

11. Pedophile Housing

Before 1994, few states had laws that even defined 'sex-offender', much less laws that regulated convicted sex offenders' movements and required their registration with local law enforcement. This state of affairs changed with passage of the Federal Violent Crime Control and Law Enforcement Act of 1994, which required each state to implement a sex-offender registration program or risk forfeiture of federal grants for law enforcement. The 1994 Act was amended in 1996 to oblige states to establish community notification programs to make sex-offender registry information readily available to those who seek it. The Act was subsequently amended in 1998 and 2000 to broaden its scope and heighten some of its registration requirements.

More recently, over one-half of the U.S. states proactively passed legislation to restrict the locations where sex-offenders may reside. These laws commonly restrict sex-offenders from living, and sometimes from working, within a given distance (ranging from 500 to 2,000 feet) of places where children gather: parks, schools, school bus stops, day care facilities, community centers, and churches.

Sex-offender laws enjoy widespread support in many quarters. From the beginning, only civil libertarians seem to have challenged some of these laws, usually on constitutional grounds. For example, laws that require some sex-offenders to remain in prison after their sentences have been completed have been challenged on due process grounds. Also, from a constitutional perspective, draconian public notification requirements seem to place convicted sex-offenders who have paid their debt to society in double jeopardy.

On the other hand, sex-offender residency restrictions have lost support in recent years from constituencies that traditionally endorsed them. The most notable, perhaps, is the Iowa County Attorneys Association (ICAA), an organization of county prosecutors, which issued its Statement on Sex Offender Residency Restrictions in Iowa explaining that sex-offender residency restrictions do "not provide the protection that was originally intended and that the cost of [enforcement]...and the unintended effects on families of offenders warrant replacing the restriction[s] with more effective protective measure[s]." Among other things, the document contends that residency restrictions force offenders into homelessness and otherwise cause them to provide false or no information to state sex-offender registries. According to the Statement, the negative consequences of the lifetime residency restrictions also have caused a reduction in the number of confessions made by offenders in cases where defendants usually confess...."