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Subject: Pending Sex Offense Related Bills Legislation Nationwide

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## AVNETNEWS

NEWS BEYOND NEWS - SARASOTA, FL - JUNE 3, 2018

### Pending Sex Offense Related Bills Legislation Nationwide

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This is from [NARSOL](#) and is a list of bills pending or passed in this year's legislative session. Of particular interest to me was Connecticut which is trying for a risk-based registry. Unlike Oregon which depends entirely on the STATIC99R, which is just that – static – as it deals with the person at the time the crime was committed. Connecticut wants to add dynamic factors so that change over time is recognized.

Oregon was the first state to try this. And other states are learning from our attempts. It would be wonderful to add dynamic factors in Oregon.

CT Bill is inaccurate I believe however I'll pass to my legislative person to determine.

Most state legislatures have adjourned for 2018, but 15 (highlighted in parens) remain in session. All bills passed to date or sent to the Governor for signing are listed below. All other bills that were introduced in states where sessions have adjourned have failed to move forward. The number of bills still being tracked in states where sessions are ongoing is noted.

\*ALASKA (\*in session\*)

SCR31: Requires a person who commits certain offenses under the code of military justice to register as a sex offender or child kidnapper.

\*Tracking 3 additional bills.\*

**\*ALABAMA\***

HB27: Addresses discipline of public K-12 teachers and employees charged with certain sexual crimes against students.

HB305: Prohibits defendants accused of engaging in an act of prostitution with a minor from asserting a mistake of age defense.

SB26: Expands notification requirements to schools regarding juvenile sex offenders and requires the Alabama Board of Education to develop a policy for monitoring juvenile sex offenders in schools.

SB28: Addresses discipline of public K-12 teachers and employees charged with certain sexual crimes against students.

**\*ARIZONA\***

HB2053: Creates the crime of sexual extortion and increases it to a Class 3 felony if the victim is under 15 years of age.

HB2244: Disallows the defense that the minor victim of a crime misrepresented their age if the defendant had reason to know the victim was under 15 years of age.

HB2283: Makes changes to the definition of sexual offenses.

SB1041: Adds residency restrictions for individuals on the sex offender registry.

SB1465: Allows cities and counties to restrict vacation and short-term rentals from housing sex offenders.

**\*ARKANSAS\***

\*No bills tracked by ATSA passed.\*

\*CALIFORNIA\* (\*still in session\*)

\*Tracking 40 bills. No bills ATSA is tracking have passed yet.\*

**\*COLORADO\***

HB1040: Recognizes the need to provide timely sex offender treatment and services, and authorizes the state to offer incentives to contracted mental health professionals to provide such treatment in difficult-to-serve areas.

SB026: Sets standards and a process for individuals to petition to be removed from the sex offender registry.

SB091: Modernizes behavioral health terminology.

**\*CONNECTICUT\***

SB00013: Requires the development of a risk assessment strategy for offenders that uses an assessment tool that accurately rates an offender's likelihood to recidivate upon release from custody and identifies the support programs that will best position the offender for successful reentry into the community. Specifies that the assessment will include both static and dynamic factors and use a gender-responsive approach.

**\*FLORIDA\***

H0581: Authorizes law enforcement agencies to issue and serve a subpoena when investigating specified sexual offenses; specifies requirements regarding nondisclosure of information; and provides for judicial review of nondisclosure requirements.

H1065: Provides that a person receiving a judgment of acquittal or not guilty verdict is eligible to have his or her criminal record expunged.

H1301: Reduces the aggregate and consecutive number of days used to determine residency for purposes of sexual predator or sexual offender registration; and provides for a mandatory sentence of community control with electronic monitoring for certain offenses committed by sexual predators and sexual offenders if the court does not impose a prison sentence.

**\*GEORGIA\***

SB406: Expands criminal background checks for owners, applicants, and employees providing care to adults in assisted living, private homes, hospice, nursing homes, skilled nursing facilities, and adult day care.

**\*HAWAII\***

SB2719: Sets a time limit for recovery of damages by someone who suffered sexual abuse as a minor.

**\*IDAHO\***

S1269: Amends the existing law regarding the crimes of sexual battery and aggravated sexual battery; and applies the Sexual Offender Registration Notification and Community Right-to-Know acts to any person who commits aggravated sexual battery.

**\*ILLINOIS\* (\*in session\*)**

HR0727: Recognizes the harm caused by pornography and the need to address the epidemic of pornography.

HR0751: Declares domestic violence and sexual assault a public health priority.

**\*Tracking 42 additional bills.\***

**\*INDIANA\***

HB1035: Allows property owners to limit or prohibit use of short-term rentals for housing sex offenders; operating a structured sober living home; manufacturing, exhibiting, distributing, or selling illegal drugs, liquor, pornography, or obscenity; or operating an adult entertainment establishment.

SB0012: Provides that, unless a court has granted a waiver, a sex offender who establishes a residence with the intent to reside at the residence or within a 1-mile radius of the residence of the victim of the offender's sex offense, and knowing the location of the victim's residence, commits

invasion of privacy. Prohibits a sex offender from attending a house of worship located on school property while classes, extracurricular activities, or other school activities are being held.

SB0060: Provides that failure to register as a sex or violent offender for an offense originating from another jurisdiction is a Level 5 felony in certain instances.

\*IOWA\*

\*No bills tracked by ATSA passed.\*

\*KANSAS\*

SR1762: Recognizes pornography as a public health hazard.

\*KENTUCKY\*

HB70: Prohibits registered sex offenders from using electronic communications to solicit, contact, or gather information about a person under 18 years of age, with some exceptions for family members.

HB71: Prohibits the distribution of sexually explicit images without consent.

SB19: Increases penalties for sex crimes against someone with an intellectual disability.

SB37: Requires the Kentucky Transportation Cabinet to promulgate administrative regulations to allow the issuance of operator's licenses to inmates engaged in work release programs or reentry initiatives.

SB48: Prohibits individuals under 17 years of age from marrying. Establishes a process for a 17-year-old to petition a court for permission to marry and sets the criteria for granting the petition.

SB130: Conforms state requirements for institutions of higher education to report campus crimes to federal campus crime reporting requirements.

SB133: Makes several changes to laws regarding crimes, imprisonment, and parole including allowing the court to determine whether any nonfinancial conditions shall reasonably ensure the appearance of a defendant and the safety of the public when a defendant is charged with a violent or sexual offense.

SB181: Revises the definition of "criminal offense against a victim who is a minor" and "registrant information," adds information registered sex offenders must provide, and requires registrants to provide notification of plans to travel outside the country.

SR170: Recognizes pornography as a public health crisis.

\*LOUISIANA\* (\*in session\*)

HB75: Makes it unlawful for a sexually violent predator to be on any school grounds or in and school vehicle when anyone under the age of 18 is

present, and adds additional residency restrictions on distance requirements from a range of businesses.

HB705: Creates an electronic monitoring program as an alternative to incarceration. Disallows individuals who commit certain sex offenses from participating.

SB105: Provides that a person cannot give consent to sexual conduct while in police custody.

SB250: Requires schools to provide parents with information about the health risks associated with pornography.

\*Tracking 11 additional bills.\*

\*MAINE\*

LD1566: Disallows public employers from considering an applicant's criminal history when hiring, with some exceptions.

LD1813: Disallows a person from photographing anyone below the age of 14 if the person has been notified in writing not to do so by a law enforcement, corrections, or judicial officer.

LD1877: Expands and clarifies the areas subject to municipal residency restrictions for sex offenders.

\*MARYLAND\*

HB301: Provides that, in a prosecution for certain sexual offenses, evidence the defendant committed sexually assaultive behavior before or after the offense for which the defendant is on trial may be admissible.

HB913: Requires institutions of higher education to develop written policies on sexual assault that include certain provisions for disciplinary proceedings.

HB1072: Requires nonpublic schools that receive state funds to require each employee to receive annual training on the prevention, identification, and reporting of child sexual abuse.

SB270: Provides that, in a prosecution for certain sexual offenses, evidence the defendant committed sexually assaultive behavior before or after the offense for which the defendant is on trial may be admissible.

SB607: Requires institutions of higher education to develop written policies on sexual assault that include certain provisions for disciplinary proceedings.

\*MASSACHUSETTS\* (\*in session\*)

S2371: Establishes several reforms to the state's criminal justice system including requiring data collection and reporting standards for criminal justice agencies detailing information about the offender, offense, risk and needs assessment scores, participation and completion of evidence-based programs, and recidivism rates.

\*Tracking 25 additional bills.\*

\*MICHIGAN\* (\*in session\*)

\*Tracking 11 bills.\*

\*MINNESOTA\* (\*in session\*)

\*Tracking 30 bills.\*

\*MISSISSIPPI\*

HB387: Addresses restitution for crimes and provides that incarceration shall not automatically follow the nonpayment of a fine.

HB708: Revises titles, qualifications, and fees for licensed professional counselors; and requires fingerprint criminal history records background checks for licensees.

HB988: Deletes repeal of licensure laws for marriage and family therapists, and prescribes licensure requirements for social workers.

\*MISSOURI\* (\*in session\*)

SB793: Changes the age at which someone is tried as an adult from 17 to 18 in most cases.

\*Tracking 50 additional bills.\*

\*NEBRASKA\*

LE1078: Addresses placements of siblings in foster care and requirements to report sexual abuse.

\*NEW HAMPSHIRE\* (\*in session\*)

\*Tracking one bill.\*

\*NEW JERSEY\* (\*in session\*)

S414: Requires schools and service providers to review the employment history of applicants who will have regular contact with students to ascertain allegations of child abuse or sexual misconduct.

S3566: Authorizes courts to impose lifetime parole supervision on certain child pornography offenders.

\*Tracking 104 additional bills.\*

\*NEW MEXICO\*

\*No bills tracked by ATSA passed.\*

\*NEW YORK\* (\*in session\*)

\*Tracking 304 bills.\*

\*OHIO\* (\*in session\*)

\*Tracking 15 bills.\*

**\*OKLAHOMA\***

HB1124: Expands zone of safety restrictions for registered sex offenders to include the residence of the victim.

HB2286: Sets standards for parole including early release. Requires individuals convicted of a felony sex offense who are paroled to immediately be placed on intensive supervision.

HB2630: Modifies the electronic monitoring program for offenders deemed eligible to be placed at home rather than incarcerated. Disallows individuals from receiving monitored home placement whose crimes would require them to be listed on the sex offender registry upon release.

HB3330: Modifies sex offender registry restrictions to include family child care homes.

SB224: Extends confidentiality of certain records, reports, evaluations, and testimony for juvenile offenders.

SB363: Disallows individuals who have committed certain sex offenses from being considered by a court for pretrial release.

**\*OREGON\***

\*No bills tracked by ATSA passed.\*

**\*PENNSYLVANIA\* (\*in session\*)**

HB631: Makes changes related to registration requirements and penalties for failure to comply.

HR519: Recognizes pornography as a public hazard.

\*Tracking 10 additional bills.\*

**\*RHODE ISLAND\* (\*in session\*)**

\*Tracking 15 bills.\*

**\*SOUTH CAROLINA\* (\*in session\*)**

\*Tracking one bill.\*

**\*SOUTH DAKOTA\***

HB1054: Revises provisions regarding crimes that are considered violent for parole calculation purposes.

HB1109: Provides parole eligibility for certain inmates.

HB1285: Disallows any registered sex offender from establishing a residence within a community safety zone and requires notification if staying for more than 24 hours within a community safety zone, with some exceptions.

SB61: Revises certain provisions regarding sex offender management including setting a three-day limit for notification after moving to a new address within the state and a minimum of three days' advance notice

before  
moving out of the state.

**\*TENNESSEE\***

HB0404: Requires individuals placed on probation for an offense that would qualify the person as a child rapist or child sexual predator and who does not maintain either a primary or secondary residence to enroll in a satellite-based monitoring and supervision program for the full extent of the person's probation.

HB1020: Allows local governing bodies to prohibit sex offenders from living in short-term rentals.

HB1947: Defines playgrounds for the purpose of sexual offender restrictions to include any indoor or outdoor facility intended for recreation by children and owned by the state, a local government, or a not-for-profit organization.

HB2092: Classifies the continuous sexual abuse of a child as a violent sexual offense for purposes of sentencing and sex offender registration.

HB2323: Allows a sexual offender whose victim was a minor to obtain sexual offender treatment at a location within 1,000 feet of a school, child care facility, public park, playground, recreation center, or public athletic field.

HB2523: Declares as void and unenforceable settlement agreement provisions that have the purpose of concealing details related to the claim of child sexual abuse, except for victim identification.

HB2536: Requires a study of the effectiveness of statutes of limitation on prosecution for criminal offenses, including information on sexual offense statutes of limitation.

SB1920: Defines playgrounds for the purpose of sexual offender restrictions to include any indoor or outdoor facility intended for recreation by children and owned by the state, a local government, or a not-for-profit organization.

SB1944: Classifies the continuous sexual abuse of a child as a violent sexual offense for purposes of sentencing and sex offender registration.

SB2313: Allows a sexual offender whose victim was a minor to obtain sexual offender treatment at a location within 1,000 feet of a school, child care facility, public park, playground, recreation center, or public athletic field.

SB2538: Requires a study of the effectiveness of statutes of limitation on prosecution for criminal offenses, including information on sexual offense statutes of limitation.

**\*UTAH\***

HB0077: Amends the definition of sexual abuse of a minor.



HB0291: Creates a commission to review and modify sentencing guidelines.

**\*VERMONT\***

\*No bills tracked by ATSA passed.\*

**\*VIRGINIA\***

HB511: Adds the complaint that a child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints of suspected child abuse or neglect, upon receipt of which a local department of social services is required to notify the local attorney for the Commonwealth and the local law enforcement agency.

SB267: Requires the Director of the Board of Corrections to conduct a monthly review of a database of prisoners convicted of sexually violent offenses and, using an evidence-based assessment protocol approved by the Director and the Commissioner of Behavioral Health and Developmental Services, identify all such prisoners who appear to meet the definition of a sexually violent predator and are scheduled for release from prison within 24 months from the date of such review.

**\*WASHINGTON\***

HB1539: Creates a curriculum for the prevention of sexual abuse of students.

HB2611: Clarifies confidential privilege for peer support group counselors.

HB2638: Creates a graduated reentry program of partial confinement for certain offenders.

HB2700: Clarifies the handling of child forensic interviews and child interview digital recordings.

SB5987: Creates a pretrial release program.

SB6160: Revises conditions under which a person is subject to exclusive adult jurisdiction and extends juvenile court jurisdiction over serious cases to age 25.

SB6582: Prohibits public institutions of higher education from using initial admissions applications that request information about an applicant's criminal history; allows institutions to inquire into criminal history after the applicant has otherwise been determined to be qualified for admission; prohibits an institution from automatically or unreasonably denying an applicant's admission or restricting access to campus residency based on the applicant's criminal history; and requires institutions to develop a process for determining whether there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial or restriction.

**\*WEST VIRGINIA\***

HB4402: Prevents sexual abuse by requiring yearly education to students in K-12 and providing training to public school employees.

SB404: Amends registry requirements by requiring sex offender registry information provided by offenders to be consistent with the criminal code, adding crimes of sexual assault in the third degree; and clarifying the duration of registration for qualifying offenders.

\*WISCONSIN\* (\*in session\*)

AB539: Enacts plans for supervised release of sexually violent persons and representation of sexually violent persons by the state public offender.

\*No additional bills being tracked.\*

\*WYOMING\*

SF0093: Authorizes school districts to provide instruction to students and to take other specified actions relating to child sexual abuse education prevention and response.

...Ann

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<https://www.regenesisradio.com/product/fact-based-sex-offender-recidivism-research-statistics-whitepaper/>

The SEX OFFENDER RECIDIVISM COMPARISON: WASHINGTON STATE AND FLORIDA – RECIDIVISM, RESEARCH AND RESULTS, contains recidivism research of

sex offenders dating back to the early 1990's from the following independent research resources:

- Department of Justice,
- Washington State
- Arizona,
- Michigan,
- Tennessee,
- Ohio,
- Minnesota
- Alaska

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