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# UNJUSTIFIED PUNISHMENT: JUVENILE CONSENSUAL SEX OFFENDERS AND THE SEX OFFENDER REGISTRY

*Tyson Prisbrey<sup>1</sup>*

The sexual offender registry that tracks and informs the public of sexual offenders' residential and other relevant information has recently attracted widespread attention and, in most cases, support.<sup>2</sup> The general purpose of the registry is to protect potential victims by providing the automobile, residential, and personal identification information of dangerous sex offenders living in their area.<sup>3</sup> Studies have shown that the registry can deter non-offenders from committing sexual crimes and reduces the frequency of reported sexual crimes against local victims by keeping local authorities informed on local sex offenders.<sup>4</sup> The problem with the registry is its punishment of those who might not be deserving of such. When offenders are included on the sex offender's registry, they are publicly labeled as sex offenders by neighbors and others in the community. I argue that not all sexual offenders should be publicly labeled as such. In many cases, the punitive nature of the registry felt by those on the registry and their families is not proportional to their crimes. The main focus of this article is to demonstrate

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1 Tyson is an undergraduate student at BYU studying political science. He plans to attend law school and to pursue a career in law. Special thanks to Katherine Dew Rhodes, Trent Timmons, James Tringham, Brock Laney, and Kurt London for their many hours spent editing and contributing to the paper.

2 See Abril R. Bedarf, *Examining Sex Offender Community Notification Laws*, 83 CALIF. L. REV. 885, 885 (1995).

3 See *id.* at 893.

4 See J.J. Prescott and Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* 54 J.L. & ECON. 161, 192 (2011). (This study found that the registry could have a positive impact, but that the recidivism rate actually increases due to the registry).

why juvenile consensual sexual offenders (JCSO) should not have to register as sexual offenders.

Consider this 2009 case: a seventeen-year-old boy started dating a fourteen-year-old girl while both were in high school. When the girl became pregnant, a family member decided to take drastic measures and informed the local police that a seventeen-year-old was engaging in sexual acts with their underage daughter. Even though the sexual acts were consensual, the police arrested the young man for statutory rape and he served three months in a prison boot camp for the felony. But his punishment did not stop there. The state required that he register as a sex offender on a publicly available database and update his information every year.<sup>5</sup>

After the young man served his sentence, the young couple got married and started a family. Although the man is now thirty-one years old, he and his family still suffer because of his status as a sex offender. After years of searching, the family finally found a home 1,000 feet away from any area that children frequent, in accordance with the requirements of the state.<sup>6</sup> Because of the registry, the husband is forced to take lower-income employment, which results in financial strain on the family. The father cannot coach his daughter's soccer team, nor can he pick his children up from school. He cannot participate in church activities that involve children, and he cannot participate in his son's scouting activities. This family suffers greatly because of the sex offender registration laws. This misery will continue for life unless the family moves to a state that has a limit on the number of years the father must register.<sup>7</sup> To make matters worse, the registry is very difficult to appeal in court. This life of continual embarrassment is all because he engaged in consensual sexual acts with his high school sweetheart.<sup>8</sup>

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5 See Stephanie Chen, *After Prison, Few Places for Sex Offenders to Live*, WALL ST. J., Feb. 19, 2009, at A16.

6 See *Sex Laws Unjust and Ineffective: America has Pioneered the Harsh Punishment of Sex Offenders. Does it Work?*, ECONOMIST (Jan. 18, 2012, 2:24 PM), available at <http://www.economist.com/node/14164614>.

7 See O.C.G.A. § 42-1-19 (2010).

8 See Chen, *supra* note 4, at A16.

As terrible as this sort of life sounds, this is exactly how many who have committed consensual sexual acts as juveniles have to live their lives under the current sexual offender policies in many states. While the registry helps protect the public from dangerous sex offenders, JCSOs who engage in consensual acts with another should not be forced into this public humiliation. The registration process for sexual offenders came into law as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994.<sup>9</sup> Registry laws vary between states, but most states require past offenders to meet annually with local law enforcement to update their residency and occupational information, as well as a description of the car they drive.<sup>10</sup> This information is open to the public, via Internet, in order to provide those living near any sexual offender the information needed to avoid letting their children have contact with those registered. In recent years, this information has become even more accessible; for example, there is now an application for smart phones that will show the picture and the residential location of all sex offenders within a radius of a few miles.<sup>11</sup> The main intent of this easy access to the registry is to protect the public from dangerous sexual offenders.<sup>12</sup>

I argue that JCSOs are not necessarily violent, dangerous criminals. Therefore, they should not have to register and be labeled as sex offenders. There are numerous articles debating the effects and problems of the registry in general. However, this article shows that the registry is unconstitutional when applied to JCSOs. First, a brief history of sex offender registry laws are included and an argument that the registry is a penal act is presented. Upon the premise that the

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9 See Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. § 14071(1994).

10 See *id.* at § 14071.

11 See *Sex Offender Tracker: By BeenVerified.com*, (Jan. 27, 2012) (downloaded using iTunes).

12 See Ki Ma Heusser, Liam Berkowitz, and Ned Potter, *Top-Selling iPhone App: Sex Offender Locator*, ABC NEWS (Jan. 25, 2012, 9:36 AM), [http://abcnews.go.com/Technology/AheadoftheCurve/story?id=8187394&page=1#.TwYUu\\_LKiSp](http://abcnews.go.com/Technology/AheadoftheCurve/story?id=8187394&page=1#.TwYUu_LKiSp).

registry is a punishment, I then argue that the registry is cruel and unusual punishment when applied only to JCSOs, therefore classifying the registry as unconstitutional. To conclude the article, a proposal is written on how to improve the sex offender registry laws in the country. The purpose of this article is to illustrate the flaws and negative effects the law has on JCSOs, as well as the need for reform.

### History of the Sex-Offender Registry

Sex offender registry laws have been in practice in five states since 1986, and almost half of the states had some sort of registry by 1993.<sup>13</sup> At that time, however, most states did not make the information available to the public. In the early 1990s, there were a series of widely known child-abductions and molestations that sparked the creation and modification of sex offender registry laws.<sup>14</sup>

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed to establish guidelines for states to track sex offenders.<sup>15</sup> Named after an eleven-year-old boy who was a victim of a violent sexual crime in 1989, the act requires states to track sexual offenders by implementing a mandatory registration system for sexual offenders upon release

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- 13 See Elizabeth Garfinkle, *Coming of Age in America: The Misapplication of Sex-Offender Registration and Community-Notification Laws to Juveniles*, 91 CALIF. L. REV. 163, 164 (2003).
- 14 See Rebecca Boone, *Jury: Confessed Killer of Idaho Boy Can Get Death*, USA TODAY, (last visited Feb. 14, 2012), [http://www.usatoday.com/news/nation/2008-08-22-1329036061\\_x.htm](http://www.usatoday.com/news/nation/2008-08-22-1329036061_x.htm); *Couey Guilty of Murdering 9-year-old Jessica Lunsford*, CNN JUSTICE, (last visited Feb. 14, 2012), [http://articles.cnn.com/2007-03-07/justice/girl.slain\\_1\\_jessica-lunsford-john-evander-couey-mark-lunsford?\\_s=PM:LAW](http://articles.cnn.com/2007-03-07/justice/girl.slain_1_jessica-lunsford-john-evander-couey-mark-lunsford?_s=PM:LAW); James Barron, *Vigil for Slain Girl, 7, Backs a Law on Offenders* N.Y. TIMES, (last visited Feb. 7, 2012), [HTTP://WWW.NYTIMES.COM/1994/08/03/nyregion/vigil-for-slain-girl-7-backs-a-law-on-offenders.html?ref=MEGANKANKA](http://www.nytimes.com/1994/08/03/nyregion/vigil-for-slain-girl-7-backs-a-law-on-offenders.html?ref=MEGANKANKA). (Some high profile cases from the early 90s include Jacob Wetterling, Fusako Sano -- who was held captive for nine years, two months -- Jaycee Lee Dugar -- who was help captive for eighteen years -- and Carrie Lawson).
- 15 See Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. § 14071(1994).

from custody.<sup>16</sup> Requirements for the registry differ between states, but every state registry updates the convicted sex-offenders' address regularly. This was not initially public information when this act was first passed, but became public domain two years later.<sup>17</sup> In 1996 Megan's Law was added as an amendment to the Jacob Wetterling Act.<sup>18</sup> Named after a New Jersey girl who was a victim of sexual violence, this amendment directed states to allow for the sex offender registry information to be made public.<sup>19</sup>

A decade after the passage of Megan's Law, The Adam Walsh Child Protection and Safety Act of 2006 was passed. This act, named after a Florida boy who was abducted in a shopping mall and later murdered, is another amendment to the Jacob Wetterling Act. The Adam Walsh Act provides states further guidelines on how to operate the sex offender registry; however, not every state has ratified this federal act. Currently, there are only fifteen states that have ratified this act.<sup>20</sup> The Act classifies convicted sex offenders into a three-tier system: the most serious and dangerous offenders being a tier three classification, and the least dangerous being a tier one. Depending on classification, sexual offenders have different guidelines for their registry and the duration of time for which they must register.<sup>21</sup>

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- 16     *See* 42 U.S.C. § 16901 (2006); Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. § 14071(1994).
- 17     *See* Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. § 14071(1994).
- 18     *See* Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Megan's Law), Pub. L. No. 104-145, § 2, *110 Stat. 1345*, 42 U.S.C. 14071 (d) (1996).
- 19     *See* Adam Walsh Child Protection and Safety Act, 42 U.S.C. § 16901 (2006); Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Megan's Law), Pub. L. No. 104-145, § 2, *110 Stat. 1345*, 42 U.S.C. 14071 (d) (1996).
- 20     *See* Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), *Newsroom*, OFFICE OF JUSTICE PROGRAMS <http://www.ojp.usdoj.gov/smart/newsroom.htm> (last visited Jan. 31, 2012).
- 21     *See* Adam Walsh Child Protection and Safety Act, 42 U.S.C. § 16901 (2006).

While only a small number of states have ratified the Adam Walsh amendment, some states have made their own changes to the system.

Some states have laws, commonly known as Romeo and Juliet Laws, that protect the older participants in consensual sexual relationships as long as they meet some required stipulations (which vary from state to state).<sup>22</sup> This modification to the registry protects the public by providing information on the whereabouts of dangerous sex offenders while helping to protect those on the registry like JCSOs from public scrutiny and further punishment. For example, Florida passed such a law in 2007 that stops the accused from being listed as a sex offender.<sup>23</sup> The younger of the two participants must be between 14 and 17 years of age, a willing participant in the sexual relationship, and no more than four years younger than the offender. It also must be the only violation on the offender's record.<sup>24</sup> This does not make the intimacy legal; those protected by the Romeo and Juliet law still have to serve the punishment given for statutory rape. However, it does protect the offender from the punishments associated with the sex offender registry.<sup>25</sup> Twenty-four states have ratified these laws, while other states, including the District of Columbia, have no laws protecting JSCOs.<sup>26</sup>

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22 See *Romeo and Juliet Law & Legal Definition*, US LEGAL (Feb. 2, 2012, 2:13 PM), <http://definitions.uslegal.com/r/romeo-and-juliet-law/>.

23 See Fla. Stat. § 943.04354 (2007).

24 See *Romeo and Juliet Law & Legal Definition*, USLEGAL, <http://definitions.uslegal.com/r/romeo-and-juliet-law/> (Feb. 2, 2012).

25 See *id.* Once those who are protected by the Romeo and Juliet law are released from custody, they are not required to enlist in the sex offender registry.

26 See *Close-In-Age Exemptions to the Age of Consent*, AGE OF CONSENT BY STATE, [http://www.age-of-consent.info/?page\\_id=25](http://www.age-of-consent.info/?page_id=25) (Jan. 23, 2012). Other acts and laws have been passed concerning the registration, but for the intents and purposes of this article, these are the four pieces of legislation that are discussed.

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## Registry is a Punishment

The sex offender registry is punitive in nature. The registry further disadvantages and restrains the convicted sex offender after serving his or her time. Because of the stipulations of the law, many aspects of sex offenders' lives are affected. For example, special limitations are placed on where they can live, and they are restricted from attending any school activities or church functions when there are children present, even if the children are their own. Many report being fired or not being hired because of their sex offender status, regardless of the severity of their crime.<sup>27</sup>

The Supreme Court, however, does not agree. This was confirmed in the Supreme Court decision of *Smith v. Doe*.<sup>28</sup> John Doe and his son, John Doe II, had been convicted sex-offenders prior to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 being passed.<sup>29</sup> Under this act, all sex offenders convicted before 1994 still had to register as a sexual offender.<sup>30</sup> *Doe* argued that this violated the *ex post facto* clause because of the retroactive nature of the act.<sup>31</sup> However, the Court disagreed in a 6-3 decision stating that the act did not violate the *ex post facto* clause because the registry is not a punitive act. The Court reasoned that the act was intended to be a non-punitive means of identifying offenders to ensure public safety. They acknowledged that the availability of information about sex offenders may have a "lasting and painful" impact, but argued that these negative consequences are a result of their conviction, not the registration system.<sup>32</sup>

The two dissenting opinions found the act to be penal. Justice Ginsburg wrote that she would hold the registry as punitive in effect

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27 See Stephanie Chen, *After Prison, Few Places for Sex Offenders to Live*, WALL ST. J., Feb. 19, 2009, at A16.

28 See *Smith v. Doe*, 538 U.S. 84 (2003) 106.

29 See *id.* at 91.

30 See *id.* at 90.

31 See *id.* at 91.

32 *Id.* at 101.

because it involves an “affirmative disability or restraint.”<sup>33</sup> She argued that the registry exposes the offenders to “aggressive public notification of their crimes” and causes “profound humiliation and community-wide ostracism.”<sup>34</sup> As further justification of her opinion, Justice Ginsburg compared the requirements of the registry with those associated with a lifetime parole.<sup>35</sup> She recognized the registry’s civil purpose—to promote public safety—but thought that the registry’s “scope notably exceeds this purpose.”<sup>36</sup> Justice Ginsburg stated that the registry “applies to all convicted sex offenders, without regard to their future dangerousness.”<sup>37</sup> This opinion justifies the need to reform the registry in order to protect JCOSs from the punishment inherent with being on the registry. Justice Ginsburg agreed that the registry is a punishment and that it may be too harsh a punishment for certain sexual offenders. In agreement with Justice Ginsburg, I argue that the registry can be beneficial for promoting public safety, but that its punitive nature makes it too harsh for certain sexual offenders such as JCOSs.

Justice Stevens shared the same opinion as Justice Ginsburg, expressed in his dissent. He wrote of the “severe stigmatizing effect” of the registry.<sup>38</sup> He cited some provisions of the registry in the Alaskan Act that may be too intrusive for some of the offenders on the

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33 *Id.* at 115 (Ginsburg, J., dissenting). (Justice Ginsburg stated that she realizes that the court has also deemed some laws non-punitive, despite their punitive aspects, she quoted *United States v. Urse*, 518 U.S. 267, 290, 1996).

34 *Id.* at 115 (Ginsburg J., dissenting).

35 *See id.* at 115 (Ginsburg J., dissenting).

36 *Id.* at 116 (Ginsburg J., dissenting).

37 *Id.* at 116-17 (Ginsburg J., dissenting).

38 *Id.* at 111-112 (Steven, J., dissenting).

registry.<sup>39</sup> Most importantly, Justice Stevens established a definition of what is a punishment. He states that the registry is a punitive action because “the sanctions (1) constitute a severe deprivation of the offender’s liberty, (2) are imposed on everyone who is convicted of a relevant criminal offense, and (3) are imposed only on those criminal.”<sup>40</sup> In his opinion, Justice Stevens considers the registry a punishment.

Informing the public of sex offenders in their neighborhood, in accordance with Megan’s Law, is also a punishment. This harms potential relationships that JCSOs could make with those in their communities, which further displaces them from rehabilitation and creates an atmosphere for vigilantism. A study conducted in 2000 among sex offenders in Wisconsin discovered that most sex offenders interviewed were harassed, ostracized, or humiliated on a regular basis, and all of them feared for their safety.<sup>41</sup> In extreme cases, some of those registered had been physically attacked by members of their communities overly concerned with a sex offender living in their neighborhood.

The punishment associated with registration is cruel to sex offenders, but it is exacerbated by the familial punishment that

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39 *See id.* at 111-112 (Steven, J., dissenting). Justice Stevens wrote: “In Alaska, an offender who has served his sentence for a single, nonaggravated crime must provide local law enforcement authorities with extensive personal information, including his address, his place of employment, the address of his employer, the license plate number and make and model of any car to which he has access, a current photo, identifying features, and medical treatment at least once a year for 15 years. If one has been convicted of an aggravated offense or more than one offense, he must report this same information at least quarterly for life. Moreover, if he moves, he has one working day to provide updated information. Registrants may not shave their beards, color their hair, change their employer, or borrow a car without reporting those events to the authorities.”

40 *Id.* at 112 (Steven, J., dissenting).

41 *See* Hollida Wakefield, *The Vilification of Sex Offenders: Do Laws Targeting Sex Offenders Increase Recidivism and Sexual Violence?*, 1, J. SEX OFFENDER CIV. COMMITMENT: SCI. & L. 141, 143 (2006).

comes with it.<sup>42</sup> This is especially poignant for JCSOs because they are not dangerous citizens and are more likely to have normal sexual and familial relationships.<sup>43</sup> Their innocent family members are punished by the sex offender registration notification process and the humiliation associated with it. A 2009 study found that not only do few family members of registered sex offenders (4% of the population surveyed) find the registration effective in helping the public to protect itself, but most family members are affected adversely by the notification laws, even though they were not the people who committed the crime.<sup>44</sup> The majority of families experienced financial hardships because of sex offender laws, and most respondents were also forced out of their homes. Many had also been threatened or harassed because of their family member's status as a sex offender. The injustice of this is irrefutable. It is obvious that this form of punishment goes beyond retribution for just the sex offender; their family members often pay a price as well.<sup>45</sup> Families of convicted murderers or other heinous crimes would suffer similarly, but the suffering the sex offenders' families experience and the magnitude of the family members' crime is not proportional.

Notification laws become even more worrisome when one considers the effects those laws have on the children of sex offenders. In

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42 See Richard Tewksbury, *Collateral Consequences of Sex Offender Registration*, 21 JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE 67 (2005).

43 See Robert A Prentky, Austin F. S. Lee, Raymond A. Knight & David Cerce, *Recidivism Rates Among Child Molesters and Rapists: A Methodological Analysis*, 21 LAW & HUM. BEHAV. 635 (1997).

44 See Jill Levenson et. al., *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AM. J. CRIM. JUST. 54 (2009).

45 See *id.* at 54. (82% of the respondents said that a financial hardship had been created for their family because the registered sex offenders had such difficulty in finding a job. 53% said that the registered sex offender in their family had been fired because of their sex offender status, which created more financial hardship for their family. 51% said that they had to move from their residence because someone (either a landlord or a neighbor) found out that a sex offender lived there. A shocking 44% of respondents said that they had been threatened or harassed by neighbors after it was discovered a family member was a sex offender).

the same 2009 study, it was obvious that children were affected by stigmatization that occurs because of their parents' crimes.<sup>46</sup> When one considers that sometimes the children themselves are the victims of these crimes, it seems especially cruel that they are made to suffer. Most of these children have been stigmatized by their parents' sex offender status, and adults more often than not treat these children differently. The consequences that they experience are not just restricted to actions taken by adults, however; most children of sex offenders are treated differently by other children. The sex offenders' children should not be ostracized as a result of their parents' crimes.<sup>47</sup>

The registry further penalizes the sex offender who has served out his or her punishment.<sup>48</sup> The registry disables and restrains the sex offender from progressing to a new and rehabilitated life. He or she is constantly reminded of past mistakes and is ostracized by the community because of the registry.

### The Registry Cruel and Unusual Punishment for JCSOs

I have found the registry to be unconstitutional for JCSOs because the registration process is a cruel and unusual punishment, in violation of the Eight Amendment.<sup>49</sup> Because Megan's Law helps protect the public from violent sex offenders, the registry does fulfill its purpose for dangerous sex offenders. JCSOs were convicted of statutory rape that was consensual, therefore their action could not have been rape; use of force must be present for these actions

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46 *See id.* at 54.

47 *See id.* at 54. (The study reveals that 71% of the children of registered sex offenders have been stigmatized by their parents' status, and 63% are treated differently by other adults. The consequences that the children experience are not just restricted to actions by adults, however; 58% of respondents with children said that their child is treated differently by other children at school, and 78% claim that their child's friendships have been impacted).

48 *Id.* at 54.

49 *See* U.S. CONST. amend. VIII.

to be considered rape.<sup>50</sup> I conclude, then, that JCSOs are not violent offenders and the registry is unconstitutional when applied to them.

The registration process is comparable to a lifetime parole. For example, in the state of Utah, convicted sex offenders have to meet with local law enforcement agencies to update their residential information and vehicle registration, among other things.<sup>51</sup> The most serious sexual offenders have to meet with authorities every three months. Parole, on the other hand, is no more than an extension of their incarceration; it is granted to those imprisoned that have had good behavior, to serve out the rest of their sentence at home under the supervision of local authorities. Those under parole have to meet with parole officers regularly to prove that they are being rehabilitated and improving their behavior.<sup>52</sup> In reference to Justice Ginsburg's dissent, the registry is simply a parole.<sup>53</sup> Sex offenders who serve their full sentence in custody, upon being released, have to meet with local authorities regularly. There is no functional difference between these meetings and parole. The registry is cruel and unusual punishment because it is excessive in punishment and is not proportional to such a mild offence of having consensual sex with a minor.

The Supreme Court has established that excessive punishment for a crime is considered "cruel and unusual." In *Coker v. Georgia*, a prisoner who was found guilty of murder, rape, kidnapping, and aggressive assault escaped from prison and again sexually assaulted a woman.<sup>54</sup> The defendant was convicted of rape and sentenced to death by a jury, which was later held up by the Georgia Supreme Court. The defendant then appealed the decision to the U.S. Supreme Court. In the case addressing the defendants appeal, the decision was overturned by a 7-2 vote with the Court arguing that the punishment of death constituted cruel and unusual punishment. The Court

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50 See UTAH ADMIN. CODE § 21.5 (2011).

51 See *id.* Title 77 Chapter 27, available at <http://corrections.utah.gov/services/sonar.html>.

52 See *Parole Definition*, DICTIONARY.LAW.COM, <http://dictionary.law.com/Default.aspx?selected=1451> (last visited Feb. 6, 2012).

53 See *Smith v. Doe*, 538 U.S. 84 (2003) (Ginsburg, J., dissenting) 115.

54 *Coker v. Georgia*, 510 U.S. 1009, at 592 (Sup. Ct. 1993).

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concluded that proportionality of punishment to crime is a part of cruel and unusual punishment:

(a) The Eighth Amendment bars not only those punishments that are “barbaric” but also those that are “excessive” in relation to the crime committed, [and] a punishment is “excessive” and unconstitutional if it ... is grossly out of proportion to the severity of the crime.<sup>55</sup>

This case established a precedent of punishing criminals with sentences that are proportional to the crime committed. Even in a dissenting opinion, Chief Justice Burger and Justice Rehnquist also accepted the Eighth Amendment’s concept of proportionality, though they did not believe the death penalty to be a disproportionate punishment to rape.

When applied to other violent sex offenders, the registry is a punishment, but a deserved one. These sex offenders are dangerous to society and exposure to children could be a dangerous temptation and detrimental to their rehabilitation. According to the legislation, the purpose of Megan’s Law is “to protect the public concerning a specific person required to register.”<sup>56</sup> Because JCSOs are not violent and did not commit any heinous crime towards a minor, they do not deserve this punishment.

### Proposal

There are many issues that arise from the sex offender registry, and many amendments have been passed for the Sexual Offender Act of 1994 aimed at improving its effectiveness. The Adam Walsh Child Protection and Safety act of 2006 is an amendment that some states have ratified that increased the effectiveness of the registry. For non-serious offenders (classified by the act as Tier-1 offenders), the limit to the number of years that a sex offender has to register is 15 years. For more serious crimes, the number of years required to

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55 *Id.* at 592.

56 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C. § 170101(1994).

register is greater. This and other acts have been ratified to further the effectiveness of a much-supported public service.

However, more needs to be done to ensure that the punishment fits the crime and that the registry serves its purpose. A large part of the purpose behind punishing sex offenders is to help these people move on from their mistakes, and become productive and law-abiding citizens. I propose that the federal government require every state to pass Romeo and Juliet Laws that will protect young, consensually intimate couples. It would be left to the state to decide what ages fall under the Romeo and Juliet Law, but every state should implement these laws. Lastly, if every state were to ratify the Adam Walsh Act, there would at the very least be a limit to the number of years that JCSOs would have to register, thus limiting the long-term effects the registry can have on individuals. The legislation for the registry has good intentions, but it can be detrimental to JCSOs. Continuing to improve the already amended laws will help ensure that the registry fulfills its intended purpose.