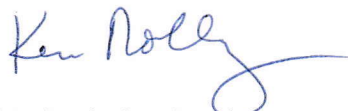


TO: Chair Kropf, Vice Chair Chotzen, Vice Chair Wallan and Members of the Committee  
From: Ken Nolley  
RE: HB 3839



I have been engaged in both the development and the implementation of Oregon's risk-based registry from the beginning. I served on the work group that drafted HB 2549 for the 2013 legislative session which included representation from various constituencies involved with sex crimes—persons who worked with victims, district attorneys, defense attorneys, county corrections officers, and treatment providers.

These perspectives made it clear that the persons on Oregon's registry varied widely—in the severity of their crimes, their age at the time, and in the likelihood that they would reoffend. The bill's framers also recognized that widespread notification comes at a significant social cost, undermining the housing, jobs, and social networks which support the stability demonstrably associated with a low risk of recidivism. The notification rules were, therefore, carefully calibrated to make more information available about those most likely to reoffend and leaving space for people who posed lower risk of reoffending to rebuild their lives as responsible members of the community.

When the risk-based system was passed in 2013, it was seen as a public safety measure because of the careful ways in which it addressed risk on the one hand and provided room for responsible behavior to take root and grow on the other. Many legislators in 2013 understood that it was impossible to watch all of the 17,000 persons on the registry at the time closely enough to prevent them from reoffending. And they supported a bill which focused attention and resources according to measurable risk. The intervening decade has borne out the wisdom of that decision. Recidivism with a new sex crime has indeed been very low, as the attached page shows. Many registrants have built responsible post-conviction lives and some have earned relief from the requirement to register.

I have followed the published research on sex offense recidivism for the past 15 years. Some attached highlights from that research are included on the following page. It shows not only that sexual recidivism rates are low; they have been declining since 1970, decades before the registry and public notification laws were instituted. And the latest study reaffirms what researchers have been telling us for years—that public notification does not reduce recidivism.

Although sex abuse regrettably still occurs in Oregon schools, in the decade since the law went into effect I am not aware of a single offense against a child by a person on the registry that would have been prevented by the changes that are proposed here in HB 3839. On the other hand, everything we know about risk factors tells us that the changes HB 3839 proposes would undermine the important stability of level 2 and level 1 individuals that supports their low risk of re-offending.

Increasing public notification will never stop the abuse of children in schools or in society at large, because only a small fraction of new offenses come from persons on the registry. We need instead to work together to find strategies to prevent the overwhelming majority of new sex crimes that come from persons who have never convicted of sex crimes before. And we need to be investing in education programs for children, their parents and the public on how to recognize danger signs before abuse occurs. Please, let's start paying attention to where new sex crimes actually come from.



## A Primer on Recidivism after a Sex Offense

**People have been led to believe that persons who have committed sex crimes are highly likely to reoffend sexually. However, the evidence strongly contradicts this.**

A 2007 BOJ national study of 650,000 prison releases annually showed that of persons released after sex offenses, just 3.5% were incarcerated within 5 years for a new sex crime. Bureau of Justice Statistics (2007) <https://bjs.gov/content/pub/pdf/rsorp94.pdf>

A 2017 Oregon CJC study showed that of persons released after sex offenses, just 1.8% were reconvicted within 3 years for a new sex crime. Oregon Criminal Justice Commission, *Oregon Recidivism Analysis, May 2017*, p. 20. [https://www.oregon.gov/cjc/CJC%20Document%20Library/Oregon Recidivism Analysis May2017.pdf](https://www.oregon.gov/cjc/CJC%20Document%20Library/Oregon%20Recidivism%20Analysis%20May2017.pdf)

A 2018 study showed that risk of sexual reoffending declines by about 50% with every five years spent sex offense-free in the community. So after 5 years back in the community without a new sex crime, a person's risk of reoffending is half of what it was at release. After 10 years, it is one quarter of that. After 15 years it is 1/8<sup>th</sup> of what it was. No one in the large study sample reoffended after 20 years offense-free back in the community. R. Karl Hanson and others, "Reductions in Risk Based on Time Offense-Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender," *Psychology, Public Policy, and Law* (2018) 24:1, pp., pp.8-63.

A 2023 study of sex offense recidivism in the US and Canada showed that sex offense recidivism rates have been declining since 1970, decades before registration and notification laws were instituted on the U.S. The decline in Canada was even more pronounced despite the absence there of public notification laws. Patrick Lussier and others, *Crime and Justice* (2023) <https://www.journals.uchicago.edu/doi/abs/10.1086/727028?journalCode=cj>

**So who is committing all those new sex crimes? A 2008 New York study found that:**

- Nearly 96% of arrests for all registerable sex crimes are of persons not previously convicted of a sex offense.
- 94% of arrests for child molestation are of persons not previously convicted of a sex offense.

Sandler, Jeffrey C., et al., "Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law," *Psychology, Public Policy and Law* (2008), 14:4, 290.

**In the face of this evidence, one has to question both the efficacy and justice of policies that focus nearly all of society's resources and attention on the registry, when the entire registry appears to be the source of perhaps 5% of all new sex crimes. As parents and communities, we need to start addressing other 95% of new sex crimes.**