

The federal Sex Offender Registration and Notification Act (SORNA),¹ which mandates a national registry of people convicted of sex offenses and expands the type of offenses for which a person must register, applies to both adults and children. Although 31 states already post young people on their sex offender registries,² SORNA imposes additional burdens on these states by requiring community notification and prohibiting any process that allows a state to eventually remove a rehabilitated youth from the registry. By publicizing the names of youth, SORNA undermines state's rights to implement many developmentally appropriate practices in youth court. This practice erodes youth court confidentiality—a cornerstone of the rehabilitative process. Youth are different from adults because their developing brains are highly amenable to treatment. A registry system designed for adults could carry lifelong consequences, and should not apply to youth.

Adolescent brains are not as developed as those of adults

Youth are biologically incapable of making decisions in the same way as an adult.³ In particular, the part of a youth's brain that deals with judgment and risk assessment is not fully formed. Since their brains are still developing, youth are even more susceptible to appropriate and effective treatment.⁴

Placement on a registry can be extremely detrimental to a young person's development, making it difficult to progress through school and to participate in appropriate adolescent activities. Youth who are labeled sex offenders often experience rejection from peer groups and adults and are, therefore, more likely to associate with delinquent or troubled peers and less likely to be attached to social institutions such as schools and churches.⁵

Youth are not sexual predators

According to the National Center on Sexual Behavior of Youth, youth sex offenses are not intended to be sexual. Youth do not eroticize aggression and are not aroused by child sex stimuli. Mental health professionals do not deem this behavior as predatory.⁶ Many of the behaviors reported are status offenses, including things such as "parking" and "necking," which would not be a crime if committed by an adult.⁷ National data that disaggregates sex offenses by type or seriousness are not available; however the observations of organizations who work with youth who commit sex offenses generally report relatively non-serious acts and many statutory offenses.

¹ SORNA is Title 1 of the Adam Walsh Act.

² State by State Registration Survey 2007.

³ National Institute of Mental Health, *Adolescent Brains Show Lower Activity in Areas That Control Risky Choices* (Washington, D.C.: National Institute of Mental Health) <http://www.nimh.nih.gov/science-news/2007/adolescent-brains-show-lower-activity-in-areas-that-control-risky-choices.shtml>

⁴ Association for the Treatment of Sexual Abusers, *The Effective Legal Management of Juvenile Sex Offender* (Beaverton, Oregon: Association for the Treatment of Sexual Abusers, 2000). <http://www.atsa.com/ppjuvenile.html>

⁵ Franklin E. Zimring and others, "Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?" *Criminology and Public Policy* 6, no.3 (2007): 507-534.

⁶ J.A. Hunter, D.W. Goodwin, and J.V. Becker, "The Relationship between Phallometrically Measured Deviant Sexual Arousal and Clinical Characteristics in Juvenile Sexual Offenders," *Behavioral Research and Therapy* 32 (1994): 533-538; J.V. Becker, J.A. Hunter, R.M. Stein, and M.S. Kaplan, "Factors Associated with Erection in Adolescent Sex Offenders," *Journal of Psychopathology & Behavioral Assessment* 11 (1989): 353-363; American Psychiatric Association, *Diagnostic and statistical manual of mental disorders* (4th ed.) (Washington, D.C.: American Psychiatric Association, 1994).

⁷ Michael H. Miner, "Reaction Essay: The Fallacy of Juvenile Sex Offender Risk," *Criminology and Public Policy* 6, no.3 (2007): 565-572.

There have been numerous stories publicized in the media of youth as young as age 6 being labeled a sex offender for behaviors such as hugging or kissing other youth.⁸ These youth should not be forced to carry a sexual predator label for life. These zero-tolerance attitudes and policies towards common youth behavior do not increase public safety, but rather alienate youth, disconnect them from communities, education, and jobs, aggravating the likelihood that they may engage in future delinquency.

Recidivism rates of youth who commit sex offenses are low and youth are more amenable to treatment

Youth who have committed a sex offense are no more likely to commit a future sex offense than other delinquent youth, and “would likely benefit from similar interventions.”⁹ Research finds that putting youth on sex offender registries “would have little effect on the prevention of sex crimes and, thus, do little to protect the public.”¹⁰ Additionally, the threat of life-long marginalization from schools, jobs and communities may prevent families and youth from seeking interventions that could help stop youth from engaging in inappropriate sexual behavior.

Mounting evidence and research points to programs and interventions proven to reduce youth delinquency. Evidence-based practices such as Multisystemic Therapy have been empirically evaluated and proven to lower the risk that a youth will become involved in delinquent or criminal behavior.¹¹ Implementing these model programs with youth who have been convicted of sex offenses can help the young person turn their life around, and benefit the family and community. Whereas exhorting severe punishments has proven to be ineffective and may in fact exacerbate crime, evidence-based programs can help young people make different choices, and enhance community safety.

SORNA undermines the juvenile justice system, which is better able to provide developmentally appropriate sanctions and change delinquent behavior

The juvenile justice system was founded on the premise that youth are different from adults and need to be held accountable in appropriate ways. Juvenile court judges are more experienced in assessing the culpability and rehabilitative potential of young people. Youth involved in the juvenile justice system typically receive more treatment and rehabilitative services than they would if they were treated as adults. The sex offender registry undermines rehabilitation by labeling a young person a sex offender, thereby stigmatizing them and closing available doors for treatment and involvement in the community.

Registries put youth at risk

There have been numerous reports of vigilantism against people on the sex offender registry, including harassment, threats and even assaults.¹² Additionally, youth who are on public registries have their home and school addresses, as well as other personal information and pictures, displayed for everyone to see, including those who may wish to prey on youth.

⁸ Brigid Schulte, “For Little Children, Grown-Up Labels as Sexual Harassers,” *Washington Post*, April 3, 2008.

⁹ Michael H. Miner, 2007.

¹⁰ Franklin E. Zimring and others, 2007; Michael H. Miner, 2007.

¹¹ Center for the Study and Prevention of Violence, “Blueprints for Violence Prevention Overview,”

<http://www.colorado.edu/cspv/blueprints/>

¹² Richard Tewksbury, “Collateral Consequences of Sex Offender Registration,” *Journal of Contemporary Criminal Justice* 21 No. 1 (February 2005): 67-81