

## **The Capitol Lobby Group**

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TO: Senate Judiciary  
FROM: Kevin Barone  
DATE: March 11, 2013  
RE: HB2209 Offender Registration “Safety Valves”

Good afternoon Chairman and members of the Committee, my name is Kevin Barone and I am the lobbyist for a group called Coalition for Fair Sentencing. This group is made up of defense attorneys whom have a number of young clients who made mistakes when they were between the ages of 18 and 26, served probation or a short prison sentences, and under current law are required to be on the offender registry for the remainder of their lives. Sex offender evaluations have indicated that these young men and women pose a low-risk for re-offending. Psychological evaluations performed on most of them concluded that their conduct was primarily driven by immaturity and impairment by alcohol. The mistakes we are talking about are where the only issue is the age of those involved, no other crime was committed, and had both parties been few years older, there would be no crime.

These young men and women have little no hope for a normal life. They will spend more than 50 years with the stigma of being a registered sex offender. Jobs will be hard to find and healthy relationships will be difficult. They will be forever ostracized from society because of a mistake committed while they were still growing up. Ironically, lifetime registration has virtually no impact on the truly dangerous ones because the sentences handed down to these criminals have been very long or “life” sentences. Making it very probable they will die in prison and registration is meaningless to them.

That is the true irony of the lifetime registration requirement – it principally impacts those who are of little or no risk to society. If these young men and woman fail to comply with the registration requirements at any point during their entire life, they are subject to prosecution for a strict-liability felony.

Young men and women who made mistakes in their youth need hope. Without hope, they can live a pitiful life, with limited to no economic opportunity, and may even have resort to crime in order to survive. The proposed “safety-valve” amendment gives them hope to one day be removed from the registry. Without that hope, the registry is doing enormous harm and very little good.

The proposed “safety-valve” allows a registrant to seek release from the requirements, after 10 years of registration, if they fit into a very small and limited group of offenders. It puts the burden on the registrant to prove by clear and convincing evidence that registration is no longer necessary to protect the public. It only seems fair to give relief from the tremendous burden of registration if that difficult standard is met.

Many states (13) already have or are seeking provisions allowing early termination of the requirement to register. Kansas appears to be uniquely harsh by not having a mechanism for early discharge. With respect to “safety valve” statutes allowing removal from the registry, note that SMART has determined all the states that have a provision in place are still compliant. The purposed language has been vetted through the KBI to the SMART office for maintaining compliance.

Besides the other issues, the issue of cost is just now starting to come around. These young offenders will be on the register and be required to report and keep information updated. That means someone has to be there to report to and check up on them. A recent study in Iowa suggest that maintaining the pieces to follow these people will cost in the \$10’s of millions in just a few years and will increase from there.

Again, this language has gone through the KBI and the Attorney’s General Offender working group. The language has been sent to the national SMART office to determine if the State of Kansas would remain in compliance, and the KBI will speak to that. Society has a moral obligation to give hope and an opportunity for a future to young adults who made a mistake often while intoxicated before they really grew up. This applies to those young men and woman whom have proven they are not a real threat to society.

Thank you Chairman and members of the committee and thank you for your time today. I ask that the committee support HB2209 and the purposed ‘safety valve’ amendment. I stand for question that you may have.

Thanks,

Kevin Barone  
Coalition for Fair Sentencing