

RECENT LEGISLATION

CRIMINAL LAW — SEX OFFENDER NOTIFICATION STATUTE — ALABAMA STRENGTHENS RESTRICTIONS ON SEX OFFENDERS. — Act of July 29, 2005, Ala. Act No. 2005-301 (to be codified in scattered sections of ALA. CODE chs. 13A, 14, and 15).

The first sex offender community notification law was passed in 1990.¹ Since then, in response to public outcry over highly publicized crimes, states have fashioned new ways to attempt to deter and prevent recidivism — lengthening prison sentences and increasing supervision of sex offenders.² Recently, Alabama amended its sex offender law to stiffen penalties on sex offenders, broaden residence and employment reporting requirements, toughen punishments for violating those requirements, limit the places convicted sex offenders may live and work, and create an electronic monitoring system for certain offenders.³ Alabama's new law is the most recent example of a national trend: states channeling public outrage about sexual predators who target children⁴ into harsh laws of questionable effectiveness. Like many of these laws, Alabama's poorly tailored statute fails to address the vast majority of sex crimes committed against children, and its chances of preventing the crimes it does target are small.

The new Alabama law focuses primarily on criminal sex offenses involving children under the age of twelve and offenses involving child pornography.⁵ It mandates a minimum sentence of twenty years for a Class A felony sex offense involving a child and ten years for a Class

¹ See WASH. REV. CODE ANN. § 4.24.550 (West 2005). Washington passed this law in response to a gruesome and widely publicized case involving a released sex offender who molested and genitally mutilated a seven-year-old boy. See Recent Legislation, 108 HARV. L. REV. 787, 787 (1995).

² See, e.g., *Police Uncertain About Registry*, S. BEND TRIB., July 9, 1994, at A3, LEXIS, News Library, Sbntr File (describing Indiana's sex offender law named after Zachary Snider, a ten-year-old boy who was sexually abused and murdered); Joseph F. Sullivan, *Whitman Approves Stringent Restrictions on Sex Criminals*, N.Y. TIMES, Nov. 1, 1994, at B1 (noting the passage of the New Jersey sex offender law in response to the brutal sexual assault and killing of seven-year-old Megan Kanka).

³ Act of July 29, 2005, Ala. Act No. 2005-301 (to be codified in scattered sections of ALA. CODE chs. 13A, 14, and 15) [hereinafter Sex Offender Act], available at <http://arcsos.state.al.us/PAC/SOSACPDF.001/A0003661.PDF>. The bill passed unanimously in both houses. See Op-Ed., *Safer Children, but How Safe?*, BIRMINGHAM NEWS, Aug. 1, 2005, at 4A, LEXIS, News Library, Birmnw File.

⁴ Although convicted sex offenders with adult victims must also comply with the tightened registry requirements and may be subject to increased penalties as well, the major changes in the Alabama law primarily affect adult offenders whose victims are children.

⁵ Sex Offender Act, sec. 1, § 15-20-21(5). Although the definition does not specify the age of the perpetrator, many of the definitions of specific crimes exclude juvenile perpetrators, and most of the specific provisions of the law apply only to adult criminal sex offenders.

B or C felony sex offense involving a child.⁶ It also excludes those convicted of these crimes from the benefits of probation,⁷ suspended sentences,⁸ rehabilitative programs,⁹ and incentive time for good behavior.¹⁰ The new law also expands the general definition of a sex offender to include defendants who plead *nolo contendere*¹¹ and defendants convicted in other jurisdictions of crimes with certain names.¹²

The new law creates a more onerous reporting regime for sex offenders who have been released from prison. Forty-five days prior to release, an offender must declare his residence and the name and address of his employer.¹³ Any failure to do so results in ineligibility for release or immediate rearrest before release.¹⁴ Once he is released, an offender must report any residence in which he stays for three consecutive days or at least ten aggregate days in a month.¹⁵ He must also verify his address semiannually.¹⁶ Furthermore, the new law mandates that sex offenders register the name and address of each of their employers.¹⁷ Failure to comply with these requirements (whether intentional or not) is a Class C felony, although it was generally a Class A misdemeanor under the old law.¹⁸

⁶ *Id.* sec. 1, § 13A-5-6(a)(4)–(5). Class A felonies include first-degree rape, ALA. CODE § 13A-6-61 (Supp. 2004), first-degree sodomy, *id.* § 13A-6-63 (1994), and first-degree kidnapping, *id.* § 13A-6-43. Class B felonies include second-degree rape, *id.* § 13A-6-62 (Supp. 2004), and promoting prostitution in the first degree, *id.* § 13A-12-111 (1994). Class C felonies include promoting prostitution in the second degree, *id.* § 13A-12-112, incest, *id.* § 13A-13-3, and statutory rape, *id.* § 13A-6-66; *id.* § 13A-6-67 (Supp. 2004).

⁷ Sex Offender Act, sec. 1, § 13A-5-2(d).

⁸ *Id.* sec. 1, § 15-18-8(a)(1).

⁹ *Id.* sec. 1, § 15-18-8(a)(2).

¹⁰ *Id.* sec. 1, § 14-9-41(e).

¹¹ *Id.* sec. 1, §§ 13A-11-200, 15-20-21(1).

¹² See *id.* sec. 1, § 15-20-21(4)(m) (defining a sex offense as “any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, sodomy, sexual assault, sexual battery, sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child, or molestation of a child,” even if the same action taken in Alabama would not be covered by the Act).

¹³ *Id.* sec. 1, § 15-20-22(a) (amending ALA. CODE § 15-20-22(a) (Supp. 2004), which previously required thirty days’ notice).

¹⁴ *Id.*

¹⁵ This is in contrast to the old law, which required the offender to register residences in which he stayed for five consecutive days and included no provision for aggregate days. Compare ALA. CODE § 15-20-23(b) (Supp. 2004), with Sex Offender Act, sec. 1, § 15-20-23(b).

¹⁶ Sex Offender Act, sec. 1, § 15-20-24.

¹⁷ *Id.* sec. 1, § 15-20-22(a)(2)–(3). If an unemployed offender is hired, he must report the name and address of his employer by the end of the following business day. *Id.* sec. 1, § 15-20-22(d). The new definition of employment includes part-time and full-time jobs worked for any period of time, whereas the old law included only jobs that lasted for more than fourteen days. Compare ALA. CODE § 15-20-21(5) (Supp. 2004), with Sex Offender Act, sec. 1, § 15-20-21(4)(m)(6).

¹⁸ Compare ALA. CODE §§ 13A-11-200, 15-20-22 to -24, 15-20-25.1 to -26 (1994 & Supp. 2004), with Sex Offender Act, sec. 1, §§ 13A-11-200, 15-20-22 to -24, 15-20-25.1 to -26.

The new law also further restricts where offenders may live, work, and linger. Under the former law, adult sex offenders¹⁹ were prohibited from living with unrelated children, but they could live with their children and grandchildren in certain circumstances.²⁰ The new law further limits these exceptions.²¹ In addition, it prohibits an offender who committed a sex offense involving a child from being employed within 500 feet of a school, child care facility, or other location designed for children's use.²² Finally, the new law prohibits loitering — defined as “enter[ing] or remain[ing] on property while having no legitimate purpose therefor” — within 500 feet of a “business or facility having a principal purpose of caring for, educating, or entertaining minors.”²³ An offender can be charged with loitering only if an authorized person, such as a teacher or coach, requests that he leave.²⁴

Perhaps the most notable development in the new sex offender law is the creation of an electronic monitoring system. At sentencing, all offenders convicted of a Class A sex offense involving a child and offenders deemed to be sexually violent predators²⁵ receive a minimum of ten years of post-release electronic monitoring at their own expense.²⁶ In addition, all adult criminal sex offenders are required to carry their state-issued identification with them at all times, which will be marked to identify them as sex offenders to law enforcement officers.²⁷ Failure to carry identification is a Class C felony.²⁸

¹⁹ For purposes of this comment, “adult sex offenders” are adults convicted of a sex offense, whether their victims were adults or children.

²⁰ See ALA. CODE § 15-20-26 (Supp. 2004).

²¹ The Act prohibits an adult offender from living with his own children, grandchildren, and stepchildren if one of his previous victims was his child, grandchild, or stepchild, if he was ever convicted of a sex offense in which the victim was a minor living with him at the time of the offense, or if he was ever convicted of a criminal sex offense involving a child. See Sex Offender Act, sec. 1, § 15-20-26(c).

²² *Id.* sec. 1, § 15-20-26(g). The Act also retains the provisions of the former law that prohibit all adult criminal sex offenders from living within 2000 feet of a school or childcare facility and within 1000 feet of a former victim's residence. Compare ALA. CODE, § 15-20-26 (Supp. 2004), with Sex Offender Act, sec. 1, § 15-20-26.

²³ Sex Offender Act, sec. 1, § 15-20-26(f). Violation of this provision is a Class C felony. *Id.* sec. 1, § 15-20-26(h).

²⁴ *Id.* sec. 1, § 15-20-26(f).

²⁵ The state may, as it could under the previous law, petition the court at sentencing to classify a defendant as a sexually violent predator by providing clear and convincing evidence that “the offender suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory criminal sex offenses.” ALA. CODE § 15-20-25.3 (Supp. 2004); Sex Offender Act, sec. 1, § 15-20-25.3.

²⁶ See Sex Offender Act, sec. 1, § 15-20-25.3(f); *id.* sec. 2, § 15-20-26.1(d). The Act also allows the Board of Pardons and Paroles and the courts to require electronic monitoring as a condition of release or as a community-based punishment option. See *id.* sec. 2, § 15-20-26.1(b).

²⁷ *Id.* sec. 2, § 15-20-26.2.

²⁸ *Id.*

As with many sex offender laws, dramatized politics drove the passage of the Alabama law. In July 2005, on his talk show, *The O'Reilly Factor*, Bill O'Reilly categorized every state's commitment to punishing those who commit sex crimes involving children, placing Alabama in the category of "states that don't seem to care about this issue at all."²⁹ A week later, Alabama Governor Bob Riley convened a special session of the legislature to consider several bills, including the ultimately enacted sex offender bill. The night before the session, Alabama Attorney General Troy King fitted himself with an electronic monitoring bracelet that he pledged to wear until the bill was passed.³⁰ In his press release, King echoed the sentiments of a state senator that "no one can say that Alabama is 'soft on sex offenders.'"³¹

The Alabama legislature's "get tough on sex offenders" posturing led it to write a draconian law to calm public fear. This law is an example of a distorted policy outcome generated by the public's irrational evaluation of risk.³² Most of the law's components target notorious but rare crimes, and similar approaches have not proven effective in decreasing even these crimes in other states. By taking the easy and popular route, the Alabama legislature wasted an opportunity to implement effective prevention and education programs that could help address the real dangers of child sexual abuse.

²⁹ *The O'Reilly Factor: Factor Investigation: Which States Are Soft on Child Sex Offenders?* (Fox News television broadcast July 11, 2005) (transcript available at LEXIS, News Library, Foxnws File).

³⁰ Joseph D. Bryant, *AG To Wear Monitor Until Sex Law Passes*, BIRMINGHAM NEWS, July 19, 2005, at 1A, LEXIS, News Library, Birmnw File.

³¹ Press Release, Office of Troy King, Ala. Att'y Gen., A.G. King Offers Strong Community Notification Legislation To Bring True Protection from Sex Predators (July 18, 2005) (quoting State Senator Hinton Mitchem) (internal quotation marks omitted), http://www.ago.state.al.us/news_template.cfm?Item=920 (on file with the Harvard Law School Library). Ex-Governor Don Siegelman advocated mandatory castration for sex offenders whose victims are under the age of twelve but noted that "[i]f it was up to [him, Alabama] would have the death penalty on the first offense." *Alabama: First We'll Castrate 'Em, Then We'll Kill 'Em, Then We'll Castrate 'Em Again!*, HOTLINE, July 27, 2005, LEXIS, News Library, Hotlne File (internal quotation marks omitted). A chemical castration provision was taken out of the bill for fear it might be unconstitutional. *Id.* Not to be deterred by the Constitution, Representative Steve Hurst prefiled a bill for the 2006 session that would require surgical castration of any sex offender over the age of twenty-one who is convicted of certain sex offenses in which the victim is twelve or younger. See John Davis & Jannell McGrew, *Alabama Lawmakers Line Up Crusades for Next Session (Online Extra)*, MONTGOMERY ADVERTISER, Sept. 6, 2005, <http://www.montgomeryadvertiser.com> (search archive for "Lawmakers Line Up Crusades").

³² "[W]hen intense emotions are engaged, people tend to focus on the adverse outcome, not on its likelihood. They are not closely attuned to the probability that harm will occur. They emphasize worst-case scenarios. The result is to produce serious distortions for both individuals and societies." CASS R. SUNSTEIN, *LAWS OF FEAR: BEYOND THE PRECAUTIONARY PRINCIPLE* 65 (2005).

Although some provisions of the new Alabama law target abusers known to victims,³³ it devotes a vastly disproportionate amount of law enforcement, administrative, and prison resources to stranger abuse at the expense of the most common types of sex crimes committed against children. Legislatures tailor sex offender bills to the local or national high-profile crimes that rouse public outrage and horror. For example, states created community notification laws and sex offender registries in reaction to a series of gruesome crimes committed by convicted and released sex offenders, to give the police a list of suspects to pursue when children went missing.³⁴ In reality, however, the vast majority of sexual abuse is committed by acquaintances or family members of the victims, not sexual predators lurking in the bushes.³⁵ Furthermore, it is widely accepted that sexual abuse is underreported, so many abusers are not even in the registries.³⁶

The new law's misdirection of resources is further exacerbated by its expansion of the definition of a sex offense. It includes offenses from other jurisdictions with certain titles, regardless of their content, even if the equivalent act committed in Alabama would not subject the offender to the provisions of the law.³⁷ For example, although not a felony sex offense in Alabama, "expos[ing] the genitals in a lewd or lascivious manner" is considered sexual abuse in neighboring Florida.³⁸ A convicted Florida "flasher" who moves to Alabama would be subject to a host of registration requirements. If the hypothetical flasher spent more than ten days a month at his girlfriend's house,³⁹ or took a vacation for more than three days,⁴⁰ without notifying the Department of

³³ For example, it contains a provision prohibiting some convicted sex offenders from living with their own children or grandchildren. See *supra* note 21. Of course, this provision only applies to convicted sex offenders — given underreporting, a small percentage of actual abusers.

³⁴ See Michele L. Earl-Hubbard, *The Child Sex Offender Registration Laws: The Punishment, Liberty Deprivation, and Unintended Results Associated with the Scarlet Letter Laws of the 1990s*, 90 NW. U. L. REV. 788, 794–96 (1996).

³⁵ See HOWARD N. SNYDER, U.S. DEP'T OF JUSTICE, SEXUAL ASSAULT OF YOUNG CHILDREN AS REPORTED TO LAW ENFORCEMENT: VICTIM, INCIDENT, AND OFFENDER CHARACTERISTICS 10–11 (2000), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrlr.pdf>.

³⁶ See, e.g., ROBERT A. PRENTKY ET AL., U.S. DEP'T OF JUSTICE, CHILD SEXUAL MOLESTATION: RESEARCH ISSUES 1 (1997), available at <http://www.ncjrs.gov/pdffiles/163390.pdf>. The magnitude of the sexual abuse problem is hard to discern because there is no national collection of such data and because incidents are underreported. See, e.g., SNYDER, *supra* note 35, at 1. One study polling adults found that twenty-seven percent of women and sixteen percent of men were sexually abused as children. See Teena Sorensen & Barbara Snow, *How Children Tell: The Process of Disclosure in Child Sexual Abuse*, 70 CHILD WELFARE 3, 3–15 (1991).

³⁷ See Sex Offender Act, sec. 1, § 15-20-21(4)(m).

³⁸ FLA. STAT. ANN. § 800.04(7)(a)(2) (West 2000), amended by The Jessica Lunsford Act § 5, ch. 28 (2005).

³⁹ See Sex Offender Act, sec. 1, § 15-20-23(b)(3).

⁴⁰ See *id.* sec. 1, § 15-20-23(b)(1).

Public Safety, he would face up to ten years in prison,⁴¹ even if his failure was unintentional.⁴² If the person he flashed in Florida was under the age of twelve, he would also be barred from living with minors, including his own children and grandchildren.⁴³ For the rest of his life, he would be required to carry identification every time he left his house.⁴⁴ Not only would this man have little legal recourse,⁴⁵ but a tremendous amount of public resources would be wasted tracking his every move. This is certainly not the type of crime this law was intended to target; the law is overbroad and wasteful.

Even if Alabama's law were perfectly targeted, its underlying premise is flawed. A principal impetus behind the sex offender registries and community notification laws is the perception that sex offenders reoffend at a higher rate than other criminals.⁴⁶ However, studies indicate that recidivism among sex offenders might not be as high as was once thought. A recent Department of Justice study that tracked released sex offenders found a rearrest rate of under 5.5%, much lower than that for many other crimes.⁴⁷ Policies focusing resources and regulation on people who have already offended may be too little too late.

It comes as no surprise, then, that the few studies on community notification and sex offender registries do not prove their effectiveness.

⁴¹ As a Class C felony, violation of the registration requirement has a minimum sentence of one year and a maximum sentence of ten years. *See id.* sec. 1, §§ 13A-5-6(a)(3), 15-20-23(a).

⁴² The Act removes language from the former law imposing penalties only on *intentional* failures to follow the registry requirements. *Compare* ALA. CODE § 15-20-23(a) (Supp. 2004), *with* Sex Offender Act, sec. 1, § 15-20-23(a).

⁴³ *See* Sex Offender Act, sec. 1, § 15-20-26(c)(4).

⁴⁴ *See id.* sec. 2, § 15-20-26.2(a).

⁴⁵ Courts are very deferential when adjudicating challenges to sex offender legislation. The Supreme Court has upheld sex offender registries, finding that they do not deprive sex offenders of procedural due process, *Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 8 (2003), or impose ex post facto punishment, *Smith v. Doe*, 538 U.S. 84, 105-06 (2003). Appellate courts have denied similar challenges. *See, e.g., Doe v. Miller*, 405 F.3d 700, 723 (8th Cir. 2005) (holding that a strict sex offender residency restriction was facially constitutional and not an ex post facto punishment).

⁴⁶ *See* Earl-Hubbard, *supra* note 34, at 795.

⁴⁷ PATRICK A. LANGAN ET AL., U.S. DEP'T OF JUSTICE, RECIDIVISM OF SEX OFFENDERS RELEASED FROM PRISON IN 1994, at 24 (2003), *available at* <http://www.ojp.usdoj.gov/bjs/pub/pdf/rsorp94.pdf>; *see also* Franklin E. Zimring, *The Truth About Repeat Sex Offenders*, L.A. TIMES, May 5, 1997, at B5 (reporting a twenty-six percent reincarceration rate, much of which is attributable to "technical violations" of release requirements). Of course, underreporting probably affects these statistics, but that surely does not account for the entire discrepancy between recidivism for sex crimes and other crimes. A study of approximately 300,000 convicted felons released from prison in 1994 found that sixty-seven percent were rearrested within three years. *See* PATRICK A. LANGAN & DAVID J. LEVIN, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: RECIDIVISM OF PRISONERS RELEASED IN 1994, at 1 (2002), *available at* <http://www.ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf>. Prisoners convicted of property theft crimes such as robbery, larceny, and motor vehicle theft had the highest rearrest rates — all over seventy percent. *Id.* Those convicted of sexual assault and rape had among the lowest rearrest rates — only forty percent were later arrested for *any* crime. *Id.*

A Washington State study tracked the recidivism rates among two groups of released sex offenders: those who were subject to community notification and those who were not. The difference in recidivism between the two subsets proved statistically insignificant.⁴⁸ A second ex post study determined that out of 136 sex offenses in Massachusetts committed by past offenders, a registry likely would have prevented only six.⁴⁹ Although electronic monitoring might prove more effective, there have been no studies to document this. Because the law's automatic provisions will apply only to newly convicted offenders, the monitoring will not begin for at least another twenty years.

Given their popularity,⁵⁰ their potential deterrent value, and the possibility that they may prevent even a small number of crimes, tough sex offender laws appear to be rational, if not effective, public policy. Upon closer examination, however, laws like the new Alabama law bring negative consequences that outweigh their limited benefits. First, sex offender registries are very expensive, and implementing the requirements of Alabama's new law will require personnel and resources that could be put to better use investigating and prosecuting crimes.⁵¹ Additionally, strict registry requirements and restrictions on where sex offenders may live and work further stigmatize them and present more barriers to their assimilation into their communities. This isolation can interfere with the offenders' treatment by making it difficult for them to adjust to society and build the kind of stable lives that minimize the likelihood of their reoffending.⁵² Moreover, strict registry requirements and public notification may actually reduce reporting of some types of sexual abuse, such as incest, because of the stigmatizing impact these provisions have on the whole family.⁵³ Fi-

⁴⁸ DONNA D. SCHRAM & CHERYL DARLING MILLOY, WASH. STATE INST. FOR PUB. POLICY, COMMUNITY NOTIFICATION: A STUDY OF OFFENDER CHARACTERISTICS AND RECIDIVISM 3 (1995), available at <http://www.wsipp.wa.gov/rptfiles/chrrec.pdf>.

⁴⁹ See Anthony J. Petrosino & Carolyn Petrosino, *The Public Safety Potential of Megan's Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths*, 45 CRIME & DELINQ. 140, 145-50 (1999). This study evaluated the likelihood that the crimes of convicted sex offenders could have been prevented had the offender updated his information frequently and had the police adequately notified the community. The study was confined to stranger predation, the offenses that community notification is best suited to prevent, and found only modest effectiveness. See *id.* at 146-47.

⁵⁰ Polls show that public support for community notification laws is as high as eighty percent. See Roxanne Leib et al., *Sexual Predators and Social Policy*, 23 CRIME & JUST. 43, 73-74 (1998).

⁵¹ See Robert E. Freeman-Longo, *Revisiting Megan's Law and Sex Offender Registration: Prevention or Problem*, in SEXUAL VIOLENCE: POLICIES, PRACTICES, AND CHALLENGES IN THE UNITED STATES AND CANADA 223, 226 (James F. Hodgson & Debra S. Kelley eds., 2002); cf. Petrosino & Petrosino, *supra* note 49, at 142 (noting the significant costs of Massachusetts's Megan's Law, including additional personnel to administer the registry and resources for litigation both defending and enforcing the law).

⁵² See Freeman-Longo, *supra* note 51, at 231.

⁵³ See *id.* at 234-35.

nally, those seeking vigilante justice have used registries to locate sex offenders and commit violent crimes against them (or against innocents living at their reported addresses).⁵⁴

Instead of enacting a statute that is poorly targeted and likely to be ineffective, the Alabama legislature should have taken the opportunity to implement education and treatment programs. Research indicates that sex offender rehabilitation and treatment programs are effective,⁵⁵ yet states spend very little money on treatment programs relative to the costs of prosecuting sex offenders.⁵⁶ Moreover, education programs that raise awareness about sexual abuse are the only way to target the many unreported sex crimes committed against children. One promising approach taken in Vermont to deal with the problem of child sexual abuse is to treat it as a public health issue. This approach seeks to change public attitudes about child sexual abuse by raising awareness about it in the way that public health campaigns have worked to destigmatize alcoholism and help alcoholics get treatment. It attempts to take the burden of reporting off of victimized children by educating adults and offering offenders a way to report themselves, get treatment, and sometimes avoid the criminal justice system.⁵⁷ Instead of enacting similar measures that stand a chance of protecting more children from sexual abuse, the Alabama legislature channeled all of the public outrage and legislative energy into a poorly targeted, draconian bill with little chance for success.

Alabama officials claim that this is the toughest sex offender law in the country, but they have stiff competition in the race to the bottom. The legislature in Ohio will consider a bill that would force convicted sex offenders to use special pink license plates that could be easily identified by children.⁵⁸ California was the first state to put a chemical castration provision in its sex offender law and other states have followed suit.⁵⁹ These laws represent reflexive legislative reactions to public hysteria, not rational policy decisions. They waste not only public resources, but also an opportunity to actually protect the safety and well-being of potential victims of child sexual abuse.

⁵⁴ See, e.g., Carolyn Marshall, *Man Charged in Killings of Sex Offenders*, N.Y. TIMES, Sept. 7, 2005, at A16 (detailing the killing of two sex offenders by a man who found their address on the sheriff's website); Connie Piloto, *Retarded Man's Beating Spreads Fear*, DALLAS MORNING NEWS, Oct. 16, 1999, at 27A (describing the beating of a mentally retarded Texas man whom the perpetrator mistook for a sex offender who used to live in the retarded man's house).

⁵⁵ See ROBERT E. FREEMAN-LONGO & GERAL T. BLANCHARD, *SEXUAL ABUSE IN AMERICA: EPIDEMIC OF THE 21ST CENTURY* 168–69 (1998). This is encouraging because most sex offenders will reenter society; even Alabama does not mandate life sentences for sex crimes.

⁵⁶ *Id.* at 175–76.

⁵⁷ See *id.* at 190–93.

⁵⁸ See *Lawmaker Wants Pink Plates Put on Cars of Sex Offenders*, COLUMBUS DISPATCH, May 3, 2005, at 5B, LEXIS, News Library, Coldis File.

⁵⁹ See, e.g., *Montana Law To Allow Injections for Rapists*, N.Y. TIMES, Apr. 27, 1997, at A32.