

**Testimony Opposing HB 5679
for Presentation to the Michigan State House Judiciary Committee
May 6, 2020**

My name is John Gourlay and I'm here as the father of someone listed on the Michigan sex offense registry and also as someone active in Michigan Citizens for Justice, a state-wide support group for people on the registry and their family and friends. I'm here to oppose HB 5679.

First, I feel the need to say that I resent having to be here during the Covid-19 epidemic in what I see as a violation of the current stay-at-home order. I'm a 70-year-old man risking my health and risking taking the coronavirus back to my home and community. I can't use Zoom adequately from my home.

I presume that HB 5679 is a response to the ruling by a Federal District Judge saying that the Michigan Sex Offender Registration Act, SORA, is unconstitutional in some respects and in those respects it can't be enforced. This is a very important matter, and changes to the law will have a substantial affect on the lives of the 44,000 people required to register and also on their family members maybe numbering in the 100s of thousands.

However, this hearing is not urgent. The judge suspended his order for the duration of the emergency to avoid situations just as this. We shouldn't be here discussing this bill at this time. But, here we are.

So, lets talk about the bill. As I said I oppose it, because I think it's a preposterous response to the court's rulings, hardly addressing the constitutionality issues of the current law and hardly changing the conditions under which registrants must live. Other people will talk about the technical issues. What I'd like to talk about is the effect the law has on registrants and their families.

Participating in Michigan Citizens for Justice meetings I've gotten to know the stories of dozens of people required to register. These are real stories, common stories, not urban legends or one-in-a million outliers.

Essentially everyone who is listed on the registry, including my son, has had trouble keeping a job. One friend, for example, worked productively without incident at the same job for over ten years. His employer knew he was on the registry, but he was fired abruptly because someone he didn't know and never worked with found him on the registry and said his presence on the job made her uncomfortable.

I know people who were evicted from their apartments because police made a routine address checks when they weren't at home.

I know people on the registry with school-aged children, and they can't participate in their children's school activities.

I know someone who must live apart from his wife and children because they live too close to a school.

I know someone who won't attend his legislators' town-hall meetings when they are held near a school.

I know two people who have committed suicide apparently because of the hopelessness engendered by the registry.

All of these people were offense free for years, for 20 or sometimes even 30 years.

What is the purpose of Michigan's SORA? It's ostensibly to keep the public safe; to prevent sex offenses. How does denying someone a dignified livelihood, or putting a family with children into poverty make the public safer? How does making someone homeless make the public safer? How does preventing someone from participating in their child's education make the public safer?

Also, we need to think about who commits sex offenses. The vast majority are committed by people known and trusted by the victims, not the strangers listed on the registry. Also, the vast majority are committed by people not previously known to law enforcement. Michigan's SORA concentrates all of its enforcement resources on the wrong people.

HB 5679 will not change any of these problems. What we need is an evidence-based approach to dealing with sex offenses, one that concentrates on prevention rather than punishment.

Thank you.

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