

Written Testimony Against HB5679

John W. Wagner

Good Morning Committee Members,

My name is Jack Wagner and I am a resident of Ann Arbor. I am here today on behalf of my son-in-law and all those impacted by Michigan's SORA law. I am opposed to HB5679 and the effort it represents to avoid and evade the legal judgements & directives issued by the 6th Circuit Court and the US District Court.

Ladies and gentlemen, simply put this law is unconstitutional. Taken in the aggregate, this law amounts to punishment. These are not my words. These are the words of Judge Merritt, Batchelder and Donald. Of Judge Cleland. Further, the state SORA has gone far beyond its purpose and now imposes burdens that are so punitive in their effect that they negate the State's public safety justification. These are Attorney General Dana Nessel's words. I cannot articulate their arguments any better but I can read them for myself and understand the gist and nature of their arguments, and so can each of you.

I would like this legislature to find the fortitude to do the right thing and abolish this notion of a registry altogether. But if you cannot find the strength to do that then at least fix this law!

When my son-in-law has finally served his time in prison and returns to society, I want the punishment to end there. We do not put bank robbers or murderers on a list and restrict their residence, where they can work and where they come and go. We don't prevent them from ever going to a bank again! Why do we do this to someone convicted of a sex crime? Why are we trying to control the minutiae of someone's life? It doesn't work.

Everyone on this committee is intelligent and can develop a smart and effective law. A law that identifies and addresses the core issues. You know that exclusion zones and drawing arbitrary boundaries around pieces of land does not make anyone any safer. One thousand feet. It's just a number; 1000. How is anyone safer if that number is 1001? Why would anyone be less safe if that number is 999? There is nothing magic about the number. It hasn't been derived from research. Stop pretending that it makes some kind of difference and somehow makes people safer. You should remove exclusion zones altogether from the law.

Additionally, use risk assessments when putting someone on a list. Perform that risk assessment during their time in state custody where professionals have a chance to observe and determine their progress. And make it possible for people who behave to get off this list in a reasonable amount of time. The punishment should fit the crime. Do not punish someone for the rest of their life for the sins of their youth.

Do not make the requirements of this law so onerous as to exasperate and crush someone's spirit once they have paid their dues and they return to society. If you do not use your authority and wisdom to rewrite this law properly and instead try to continue to prop up these unconstitutional statutes, you will only make matters worse. You have the unique opportunity to correct this wrong and write a sensible, responsible and compassionate law. I urge you to do so.

Thank you,

John W Wagner