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**SUPPLEMENTAL COMMENTS ON 11 H-5129,  
RELATING TO COMMUNITY NOTIFICATION  
June 14, 2011**

The RI ACLU opposes this bill, designed to adopt the federal Adam Walsh Act, for numerous reasons. Many of those reasons have been articulated in detailed written testimony provided by the Public Defender's office and RI ACLU volunteer attorney Katherine Godin. This very brief testimony seeks to address a few non-legal concerns about the bill.

1. Despite both the many years that states have had to adopt this federal law and an imminent July deadline imposed by the federal government, at this point *only seven states* have been designated as being in compliance with the Act. Instead, many states, including California, have made a policy decision NOT to comply, concluding that the costs of implementing the program far outweigh the loss of federal funds involved in not complying.

2. In that regard, we are not aware of any fiscal impact statement having been prepared for this bill, yet its financial impact could be quite significant. On the one hand, non-compliance means a loss of 10% of the state's share of federal Byrne Funds. In recent years, that 10% share has generally amounted to between \$80,000 and \$150,000 or so. This is a very small amount compared to the costs associated with implementing the law.\* The burden of just one provision alone – handling thousands of offenders who will need to re-register in person with the police every three or six months – is an enormous drain that very quickly, by itself, will exceed any Byrne Funds lost.

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\* Bill proponents have sometimes claimed that failure to comply could result in the state losing much more money than we have cited above. A figure of \$600,000+ yearly has occasionally been mentioned. But that is extremely misleading. That figure is based on the fact that the federal stimulus package Congress passed two years ago did include a huge *one-time* increase in Byrne Funds to all the states, and that is where this anomalous – and it is anomalous – figure comes from.

There will be other huge costs in dealing with the retroactivity provisions of the law, requiring many people convicted decades ago of crimes designated as “sex offenses” to be placed into the registration system. In these difficult fiscal times, we believe it is irresponsible to pass such a far-reaching law without seriously considering all of its fiscal ramifications. Attached are excerpts from analyses prepared by a few other states documenting the significant costs involved with implementation of the law.

At an earlier hearing this year, the Attorney General’s office made the remarkable representation that they believed the bill was revenue-neutral. As the documents we have provided indicate, that is absurd. Indeed, only two years ago in a newspaper interview, then-Attorney General Patrick Lynch cited the “prohibitive cost” of implementing this legislation.

3. One non-fiscal point is also worth highlighting. Because of the federal law’s significant and long-term impact on juvenile offenders, many organizations in the state that deal with youth have also objected to this legislation. This concern is what prompted a dozen such groups -- including Rhode Island Kids Count, the RI Council of Community Mental Health Organizations, Prevent Child Abuse Rhode Island, and Tides Family Service – to write a letter in opposition to the bill last year when it was being considered by the Senate. A copy of that letter is attached for your information. The concerns raised in that letter about the onerous registration requirements for some juveniles, and the supplemental website notification requirements for others, remain valid with this year’s bill.

For all these reasons and the others that you have heard, we urge the Committee to reject H-5129.

Submitted by: Steven Brown, Executive Director