

Dear Representative Lower and Members of the Judiciary Committee,

I am writing to you about a recent bill I learned about, HB 5679, that is scheduled for a hearing this coming Wednesday, May 6. I was excited to hear that a critical issue such as HB 5679 would be so rapidly constructed, hopeful that as the Michigan Legislature had promised, that the parties for and against the bill could work out an evidenced-based, factual working potential law. However, I am gravely concerned that unfortunately, the bill as constructed is destructive in the eyes of myself and your constituents. I am asking that you please re-consider the current wording of HB 5679 to eliminate all adjudicated juveniles from all tiers having to report based on the fact that such reporting can affect juvenile adjudicates for life. Having a SORA means juvenile adjudicates won't be able to rent an apartment, they will be limited in where they can go to school and college, and they are limited to where they can find employment. They are doomed to a life as a social leper even while evidence shows they are of no greater risk to society.

Please let me introduce myself first before I go on. My name is AJ and I will remain anonymous since the current law and bill has placed my entire family at risk. The following is my testimony to advocate for the immediate removal or alteration of HB 5679. I am requesting that the bill be tabled for the safety of the public to be able to fully and meaningfully participate in this hearing. As a child of a United States Veteran of the Vietnam War, and a health care professional during this pandemic, I am concerned about the wisdom of holding a meeting at a time of a great pandemic that has killed and continues to kill numerous citizens of the state of Michigan.

My family is much like yours. I have been married for over 35 years to the same man and have two children. Like you, we attended the same schools. Again, like yourself, our family is very generous and caring about our community and we love to be outdoors and enjoy fishing and hunting. We have probably sat side by side in the pew as a family in the same Catholic Church. Unfortunately, the items within the bill being proposed has caused our family a complete nightmare in terms of how we live, what we can do, where we can go, where we can live while completely taking away most of our son's future. The current law and proposed HB 5679 is based on fear and not evidence, especially when it comes to adjudicated juveniles.

We have a son when turning 15 years of age was just entering high school and diagnosed with special needs. Yet, we wanted him to have the advantages that all children could have in a public school system, to be mainstreamed with those he would interact with on a daily basis. Unfortunately, the fellow classmates he interacted with took advantage of him, setting him up to be the joke of the school, not realizing how serious the unintended consequences would be. What happened to our son was unspeakably cruel; however, what was worse, is how our son would be treated by the State of Michigan legal system because of laws that were designed in a period of time not too long ago that was not based on knowledge from research. Our son was taken advantage of and was left little choice but to accept an adjudication. Please note that my son had a reading comprehension of 3rd grade, very low IQ, took a

polygraph and passed, and had mounting evidence that he did not have anything to do with what he was accused of. The legal system would not share their evidence and we were advised to plea, an adjudication, because he was 15 years of age, a child who could not drive, vote, hold a job, just entered high school, and again, different because he had special needs. Please note our son was not larger or smarter than the other person. On the contrary, 1 foot smaller and in the same age category. We could choose an adjudication and undergo rehabilitative classes to ensure our son would not be taken advantage of again and be placed in this situation. Please know that this option did not come lightly, we would have fought, but instead of getting to the truth of what happened to our son, we were forced into a situation despite spending essentially our life's savings to help our son.

The adjudication was devastating to our son, our other son, my husband, and myself. There are no words to explain how much pain this placed on us as a family to date. However, what came next was worse, my son was given a SORA at age 15. I didn't even know what the term SORA meant, and I can tell you what it meant, all our lives were placed at risk. Even on the non-public list, I had anonymous people chase me in their cars at night at a speed of 90 MPH out of nowhere attempting at their best to have me hit a tree. I was stalked in post offices to walk out to my car with the locked doors found wide open in the middle of the winter instilling fear to get back into my car. Threats left on our voice mail against our family. Stalked in grocery stores and even at our own home. Our younger son was bullied by his classmates and by the public school teachers needing to pull him out for fear of what would happen to him. Our son was promised rehabilitation. We greatly appreciated the kind social worker in the legal system who found our son not to be of risk to others or the community at large. However, what he received was a Tier 3 CSC via an adjudication and reporting quarterly to the police post four times a year with an annual visit to our home. My son to this date still can't drive and my husband of exceptional character manned up and drives and attends with him at the police station to register as a sex offender for the rest of his life paying his yearly fee because my son is not able to work.

As a side, please note that a Tier System is troubling, not evidenced-based on research, and does not take into account individualized risk assessment, basic facts, which do not correspond to actual risk and creates a scary public stigmatization of persons, social lepers, committed to long registration periods sometimes for life. The Attorney General for the State of Michigan points out that persons are thus subject to humiliation and ostracization without assessment of their rehabilitation or risk to the community. In her dissent in *Smith*, Justice Ginsburg cited the lack of individualized risk assessment as a reason why Alaska's scheme was excessive in relation to its nonpunitive purpose. 538 US at 116–117 (Ginsburg, J., dissenting). She noted that registration was based on past crimes, not present risk, that the duration of reporting was “keyed not to any determination of a particular offender's risk of reoffending, but to whether the offense of conviction qualified as aggravated,” and that the act made “no provision whatever for the possibility of rehabilitation.” Note too that my son was adjudicated as a juvenile, not convicted. Adjudication is not conviction and he had a risk assessment prior to and after rehabilitative intervention and was deemed no risk to the community or citizens in the state of Michigan.

Note that the Attorney General recognizes that once on the registry, the juvenile registrant is subject to extensive burdens, many of which are counterproductive to the Legislature's goal of public safety (See MCL 28.721a). And for any juvenile registrant such as our son with special needs who is already coping with a developmental disability from birth—for example, autism or an intellectual disability—SORA becomes a second disability.

As much as I would like to keep this shorter, I think it is important that you hear a little bit more of the rest of the story, as Paul Harvey would say. Please note that this is very sterile description due to lack of space to convey a message that needs to be heard and trying to maintain some sense of anonymity to protect our family, but since I know you have a son yourself and many other people in the Judiciary Committee as well do too, or grandsons, nephews, please listen. Everyone with a young teen is at extreme risk with phones, Ipads, laptops, all with email and all with cameras. Mix in mental disability, cruel teenage pranks and you can imagine what we have been through and now the SORA extends it for life.

Despite being assessed as no risk to the community, my son was run out of school with no options to complete school but by the grace of God, a Christian School who stood behind their beliefs system and welcomed him in to learn to finish his diploma. Our son will not be able to find housing independent of us someday because he has a SORA and this is on the application of apartment applications. He will have difficulty with ongoing education and finding employment since who would want to hire a person with a SORA? Even with a special needs health history, it is scary when one has an intact mental capacity since a person with a SORA has to report a host of every piece of information, dynamically: your residential address, your telephone number, your school, your employer, your email address, etc., and one small error can land you in prison. Despite undergoing adjudication, not a conviction, and despite being 15 years of age, a legal child in the state of Michigan unable to drive or vote or provide for himself, and despite successfully completing rehabilitation in the justice system, and being no risk to society, he has been marked a sexual offender for life. This is further supported from the report based on research evidence by the Attorney General for the State of Michigan, please note the following:

This lack of peer and community support is particularly detrimental for juveniles. "Otherwise supportive networks, such as schools, neighborhoods, and workplaces that 'can and often help a juvenile's rehabilitation and socialization' are instead transformed into 'hostile environments' that further ostracize the juvenile offender and enhance the likelihood of recidivism."

Note that the Attorney General for the State of Michigan reported demonstrated evidence that juveniles who are adjudicated delinquent have a low rate of recidivism and unlikely of sexually offending as an adult, especially if they receive appropriate treatment. Further, it is noted that experienced practitioners support the research and theoretical realm that adjudicated delinquent as juveniles who intervene have

a low rate of recidivism. Furthermore, the research also shows that juveniles respond particularly well to treatment and consequently, a lifetime registration for juveniles is excessively burdensome. As the Attorney General concludes based upon the existing state of the science evidence that policies that emphasize reintegration and rehabilitation for juveniles is what promotes the safety of the public and that is what HB 5679 has not addressed.

Our son at the age of 15, just entering high school with special needs now lives the life as our Attorney General for the State of Michigan has made plainly clear, a life of ostracization, and he poses according to the court system no danger to the health and safety of Michigan citizens. His particular offense placed him in Tier III, and he had several risk assessments that showed minimal to no risk, minimal because he has no friends, as you can imagine given this situation. Also, children with special needs such as intellectual difficulties such as autism live a life with very few friends given the disease and consequences of the disease. Please note this alarming statistic that it is estimated that on average between 10% to 20% of Michigan's sex offender registry are children who have committed sex offenses, per the Attorney General's report. My son who has special needs as well, ended up on the registry as many of these other juveniles have for acts they truly do not understand given their normal developmental stage in life, misguided pranks, ill-considered decisions and sexting which is epidemic among all teens now whether male or female. Yes, it happened to us, engaged, educated parents, our whole family's life turned upside down over night.

In summary, I am asking that you reconsider to not place juvenile adjudicates on any kind of SORA which serves no purpose except to ostracize and cause a lifetime of persecution and punishment for the juvenile and their family members, and jeopardizes the safety of the public. I am also requesting that the hearing for HB 5679 be rescheduled during a time when the pandemic is resolved and it is safe to include the constituents so they are able to be safe to participate in a public hearing.

Best Regards,

AJ