders must update their whereabouts every six months and register for 25 years, and Tier 1 offenders (which includes minors as

young as 14 years of age) must update their whereabouts every year and register for 15 years. Failure to comply with registration and update requirements is punishable as a felony. The Act also creates a National Child Abuse Registry to protect children from being adopted by convicted child abusers and gives guidance to each state and territory for using uniform offender data on the Internet (i.e., offender's name, address, date of birth, place of employment, photograph, etc.).

STATE RESOURCES

For information on state specific laws, please see the information at the following links:

<http://megans-law.net/>
<http://meganslaw.org/>
<http://www.klaaskids.org/pg-legmeg2.htm>