

September 13, 2005

Honorable James Sensenbrenner
Chairman, Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman,

On behalf of the undersigned organizations dedicated to the mental health needs of children and adolescents, we are writing to convey our deep concern regarding provisions of H.R. 3132 that would extend to juveniles the national registration and notification requirements for sex offenders proposed in the bill. **We urge that you re-examine and revise this legislation as it relates to juveniles before it reaches the House floor.**

Title I of H.R. 3132, the proposed Sex Offender Registration and Notification Act, requires that every jurisdiction maintain a jurisdiction-wide sex offender registry. Offenders are to register in each jurisdiction where the offender resides, is employed or is a student. The contents of the registry are to be public; to be updated by the offender upon change of residence, employment or student status; to be verified by the offender every six months; and the information to be disseminated to assure its availability to schools, employers, housing agencies, volunteer organizations, and social service entities. Title I of the bill states that its purpose is to respond to “vicious attacks by violent sexual predators.” But the bill’s scope is such that a young adolescent, who was adjudicated a delinquent for non-violent sexual contact with playmate, would face what amounts to a life sentence of the most degrading public humiliation.

In requiring, as a matter of federal law, that every jurisdiction maintain a registry conforming to its requirements, and in overriding state law as to who should be placed on (or may be removed from) that registry, this legislation would break with long-established practice that differentiates between adult criminals and juvenile offenders. State laws have long treated juvenile offenders very differently from adults, and have recognized that, with appropriate intervention, youth can and will mature and not re-offend. But despite evidence of very little recidivism among juveniles who have committed sexual offenses, this bill treats juveniles – regardless of the circumstances -- as though they were violent adult sexual predators.

To the detriment of its broader goal – children’s well-being and safety -- the bill ignores the role that adolescent behavioral, emotional or developmental problems (or prior sexual abuse experienced by that child) can often play in sexually inappropriate behavior. Unfortunately, in many states, if juveniles engage in sexual contact, the older child is routinely charged, even though that child’s understanding and maturity may be lower than the younger child’s. H.R. 3132 provides only a very narrow exception from the

registration and notification requirements, limited to consensual situations involving individuals who had contact with a juvenile of at least 13 years of age, and who were no more than 4 years older than the other juvenile. Thus, while the bill would exempt a 19-year-old who had consensual contact with a 15-year-old (even though that is below the age of consent), a far less mature 12-year-old could face lifetime stigma and humiliation for naïve experimentation with an 11-year-old friend.

Sincerely,

American Psychological Association
Children & Adults with Attention-Deficit/Hyperactivity Disorder (CHADD)
Council for Children with Behavioral Disorders
Federation of Families for Children's Mental Health
Learning Disabilities Assoc. of America
National Association for Children's Behavioral Health
National Association of School Psychologists
National Mental Health Association
School Social Work Assoc. of America
Tourette Syndrome Association

cc: Honorable Arlen Specter, Chairman, Senate Committee on the Judiciary
Honorable Patrick Leahy, Ranking Member, Senate Committee on the Judiciary
Honorable John Conyers, Ranking Member, House Committee on the Judiciary