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**It Varies from State to State:  
An Examination of Sex Crime Laws Nationally\***

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**ABSTRACT**

Sex crime laws seemingly have proliferated in recent years as part of a national “get tough” shift in criminal justice policy. However, to date, there exists no systematic account of the state-level legislative changes that have occurred. Accordingly, the “tough on sex crime” characterization of states may be understated or incorrect. In addition, it may gloss over substantial variability in the types of laws that have been enacted and the implications such variability has for the generalizability of assessments of these laws. Drawing on an analysis of state laws, we identify considerable variation in the type, intensity, and design of sex crime laws among states. The results suggest that not all states have uniformly toughened their response toward sex crime, that considerable caution is warranted when generalizing from evaluations of particular sex crime laws, and that the continuing expansion of sex crime policymaking will make it increasingly difficult, especially in the absence of a commensurate body of empirical research, to identify the effects of specific policies.

Keywords: sex crime, sex offender laws, state-level variation, crime policy

**It Varies from State to State:  
An Examination of Sex Crime Laws Nationally**

In the past decade, every state has passed some type of sex crime legislation (Letourneau, Levenson et al., 2010; Sample, 2011). Many of these policies have been critiqued as being “built on weak theoretical and logical foundations” (Barnes, 2011, p. 406), or as being, per some scholars, “hastily passed [laws] not based on scientific evidence, but on emotional reactions to high profile, violent, disturbing cases” (Fortney, Levenson, Brannon, & Baker, 2007, p. 1). Others have identified potential collateral consequences of such laws—offender stigma, unemployment, and residential displacement (see e.g., Burchfield, 2011; Levenson, 2011; Socia, 2011)—which may significantly reduce sex offenders’ chances of successful reentry into communities. Even so, federal courts have upheld the laws and, in so doing, have given states wide latitude to develop and implement ever-new sex crime laws and policies or to expand the purview of existing ones (Bandy, 2011; Sample & Kadleck, 2008; Terry, 2011). The result is that efforts to address sex crime now include a wide range of initiatives, including offender registries, community notification laws, tougher sentences, civil commitment of sex offenders, and chemical castration (Beauregard & Lieb, 2011; Wright, 2009).

The range of sex crime laws and policies would seem to lend support to the notion that the United States has uniformly toughened its response to sex crime. According to some experts, states are engaged “in a race to the bottom to see who can most thoroughly ostracize and condemn . . . the most despised members of our society [sex offenders]” (Geraghty, 2007, p. 514). Borrowing from the medical literature, Carpenter (2010) recently observed that the sweeping number of sex crime laws enacted by the Federal government and states is tantamount to a “legislative epidemic,” one triggered by “high-profile cases, emotion-laden rhetoric, and inaccurate assumptions about crime and criminals” (p. 66).

Collectively, these assessments appear to fit what is known about *general* trends in U.S. sex crime policymaking. As we argue, however, whether *all* states have embraced the “tough on sex

crime” movement is a largely unaddressed empirical question. Given the significant range of laws, there is the potential for states to differ dramatically in sex crime policymaking. There also is considerable room for state-level variation in the design of sex crime laws and the intensity of sex crime legislation. Such variability has implications for depictions of the emergence of a putative era of “get tough” criminal justice policy (Gottschalk, 2008). If, for example, some states are highly aggressive in pursuing sex crime legislation while others are more tentative, it suggests that the country as a whole has not uniformly toughened its response to sex crimes. In addition, it raises the following question: *why* have some states adopted more aggressive, tougher responses to addressing sex crime?

The potential variability in sex crime legislation across states highlights a critical policy issue. Evaluations of sex crime laws and policies have burgeoned in recent years, especially in response to calls for evidence-based practice (e.g., Freeman, in press). Given the apparent increase in such laws and policies, policymakers quite rightly may want to know which ones are effective and which are not. The challenge, however, that to date has gone largely unrecognized is that there are at least two types of variation, one recognized in the broader evaluation research literature (see, e.g., Mears, 2010), that may delimit our ability to generalize from one study to another. First, different types of policy responses exist (e.g., residence restrictions, chemical castration). It would be a mistake to generalize the results of a study focused on one type of response (e.g., residence restrictions) to another type (e.g., chemical castration). It also would be a mistake, given the nearly simultaneous implementation of many sex crime policies, to assume that any one policy, or even a set of policies, contributed to a change in reports of sex crime.

The second constraint on generalizing from one study to another is that the content and scope—more generally, the design—of any specific policy can vary considerably from state to state. To illustrate, a wide range of residence restrictions for sex offenders exists across states. In some states, sex offenders are prohibited from living within 500 feet of a school or school bus stop. In other states, offenders may not live within 2,000 feet of places children congregate (Levenson & D’Amora, 2007). An evaluation of one residence restriction law (in one state) may not necessarily generalize to another (in another state). For example, the 500-foot versus 2,000-

feet distinction may be relevant to limiting or reducing sex offending (see, e.g., Levenson & Cotter, 2005, p. 170). The former, for example, allows considerably more freedom for offenders to come into contact with potential victims.

These concerns are largely moot if states have uniformly adopted a similar number and type of sex crime laws and if there is little within-law variation among states. Should, however, there be substantial variation, it would point to the need to restrict the generalizability of analyses of “get tough” developments among states and of evaluations of particular laws and policies. In fact, despite an increasingly large body of research on sex crime policy, there remains little systematic analysis of the state of sex crime policies nationally. At the same time, sex crime policymaking continues to result in ever new sets of laws or variants of existing ones. Against this backdrop, the goal of this study is to answer two related questions and, in so doing, highlight the critical need for the development of a more systematic and comprehensive body of research on sex crime laws and policies. First, what variation exists in the types and number of sex crime laws and policies enacted across states? Second, to what extent do particular types of laws and policies vary in their design? We begin first by describing the major types of sex crime laws and policies that have emerged in recent decades. We then examine variability in these laws and policies and discuss the implications of the study’s findings for research and policy.

### **Sex Crime Laws and Policies Nationally**

In canvassing the literature on criminal justice policy that targets sex crime, seven broad types of laws and policies surface: sex offender registries, community notification, residence restrictions, civil commitment, lifetime supervision, sex offender driver license notation requirements, and castration laws. These are not the only laws or policies; electronic monitoring is, for example, beginning to be used in a manner that targets sex offenders (see, e.g., Payne & DeMichele, 2010). However, these are laws and policies that, as the literature on sex crime laws attests, have dominated the policymaking landscape in recent decades (Velázquez, 2008). For example, Miethe and colleagues (2006, pp. 205, 224) observed that sex offenders have become

“a major focus of current crime-control policies . . . contemporary public policy involving sex offenders includes offender registries, community notification campaigns, civil commitment laws, chemical castration, and increased sentences [and monitoring] for sexual offenses.” Thus focusing on this subset of crime laws ensures that our analysis represents the major types of initiatives states have pursued in recent decades.<sup>1</sup> Below, we describe each of these types of approaches to addressing sex crime and then turn our attention to analysis of the implications of the variability within these types of laws and between them.

### **Sex Offender Registries**

Two pieces of federal legislation enacted in the 1990s are primarily responsible for the emergence of sex offender registries. The Jacob Wetterling Act (1994) and Megan’s Law (1996) require all states to develop public registries that list information about released sex offenders (Levenson, Letourneau, Armstrong, & Zgoba, 2010). States that do not comply risk losing ten percent of their Byrne Formula funding for criminal justice programs (Center for Sex Offender Management, 1999). Typically, sex offenders must register with local agencies, such as the state police, department of public safety, office of the attorney general, or the department of corrections (Terry & Furlong, 2006). Depending on the specific state statute, offenders may be required to register for a period of ten years or less to life (Tewksbury, 2005).

### **Community Notification**

Community notification laws are closely related to registries. For instance, community notification laws were mandated under the same federal acts that spurred the creation of sex offender registries (Bandy, 2011). Under this approach, contact information about sex offenders living in local neighborhoods is published typically via a website (Tewksbury, 2005). Also, similar to registries, community notification laws appear to vary from state to state. For example, in one review of sex offender statutes, Velázquez (2008) reported that other community

notification methods may include press releases, flyers, phone calls, door-to-door contact, and neighborhood meetings coordinated by law enforcement. In some instances, registration is only required for high-risk offenders. Some states reserve notification only for offenders who are deemed to be at increased risk of recidivism. Other states rely on a more liberal community notification approach, publicizing the location of all sex offenders without regard to recidivism risk (Beck & Travis, 2005).

### **Residence Restrictions**

Unlike sex offender registries and notification laws, states do not lose federal funding if they decline to enact residence restrictions. These restrictions have been implemented to prohibit sex offenders from residing in close proximity to schools, school bus stops, parks, daycare centers, and other locations (Barnes, Dukes, Tewksbury, & De Troye, 2009; Mercado, Alvarez, & Levenson, 2008). Law enforcement and other state agencies (e.g., department of safety, community supervisory agencies) are typically responsible for ensuring that certain offenders do not live within close vicinity of prohibited areas that are outlined in the law (Tewksbury & Levenson, 2007). As discussed earlier, states differ in the range of boundary restrictions they establish (Zgoba, 2011).

### **Civil Commitment**

Civil commitment is also a sanction that states have implemented in the past two decades to respond to concerns about sexual recidivism. Sex offender commitment typically requires that certain high-risk offenders undergo psychiatric evaluation (Birgden & Cucolo, in press). If found to meet certain criteria, the sex offender is required to stand trial by a judge or jury. If the offender is committed, he or she is held in confinement until a clinician determines, based on clinical judgment, that the offender is no longer a threat to the community (Levenson, 2004).

## **Lifetime Supervision**

Developed primarily to address repeat offending, lifetime supervision laws require that high-risk sex offenders be monitored for the duration of their lives (Nieto, 2004; Armstrong & Freeman, 2011). Colorado, for example, implemented the Lifetime Supervision Act in the early 2000s (Colorado Department of Corrections, 2002). The underlying logic of such efforts stems from the assumption that sex offenders cannot be “cured”; accordingly, they must be “managed” through, as in the case of Colorado, “treatment and carefully structured and monitored behavioral supervision conditions [to] assist many sex offenders to develop internal controls for their behaviors” (p. 21).

## **Driver’s License Notation**

Several states have recently enacted laws that require sex offenders to display a special driver’s license notation identifying their registration status (Bonnar-Kidd, 2010). These laws were developed and implemented, in part, to address concerns that states failed to update their registry records once offenders moved to different jurisdictions. Driver’s license-related screening “could, in concept, help improve the level of compliance with state sex offender registration requirements as well as enhance monitoring” (Government Accountability Office, 2008, p. 30). Sex offenders who move from one state to another, for example, can easily be identified as sex offenders.

## **Chemical Castration**

Some states have experimented with chemical castration as a way to reduce sex crime (Comartin, Kernsmith, & Kernsmith, 2009). This approach requires that certain types of male offenders receive injections of synthetic hormones to reduce sexual arousal (Scott & del Busto, 2009). Some states allow eligible offenders to choose chemical castration in lieu of other types

of sanctions. A handful of states permit offenders to elect surgical castration as a permanent solution instead of the reversible chemical castration treatment (Scott & Holmberg, 2003).

### **Evaluations of the Effectiveness of Sex Crime Laws**

A large body of work has focused largely on issues other than the impacts of these laws. For example, they focus on the characteristics of sex offenders affected by sex crime reforms (Levenson, Letourneau, Armstrong, & Zgoba, 2010; Wright, 2008), descriptive analyses of the “new generation” of sex crime laws (Harris & Lobanov-Rostovsky; Wright, 2009), policymakers’ and public perceptions of various sex crime laws (Levenson, Brannon, Fortney, & Baker, 2007; Mears, Mancini, Gertz, & Bratton, 2008; Sample & Kadleck), and not least, collateral consequences of the “tough on sex crime” movement (Levenson, 2011; Tewksbury, 2005).

Much less is known about the specific impacts of these policies (Harris & Lurigio, 2010; Mears, 2010). That said, a small handful of evaluation studies exist. Most of them, as Harris and Lurigio (2010) demonstrate, have focused on examining select reforms—registries and notification laws (Vásquez, Maddan, & Walker, 2008; Zgoba, Veysey, & Dalessandro, 2010) and residence restrictions (Zandbergen, Levenson, & Hart, 2010). Two themes emerge from review of this research. First, by and large these studies have not detected significant sex crime reducing effects of these policies—this situation possibly reflects that many of these laws appear to be poorly designed (Barnes 2011), and per scholars, have been developed primarily to address unusual and rare sex crime (Terry, 2011). The absence of systematic examination of the many other types of laws (lifetime supervision, state-level castration laws, and mandatory identification policies for sex offenders) indicates that knowledge about their effects remains a “black box”—that is, outside of descriptive endeavors, very little is known about whether and how these laws may affect sex crime.

The limited research on sex crime laws is important. There is, however, a related critical issue—the pronounced diversity of sex crime laws increasingly will make it difficult to arrive at

credible estimates of impact. For example, virtually no empirical evaluation of sex crime laws (e.g., registry evaluations) has been able to control for the effects of other laws in place in particular areas (e.g., the effect of residence restrictions, castration law). The inability to disentangle the effects of these various policies means the potential effects of any one law are potentially obscured or, more precisely, cannot be identified. There is a related implication—the marked variability within and across types of sex crime laws limits the external validity of evaluations of any given law. For example, extant evaluations of sex crime laws have typically consisted of single state-level examinations (e.g., Zgoba et al., 2010) that investigate specific variants of sex crime laws. Generalizing from a single state and a single manifestation of one type of law limits substantially the ability of studies to generate findings that can be safely assumed to extent to other states, especially if those states use different types of sex crime laws or ones that vary considerably from those examined in particular studies.

### **The Present Study**

Given the wide array of laws enacted to prevent sex crimes, we seek to provide a better foundation for assessing the state of sex crime laws in America. In particular, this study examines seven sex crime laws and policies—sex offender registries, community notification, residence restrictions, civil commitment, lifetime supervision, sex offender driver’s license notation requirements, and castration laws—and their implementation across each of the 50 states.<sup>2</sup> The goal is to document (1) which laws and policies have been enacted in each state, and (2) the extent to which there is variation in the design (e.g., the types of restrictions) of each law and policy. In turn, we argue that the marked variability of sex crime laws, and the likely increase in such variability in future years, increasingly will make it difficult to generate credible, generalizable estimates of the impact of any given type of sex crime law, especially those that aim to reduce macro-level sex crime trends. To this end, we draw on several sources of information. The first is an extensive and detailed compilation of state sex crime statutes in effect as of 2008 (Velázquez, 2008). The second is a review of state statutes in effect at the same

time and specifically focused on chemical castration and driver's license notations; these were not examined in the Velázquez (2008) report. The appendix lists each state statute.

## Findings

### Variation in Sex Crime Laws and Policies across States

We turn to our first research question: what is the extent of the variation in the number of sex crime laws enacted across states? Several patterns emerge from Table 1, which was created by tallying the types of laws each of the 50 states had enacted as of 2008. Beginning with the first two laws—registries and community notification—inspection of Table 1 shows that every state enacted some type of registry or community notification statute. The explanation is straight-forward: as noted earlier, in the 1990s, the federal government required states to enact such laws or risk losing federal funding for criminal justice programs. From this perspective, then, the national “get tough” on sex crime movement was spurred on primarily by the federal government. That is, every state adopted two prominent efforts to address sex offending and did so because of a federal inducement.

Table 1 about here

What, though, about other types of sex crime laws and policies? When we examine all seven of them, it is clear that states vary greatly in the extent to which they have embraced a “get tough” stance against sex crime. Figure 1 depicts the percentages of states that have enacted only two of the seven laws and policies, three of them, four of them, or five or more. Notably, ten percent of states—that is, five of them—have adopted *only* the two federally required sex crime laws (i.e., registry and notification). One-third of states have adopted three of the sex crime laws and policies. Just over one-third have adopted four of the laws and policies, and roughly one-fifth have adopted five or more. No state enacted all seven of the laws and policies.

In short, when viewed from this perspective, it is evident that some states, such as Maine and Wyoming, have restricted their sex crime efforts to the minimum necessary to retain federal funding, while other states, such as Florida and Texas, have pursued a wide range of efforts to address sex crime. Put differently, states like Florida and Texas appear to be, on the face of it, substantially tougher on sex crime when compared to other states such as Maine and Wyoming.

Figure 1 about here

Beyond sex offender registries and community notification laws, which types of approaches to addressing sex crime are most prevalent? As can be seen in Table 1, 33 states have enacted sex offender residence restrictions, 19 have enacted civil commitment provisions, 14 have enacted lifetime supervision laws, 11 have implemented driver's license restrictions, and 8 have allowed for chemical castration. Residence restrictions, thus, are the third-most common type of sex crime policy among states, followed by civil commitment provisions.

Are some regions of the country more aggressive, as we might expect based on prior studies (e.g., Borg, 1997), in addressing sex crime? As the last column in Table 1 reveals, the South, Midwest, and West are all relatively similar. For example, the average number of laws enacted in Southern states is 4.1, compared with 3.9 in Midwestern states, and 3.6 in Western states. Within each of these regions, there are states at the high end of the "intensity" spectrum—Florida and Texas in the South, Illinois and Wisconsin in the Midwest, and Arizona in the West. The average among Northeastern states (2.9), by contrast, is well below these averages. The highest "intensity" Northeastern state is Massachusetts, which enacted four of the seven types of sex crime laws and policies.

### **Variation in the Design of Sex Crime Laws and Policies**

We move next to our second research question: to what extent is there variability in the design of sex crime laws and policies enacted nationally? That is, for a given type of sex crime

law, is there marked consistency or variability in the focus or content?

**Sex Offender Registries.** As shown in Table 2, there is considerable variation concerning registration laws (the first policy examined). In all but one state (Colorado), the length of sex offender registration ranges from 10 years to life. Specifically, 36 states have a 10 to 15 year length requirement for a range of sex offenders. Eleven states mandate that certain sex offenders must register for 16 to 25 years. Almost all states (n=48) require specific types of sex offenders (e.g., those convicted of crimes against children) to register for life. Eleven states require all convicted sex offenders to register for life (i.e., the state statutes make no clear distinction between offender types). Not shown in Table 2 is that three states—Arizona, Kansas, and New Hampshire—have special juvenile provisions in which youth sex offenders, as compared with adult sex offenders, are required to register for shorter durations (e.g., only until they reach age 25).

Table 2 about here

**Community Notification.** Federal law requires that states develop and implement sex offender registries and that they notify neighborhoods about sex offenders released into communities. Beyond that, states were afforded considerable leeway in the design of their laws. Our review found, for example, that notification laws varied in (1) how they are carried-out (e.g., internet registries, flyers, neighborhood meetings, e-mail, telephone calls), (2) who they serve (e.g., all members of the public versus only those living in close vicinity to registered sex offenders), and (3) who they affect (e.g., all registered sex offenders versus only high-risk offenders).

All states have developed internet registries that list the names and addresses of convicted sex offenders. However, some states also disseminate information about offenders via flyers, community meetings, and e-mail. In addition, some states, such as Kentucky, notify citizens via telephone about sex offenders living in close vicinity to their residences. Other states, such as Louisiana, use e-mail to notify citizens living in close proximity to convicted offenders.

Inspection of Table 3 shows that most states (n=32) disseminate information about all types of registered sex offenders. For example, North Carolina’s community notification statute requires public notification about virtually all sex offenders—those considered low, medium, and high-risk. However, 18 states only provide information to the public about high-risk offenders. For example, Vermont’s community notification law requires that information be released only for sex offenders convicted of aggravated sex crimes and sex crimes against children. One state (Idaho) publicizes identifying information only for adult registered sex offenders.

Table 3 about here

**Residence Restrictions.** Here, again, variability emerges as a prominent theme. Table 4 describes the boundaries states use in their residence restriction laws. One striking pattern is the degree of variation in the buffer zone sizes of residence restrictions. The interval cut-offs are used to highlight this variability. Of the 33 states that have a residence restriction policy, seven states have enacted residence restrictions that range from 500 feet to 999 feet. Thirteen states prohibit sex offenders from living within 1,000 feet to 1,499 feet of specific “hot spot” locations (e.g., schools). There is one state, Mississippi, that has enacted a 1,500-foot restriction, however, some states have gone well beyond this range. In particular, five states—Alabama, Arkansas, California, Iowa, and Oklahoma—have adopted 2,000-foot restrictions.

A smaller number of states have residence laws that do not fit easily into a single category. For example, Minnesota and Oregon have general residence restrictions in which the exact boundary restriction is determined by local authorities (such as the county or city). Some states have special provisions in place that apply to other locations outside of schools and playgrounds. For instance, Alabama and Utah statutes require that convicted sex offenders not live within 1,000 feet of their victims’ residences, making no reference to other potential hot spots with regards to this boundary. South Carolina law forbids sex offenders from residing in student housing at public institutions of higher learning.

Given that sex crime legislation appears to have been prompted by concerns about the

victimization of children, to what extent have states designed their residence restriction laws to focus specifically on protecting children? Review of Table 4 shows that close to one-third of states have applied their law exclusively to offenders convicted of crimes against children (see also Meloy, Miller, & Curtis, 2008). By contrast, the other states have made no distinction between sex offenders who have victimized children or adults. This raises some theoretical complications when considering the rationale behind residence restriction laws.

Table 4 about here

**Civil Commitment.** The fourth policy examined here, civil commitment, can be more easily generalized (see Table 1). As Levenson (2004, p. 639) has emphasized, the process is “similar among states.” With few exceptions, a judge or jury must find the offender “sexually violent” or “sexually dangerous” within the state’s definition of the term. Approximately 38 percent of these state statutes (n=14) describe the length of confinement for sex offenders as “indeterminate.” All statutes list eligible sex offenders as needing to suffer from a “mental abnormality,” or “personality disorder,” and/or listed as “sexual predators” to be eligible for civil confinement. For example, in Massachusetts, only sex offenders that “suffer from a mental abnormality or personality disorder that makes them more likely to engage in sex offenses” are eligible for civil commitment (see Massachusetts General Laws, Chapter 123A).

**Lifetime Supervision.** Variation in the content of the fifth law, sex offender lifetime supervision, is also easily summarized. By and large, states that have lifetime supervision statutes have used a similar approach. For example, almost all states target repeat or high-risk sex offenders. Among the states that have this law in place, roughly half require that sex offenders convicted of crimes against children receive lifetime supervision upon release. For example, Arizona law allows that in cases in which probation is an available sentence for certain felonies against children, the probation term ordered may be up to and including life. Some of the states’ statutes (n=4) contain specific language that permits offenders to petition the court for

release of lifetime supervision after a set period of time. Wisconsin, for example, “provides procedures for petition for termination of lifetime supervision” (National Conference of State Legislatures, 2003, p. 2).

**Driver’s License Identification.** In recent years, there has been an emphasis on requiring sex offenders to obtain either special identification cards or to bear driver’s licenses with special annotations (the sixth law examined). In Florida, for example, registered sex offenders are required to have either the marking “943.0435, F.S.” (the specific state statute concerning registered sex offenders) or “775.21, F.S.” (the state statute describing Florida’s sexual predator law) imprinted on their driver’s license or identification cards. Similarly, in Delaware, the identification cards of offenders are stamped with a “y” denoting their registered sex offender status (National Conference of State Legislatures, 2008a).

**Chemical Castration.** Most states that provide for this approach to reducing sex offender recidivism require chemical castration treatment via medroxyprogesterone acetate (MPA), a drug designed to control the production of testosterone in male offenders (see, e.g., Giltay & Gooren, 2009) as a prerequisite for release. Virtually all of these statutes apply to repeat sex offenders. About half of the states that use chemical castration (n=4) require that offenders with child victims undergo this sanction. Notably, two states (Louisiana and Texas) allow sex offenders to choose surgical castration in lieu of chemical castration. However, both statutes “prohibit a judge from requiring a defendant to undergo such a procedure as a condition of community supervision” (National Conference of State Legislatures, 2008b, p. 2).

## **Conclusion**

### **Summary**

In the 1990s, the Federal government and many states enacted new sex crime legislation in

what was, according to some scholars, the equivalent of a “legislative panic” (Logan, 2003, p. 1288). Since that time, a broad range of efforts to address sex crime have emerged. Most of them have prioritized imposing tougher prison sentences and creating a wide range of post-incarceration penalties and restrictions for sex offenders (Sample, 2011; Wright, 2008). The reforms as well have illustrated the symbolic role of “get tough” lawmaking, as Leon’s (2011, p. 421) observation indicates—“Passing new laws that tighten surveillance and other restrictions on sex offenders lets policymakers signal their concern with crime and their solidarity with victims and their families.” At first glance, the responses to sex crime seem to align well with the “tough on crime” philosophy that gained ascendance in American criminal justice policy during the past two decades. Upon closer inspection of state laws, however, that assessment appears to be incomplete. It overlooks the fact, for example, that significant variation exists in how aggressively states have responded to sex crime. The goal of the present study was to explore this possibility and, to this end, to investigate two interrelated questions: to what extent is there variability across states in the types and number of laws and policies in place, and to what extent is there variation in the design of these laws and policies?

After systematically compiling and examining information on state-level sex crime laws and policies, we found no variability in the enactment of sex offender registries and community notification. This finding reflects the fact that federal law requires such policies to be in place in order for the state to receive federal funding. However, we found considerable variation in the enactment of five other types of laws and policies: residence restrictions, civil commitment, lifetime supervision, driver’s license restrictions, and castration laws. Some states have implemented none of these policies, while others have adopted most all of them. Notably, no state has enacted all of them. In short, viewed from the state level, it would appear to be incorrect to conclude that states have uniformly adopted a “get tough” approach to sex offenders. Some states, such as Texas, Florida, and Arizona have clearly done so—each state has implemented six of the seven laws. Other states, however, have enacted only the two policies required to receive federal funding (i.e., registry and notification laws).<sup>3</sup>

To test arguments about the putatively tougher punishment philosophy of the South, we

examined regional variation in sex crime law. We found that most regions have been similarly “tough” in their responses to sex crimes. The one exception was the Northeast; states in this region were, on average, less likely to adopt sex crime laws and policies. Within each region, however, substantial variability existed. For example, in the West, Alaska had only enacted two sex crime policies, whereas Arizona had enacted six.

In investigating our second question, we found that considerable variability also exists in the design of these laws and policies. For example, across states, registries vary greatly in how long offenders must be registered, residence restriction zones vary in the distances used, and notification about the release of sex offenders occurs in a myriad of ways and targets varying groups of sex offenders. In these cases, the variation sometimes is sufficient as to raise questions about how generalizable the results of one policy would be for other states with similar policies. That said, for other laws and policies aimed at managing or sanctioning sex offenders—as with civil commitment, lifetime supervision, driver’s license identification, and chemical castration laws—we found greater uniformity.

## **Research Implications**

Several implications for future research flow from this study’s findings. The first is that accounts of a new era in getting tough on sex crime do not correspond well with the variation in sex crime laws and policies that exists among states. Accordingly, an adequate explanation of the “get tough” movement must be able to show why some states have toughened their responses considerably while others have done so to a much lesser degree.

One assumption is that sexual offending has increased in recent years and that some states have differentially responded by prioritizing “get tough” approaches to sex crime. Yet, according to some sources, the rapid emergence of sex crime laws in the U.S. did not follow a sharp increase in national reports of sex crime (Veysey & Zgoba, 2010; see also Federal Bureau of Investigation, 2010, indicating a decline in reports of forcible rape over the last four years). Rising sex crime rates, then, do not appear to be an especially compelling factor explaining the

*national* proliferation of sex crime laws. However, that assessment is based on an inspection of trends of sex crime across the U.S. It may well be the case that the very states that have responded most aggressively to sex crime are the same states that have experienced significant increases in reports of sexual offenses. That said, and although prior work has found tougher state sanctioning (e.g., increased reliance on incarceration, the development and implementation of “three-strike” laws) to be associated with violent crime rates (Beckett & Western, 2001), Greenberg and West (2001) have emphasized that “institutionalized punishment practices are not entirely determined by the functional necessity of preventing crimes” (p. 638). In short, the national proliferation of sex offender laws, and the greater intensity of sex crime-focused policymaking activity in some states, is not simply explained by trends in sex crime.

Against this backdrop, it is notable that scholars have identified several other types of factors that may be associated with the proliferation of “get tough” reforms among some states. For instance, under the “symbolic threat,” view, states with a large minority population may respond to the perceived threat of certain social groups by enacting punitive crime control policy targeting certain offenders (see, e.g., Stemen & Rengifo, 2011). Scholars have also theorized that the extent of economic development in a state might explain differential emphases on punitive responses to crime. States with high levels of unemployment and poverty, as Sorensen and Stemen (2002, p. 460) have argued, tend to “rely more on formal mechanisms of social control, including imprisonment, to control its underclass.” Not least, the level of cultural acceptance for punitive measures in particular jurisdictions has been argued to drive crime policy. For example, research indicates that southern states, on average, tend to have residents who are more likely to endorse punitive crime control (e.g., the death penalty) compared to individuals that reside in other areas. This shared philosophical orientation among residents might explain the seemingly greater emphasis on punitive approaches adopted by certain states (see, e.g., Baumer, Messner, & Rosenfeld, 2003). However, the analyses here suggested that such an explanation does not apply to sex offender laws. Other regions of the country, excluding the northeast, are as tough on sex crime as are southern states.

The fact that the states and regions of the country vary greatly in the intensity of sex crime

policymaking, and in the specific types of laws and policies enacted, and the fact that this variation does not neatly map onto arguments about more general tough-on-crime movements or increases in sex crime underscores that more careful investigation of sex crime policymaking is needed. Doing so holds the potential not only for creating a greater understanding of why states have responded to sex crime in varying ways, but also for understanding why broader societal trends in criminal justice policymaking have unfolded in a way that appears to differ from the trend in how sex crimes have been targeted by policymakers. Research on the emergence of sex crime laws and policies would provide an important step in developing a meaningful and accurate characterization of sex crime laws nationally, and in turn would contribute to debates and discussions about a putatively “get tough” era in criminal justice.

A second research implication involves the evaluation efforts of sex crime laws. A prominent finding of the current study was that the overwhelming majority of states (90 percent) have developed and implemented laws beyond the federally required registries and community notification laws. Studies examining the effect of any one law must, therefore, account for the effects of the other laws, or as scholars have described “the specific constellation of sanctions available in a particular [jurisdiction]” (Mears & Barnes, 2010, p. 706). For example, a researcher investigating the effect of a sex offender registry on sex crimes in a particular state must somehow address the fact that other sanctions may also be in place in that state. The considerable variability among states, and within states over time, in the types of sex crime laws and policies and the intensity with which they are implemented limits the ability of studies to develop credible estimates of the effects of these laws and policies.

This observation gives rise to a related implication for research. The substantial variability across states in the design of some sex crime laws and policies limits the external validity of studies of them—that is, it highlights the need for caution in generalizing about the effects of evaluations of any law or policy. For example, if an evaluation shows that requiring sex offenders to register for a period of 10 years with state agencies significantly reduces sexual recidivism, it does not necessarily follow that requiring offenders to register for 15 years would equally exhibit decreases in levels of sex crime that are equivalent to the increased punishment

level (i.e., a 50 percent increase in the punishment level does not necessarily mean that sex crimes will be reduced by another 50 percent—it is more likely that the punishment-crime link follows a diminishing returns logic).

The same line of reasoning applies to evaluations of residence restrictions. Nationally, the boundary restrictions that have been adopted by a majority of states range from 500 feet to 2,000 feet. Some studies exist that have examined the effects of boundaries 1,000 feet or greater (see, e.g., Zandbergen, Levenson, & Hart, 2010). Findings indicate that the restrictions did not impact offender recidivism. It is not clear, however, if the findings from this state study applies to state laws with different boundaries. It seems illogical to anticipate that larger boundaries would be less effective than shorter boundaries. Even so, it may well be that shorter boundaries result in lower recidivism rates relative to what would occur with larger boundaries. The issue is complicated further by the fact that sex offender residence restrictions target different “types” of sex offenders. In one state, for example, all sex offenders may be targeted; in another, the law may apply only to sex offenders who have victimized children. Not least, additional or supplemental residence boundaries, beyond the state-level restriction, may exist at the county or municipal-level (Zgoba, 2011). In short, comparing the effect of one variant of a law in a particular state to another may result in an apples-to-oranges comparison. The result, in turn, is a situation in which marked variability in the amount and design of sex crime laws and policies makes it difficult to arrive at generalizable assessments of impact.

## **Policy Implications**

During the last two decades addressing sexual violence has emerged as a prominent public policy focus across the U.S. Notwithstanding the intense national emphasis on developing ever-new responses to sex crime, scholars have charged that these laws “lack research on effectiveness or have produced less than promising results” (Cohen & Jeglic, 2007, p. 380). The point bears mention when we consider the results of current impact evaluations of prominent sex crime laws. For example, a study exploring whether sex offender registries had any impact on

monthly rape rates in ten states found no consistent or significant effect of the law (Vásquez et al., 2008). A more recent examination found no effect of several sex crime reforms (Megan's Laws, sexually violent predator laws, imprisonment, and the elimination of discretionary parole) on reports of forcible rape from 1970 to 2003 (Ackerman, Sacks, & Greenberg, in press). Similar findings have emerged in studies examining community notification laws; extant research "cast[s] doubt on the effectiveness of community notification laws to significantly reduce rates of sexual offending" (Freeman, in press, p. 22). Other investigations testing the impact of a residence restriction law in Florida (see, e.g., Zandbergen et al., 2010) have also revealed null effects.

In contrast, however, there are two studies that suggest some sex offender policies may have a modest deterrent effect. Specifically, Letourneau, Levenson et al. (2010) found an approximately 11 percent reduction in sex crime arrests (first-time offenses only) in South Carolina following the passage of a registration and notification policy. In addition, a 2005 meta-analysis examining sex offender treatment in several countries found some indirect support for castration laws. Specifically, Lösel and Schmucker (2005, p. 135) concluded that "the very low rate of sexual recidivism in castrated offenders suggests that societies should not abandon this approach right away." The study, however, did not examine the effect of any one state's particular castration law *per se*, but rather its use as a treatment for sex offenders in various nations. For this reason, it was unable to control for the effects of current sex crime laws in place in particular areas. Further complicating matters is the fact that, as the current study found, substantial variation within these policies exists. Thus, we are left with no clear picture of the likely impacts of the variants of these laws (e.g., residence restriction laws that differ from Florida's).

Drawing on this observation, one policy implication here centers on a "less is more" approach toward addressing sex crime. Given that substantial variability exists in the types of laws states have adopted and in the design of these laws, and because the effects of any one type of law may very well depend of the effects of other laws in place, state legislatures might consider imposing a moratorium on certain sex crime reforms until their various effects have

been identified. This line of reasoning derives in part from the recent commitment to evidence-based crime policy and laws that constitute “best practices” in criminal justice. Simply put, if policymakers wish to embrace this movement, establishing an evidence base for evaluating the effects of existing sex offender policies across states is key. In the absence of this empirical foundation potentially created is a situation which may result in policies premised on incorrect assumptions about sex crime and offenders, or laws or variants of laws which bring with them substantial unintended or collateral consequences (see e.g., Levenson, 2011).

It should be emphasized as well that controversy surrounds the costs of these policies. Recently, scholars have questioned the costs states might incur because of proposed federal initiatives. For example, the Sex Offender Registration and Notification Act (SORNA), a provision of the Adam Walsh Child Protection and Safety Act (2006), is designed to standardize states’ registration and community notification practices by dividing sex offenders into three tiers based solely on the conviction of offense. A recent review has shown that the costs associated with SORNA implementation (e.g., reclassification, expanded enforcement personnel) “far outweigh” the costs of losing federal funding for not implementing the changes (Freeman & Sandler, 2010, p. 44). Because of the substantial costs associated with the law, states thus far, according to Harris and Lobanov-Rostovsky (2010, p. 219), have adopted a “wait and see” approach to compliance. The absence of uniformity in the implementation of the law presents a situation which could potentially generate yet another source of variability—whereby some states with greater fiscal resources may come into substantial compliance with the law and others, perhaps because the costs of implementing the law exceed the costs of sanctions for non-compliance, may not.

The consequences of this variability are likely to remain salient for many years to come—even in the face of potential policy changes like SORNA and other federal initiatives—and are not readily addressed with a few well-conducted studies. Rather, for the next decade or more, assessments of the diversity of sex crime laws that exist will be greatly needed. Indeed, if future policymaking efforts do not take into account the issues highlighted in this study, then the same identified problems likely will confound efforts to assess the policies being enacted this year,

next year, the year thereafter, and so on. This consideration leads to an additional virtue of a moratorium—the possibility of avoiding a vicious cycle in which more and more public tax dollars are expended on policies that will be less and less evaluable.

That said, it appears that sex crime will remain a prominent public policy focus. For example, a study published by the federally funded Center for Sex Offender Management (2008) revealed that when asked to list their top ten public policy concerns, state legislators rated “sex offenders and sexual predators” as their fifth-highest priority. Notably, only “immigration,” “homeland security,” “budget pressures,” and “health insurance” ranked higher (p. 1). Findings from opinion polls indicate that addressing sex crime is also viewed as an important priority among the public (Mears et al., 2008; Sample, Evans, & Anderson, 2011) and that Americans support a variety of measures to deal with it (Beauregard & Lieb, 2011; Levenson, Brannon, Fortney, & Baker, 2007; Mancini, Shields, Mears, & Beaver, 2010).

The problem, however, is that continuing to invest in a range of costly, unproven sex offender laws and policies, described by scholars as “knee-jerk” and “panic-driven” responses (see Meloy, Saleh, & Wolff, 2007, p. 433), seems imprudent and counter to recent criminal justice reforms that have emphasized “best practices” (see, e.g., Wilson & Petersilia, 2011). Two decades ago, the argument might have been that policy innovation was needed, given the limited number of laws and policies in effect that targeted sex crimes. That argument no longer holds true. Many types of sex crime laws now exist, and there is considerable variability in the extent to which states have embraced these efforts. That situation creates a unique opportunity to begin to disentangle the relative effects of various laws and policies. Doing so will be difficult, but it will be all the more difficult, if not impossible, if states continue to create more laws without commensurate attention to developing a research base that supports such efforts.

## Notes

<sup>1</sup> As scholars have observed, sex crime policymaking has become increasingly common. For example, Internet-related legislation, mandatory HIV testing of offenders, and the continued pursuit of capital punishment for sex offenders (in spite of federal legislation barring the sanction for child rapists) are just some of the new types of policies states have enacted or are considering adopting in the future. We were unable to review every law enacted for sex offenders, but we encourage interested readers to consult research examining these initiatives (Mancini & Mears, 2010; Terry, 2005; Wright, 2009; Yung, 2009).

<sup>2</sup> In line with similar studies of sex offender legislation (see e.g. Harris & Lobanov-Rostovsky, 2010; Logan, 2008; Velázquez, 2008) our analysis is limited to state-level sex crime laws. However, federal sex crime laws (registries and notification) extend to U.S. territories, Washington D.C., and tribal jurisdictions (see e.g., Davis & Washburn, 2008; Droske, 2007).

<sup>3</sup> Although the current study did not directly examine factors associated with the enactment of various laws, we can draw on explanations of variation in other “get tough” movements to better understand the variability among certain states. By almost any measure—prison growth, rate of adults under correctional supervision, and death penalty executions—Texas stands out as being the leading state in punishment—put aptly by scholars, “there’s tough, then there’s Texas tough” (Perkinson, 2010, p. 4). Other accounts paint Florida in a similar light. In particular, Florida has adopted some of the most punitive laws in the country for juveniles (Frazier, Bishop, & Lanza-Kaduce, 1999); the state is also considered a forerunner in the creation of various “get tough” measures in the 1980s and 1990s such as “truth-in-sentencing” laws (Griset, 2002). Florida, a death penalty state, lags only slightly behind Texas in the number of executions that have occurred in the state from 1930 to 2008 (ranked sixth in the county; Snell, 2010). The last state identified as pursuing a legalistic stance toward sex offenders—Arizona—shares a similar punishment ideology to Texas and Florida. For example, in recent years it has enacted a series of “get tough” measures targeting illegal immigrants; moreover, state policymakers have quite literally made criminals “pay for their crimes” with the enactment of tougher and longer prison sentences financed by new fines and fees imposed on certain convicted offenders (e.g., drunk drivers; Lynch, 2011). In addition to having seemingly embraced a “tough on crime” philosophy, these three states have in common another quality—they are among three of the most populous and urbanized states in the county (U.S. Census Bureau, 2010). Notably, metropolitan and populous states have been linked to a reliance on punitive sanctions to control crime (e.g., such as incarceration; Sorensen & Stemen, 2002). In comparison, states like Maine and Wyoming are on the other end of the policy spectrum—potentially because of a difference in punishment philosophy toward offenders, or possibly because of their relatively small urban population (U.S. Census Bureau, 2010). Although there is certainly more to examine in this context, it may be that future work uncovers a “diffuse” effect of legislation (see e.g., Bergin, in press)—states which have historically adopted a “get tough” philosophy toward punishment will extend that approach to most offenders; the state population and its composition of residents might also matter; on the opposite end of the spectrum, states with a relatively small urban population and which have historically not embraced a “get tough” ideology for offenders might adopt fewer sex crime laws. In the implication section of the study, we discuss in greater detail how future research might explore these and other similar connections.

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## Appendix. State Sex Offender Statutes

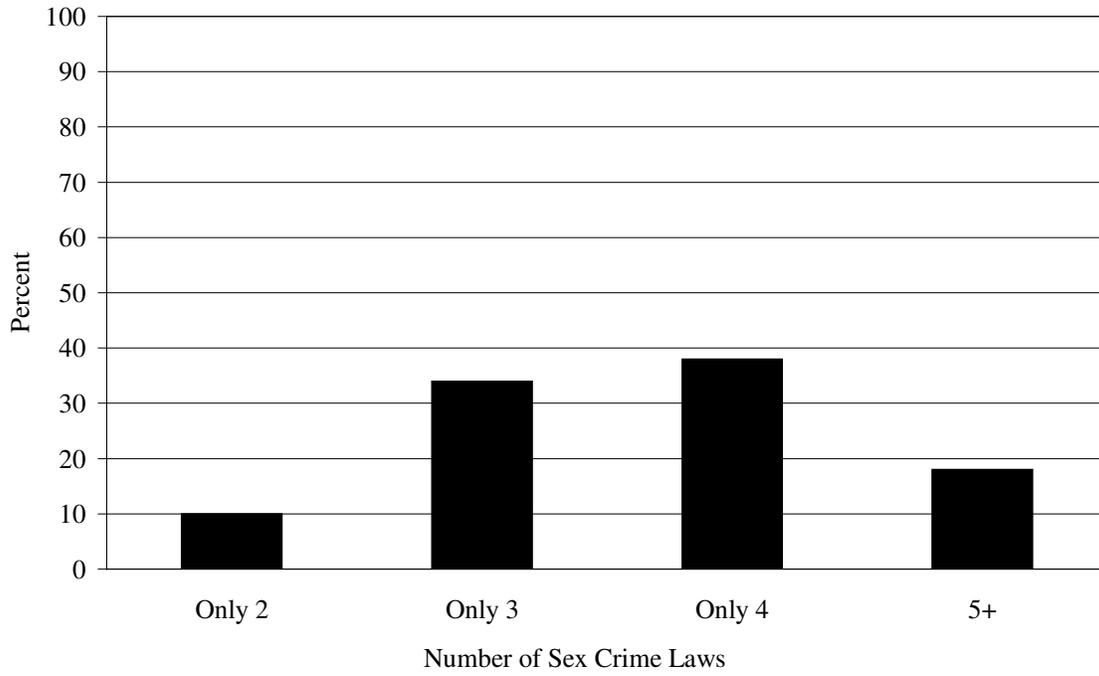
Alabama Statutes, Title 13A, Chapter 11  
Alabama Statutes, Title 15, Chapter 20  
Alaska Statutes Annotated, Title 12  
Alaska Statutes Annotated Title 18, Chapter 65  
Arizona Revised Statutes Annotated, Title 13, Chapter 38, Article 3  
Arizona Revised Statutes Annotated, Title 36, Chapter 37  
Arkansas Code Annotated, Title 12, Chapter 12  
California Health and Safety Code, Division 2, Chapter 3  
California Health and Safety Code, Section 1564  
California Penal Code, Part I, Title 9, Chapter 5.5  
California Welfare and Institutions Code, Section 6600 et. seq  
Colorado Revised Statutes, Title 16, Article 22  
Connecticut General Laws, Section 54-251  
Delaware Code, Title 11, Chapter 41  
Delaware Code, Title 11, Chapter 5  
Florida Statutes Annotated, Title XLVI, Chapter 775  
Florida Statutes Annotated, Title XLVI, Chapter 794  
Florida Statutes Annotated, Title XLVII, Chapter 943  
Code of Georgia Annotated, Title 42, Chapter 1, Article 2  
Hawaii Penal Code, Chapter 846E  
Idaho Code Annotated, Title 18, Chapters 83 and 84  
Illinois Compiled Statutes Annotated, Chapter 720, Act 5  
Illinois Compiled Statutes Annotated Chapter 725, Act 207  
Illinois Compiled Statutes Annotated, Chapter 730, Act 150  
Illinois Compiled Statutes Annotated, Chapter 730, Act 152  
Annotated Indiana Code, Title 11, Chapter 8  
Annotated Indiana Code, Title 35, Chapter 38  
Indiana Annotated Code, Title 26, Chapter 2  
Indiana Annotated Code, Title 35, Chapter 42  
Iowa Statutes Annotated, Title VI, Chapter 229A  
Iowa Statutes Annotated, Title XVI, Chapter 692A  
Kansas Statutes Annotated 59-29a01  
Kansas Statutes Annotated, 22—4901-4910  
Kansas Statutes Annotated, 22—4909  
Kentucky Revised Statutes, 17.510  
Kentucky Revised Statutes, 17.545  
Louisiana Revised Statutes, 15:542  
Louisiana Revised Statutes, 15:542.1  
Maine Revised Statutes, Ch. 15, Title 34-A, Section 11222-27  
Maryland Code, Criminal Procedure, Title 11  
Massachusetts General Law, Chapter 6, Section 178C et seq.  
Massachusetts General Laws, Chapter 123A  
Michigan Compiled Laws, Chapter 28  
Minnesota Statutes, Chapter 243  
Minnesota Statutes, Chapter 244  
Minnesota Statutes, Chapter 253B  
Mississippi Statutes Annotated, Title 45, Chapter 33  
Missouri Revised Statutes, Chapter 566.147  
Missouri Revised Statutes, Chapter 589

Missouri Revised Statutes, Chapter 632.483  
Missouri Revised Statutes, Chapter 632.513  
Montana Code Annotated, Title 46, Chapter 23  
Nebraska Revised Statutes, Chapter 29  
Nebraska Revised Statutes, Chapter 71  
Nevada Revised Statutes, Chapter 179B  
Nevada Revised Statutes, Chapter 179D  
Nevada Revised Statutes, Chapter 176A.410  
Nevada Revised Statutes, Chapter 213.1245  
Nevada Revised Statutes, Chapter 213.1255  
New Hampshire Revised Statutes, Title 10, Chapter 135-E  
New Hampshire Revised Statutes, Title 52, Chapter 651-B  
New Jersey Statutes Annotated, Title 2C, Chapter 7  
New Jersey Statutes Annotated, Title 30, Chapter 4  
New Mexico Statutes Annotated, Chapter 29, Article 11A  
New York Statutes Annotated, Correction Law, Chapter 43, Article 6-C  
New York Statutes Annotated, Mental Hygiene Law, Chapter 27, Article 10  
North Carolina General Statutes, Chapter 14 Article 27A  
North Carolina General Statutes, Chapter 14 Article 208.10  
North Carolina General Statutes, Chapter 14 Article 208.16  
North Dakota Century Code, Chapter 12  
North Dakota Century Code, Chapter 12.1-32-15  
North Dakota Century Code Chapter 25-03.3  
Ohio Revised Code, Title 29, Chapter 2950  
Ohio Revised Code, Title 29, Chapter 2950.31  
Ohio Revised Code, Title 29, Chapter 2950.10-2950.99  
Oklahoma Statutes, Title 57, Chapter 8B  
Oregon Revised Statutes, Title 18, Chapter 181  
Oregon Revised Statutes, Title 14, Chapter 144  
42 Pennsylvania Code, Section 9799.1 et seq.  
Rhode Island General Laws, Section 11-37.1-1 et seq.  
South Carolina Statutes Annotated, Title 23, Chapter 3, Article 7  
South Carolina Statutes Annotated, Title 44, Chapter 48  
South Dakota Codified Laws, Title 22, Chapter 22-24B  
Tennessee Code Annotated, Title 40, Chapter 39  
Texas Code of Criminal Procedure, Chapter 62  
Texas Health and Safety Code, Chapter 841  
Utah Code, Title 77, Chapter 27  
Vermont Statutes Annotated, Title 13, Chapter 167  
Annotated Code of Virginia, Title 9.1, Chapter 9  
Annotated Code of Virginia, Title 18.2, Chapter 8  
Annotated Code of Virginia, Title 37.2, Chapter 9  
Revised Code of Washington Annotated, Chapter 9.94A  
Revised Code of Washington Annotated, Chapter 9A.44  
Revised Code of Washington Annotated, Chapter 71.09  
West Virginia Code, Chapter 15, Article 12-2  
West Virginia Code, Chapter 15, Article 12-5  
West Virginia Code, Chapter 62, Article 12-26  
Wisconsin Statutes Annotated, Chapter 301  
Wisconsin Statutes Annotated, Chapter 980  
Wyoming Statutes Annotated, Title 7, Chapter 19, Article 3

**Table 1. Sex Crime Laws, by State and Region, as of 2008**

	Registry	Notification	Residence Restriction	Commitment	Lifetime Supervision	Drivers' License	Castration	# of Laws (Average)
<b>Northeast</b>								<b>26 (2.9)</b>
Connecticut	X	X			X			3
Maine	X	X						2
Massachusetts	X	X		X	X			4
New Hampshire	X	X		X				3
New Jersey	X	X		X				3
New York	X	X		X				3
Pennsylvania	X	X						2
Rhode Island	X	X			X			3
Vermont	X	X			X			3
<b>South</b>								<b>65 (4.1)</b>
Alabama	X	X	X			X		4
Arkansas	X	X	X					3
Delaware	X	X	X			X		4
Florida	X	X	X	X		X	X	6
Georgia	X	X	X				X	4
Kentucky	X	X	X					3
Louisiana	X	X	X			X	X	5
Maryland	X	X	X					3
Mississippi	X	X	X			X		4
North Carolina	X	X	X					3
Oklahoma	X	X	X					3
South Carolina	X	X	X	X				4
Tennessee	X	X	X		X			4
Texas	X	X	X	X		X	X	6
Virginia	X	X	X	X				4
West Virginia	X	X	X		X	X		5
<b>Midwest</b>								<b>47 (3.9)</b>
Illinois	X	X	X	X	X			5
Indiana	X	X	X			X		4
Iowa	X	X	X	X				4
Kansas	X	X		X		X		4
Michigan	X	X	X			X		4
Minnesota	X	X	X	X				4
Missouri	X	X	X	X				4
Nebraska	X	X	X	X				4
North Dakota	X	X		X				3
Ohio	X	X	X					3
South Dakota	X	X	X					3
Wisconsin	X	X		X	X		X	5
<b>West</b>								<b>47 (3.6)</b>
Alaska	X	X						2
Arizona	X	X	X	X	X	X		6
California	X	X	X	X			X	5
Colorado	X	X			X			3
Hawaii	X	X						2
Idaho	X	X	X					3
Montana	X	X	X				X	4
Nevada	X	X	X		X			4
New Mexico	X	X			X			3
Oregon	X	X	X		X		X	5
Utah	X	X	X		X			4
Washington	X	X	X	X				4
Wyoming	X	X						2
N (Percent)	50 (100%)	50 (100%)	33 (66%)	19 (38%)	14 (28%)	11 (22%)	8 (16%)	

**Figure 1. Percentages of States with Multiple Sex Crime Laws, as of 2008**



**Table 2. Length of Registration for Sex Offenders, by State, as of 2008**

State	10 to 15 years	16 to 25 years	Life
Alabama	Juveniles		Adults
Alaska	1st offense		2nd offense or aggravated sex offense
Arizona	1st offense		2nd offense
Arkansas	1st offense		2nd offense, sexually violent predators, those convicted of aggravated sex offense
California			All registered sex offenders
Colorado	Class 1, 2, or 3 felony sex offense	Class 4, 5, or 6 felony sex offense	Felony sex assault involving children, sexual assault on a client by a psychotherapist, incest, or aggravated incest (State has a five year registration requirement for offenders convicted of misdemeanor sex crimes such as voyeurism)
Connecticut	All registered sex offenders		Those convicted of sexual assault of victim under age 13
Delaware	Tier 1 sex offenders	Tier 2 sex offenders	Tier 3 sex offenders
Florida			All registered sex offenders
Georgia			All registered sex offenders
Hawaii			All registered sex offenders
Idaho	All registered sex offenders		Violent and repeat sex offenders
Illinois	All registered sex offenders		Sexually violent predators
Indiana	1st offense		2nd offense
Iowa	1st offense		2nd offense and sexually violent predators
Kansas	First offense		Second offense, sexually violent predators, and those convicted of sex crimes against children
Louisiana	All registered sex offenders		Second offense, sexually violent predator
Maine	Determined by court	Determined by court	Determined by court
Maryland	All registered sex offenders		Aggravated sex crimes, sex crimes against children under age 12, sexually violent offender
Massachusetts	All registered sex offenders		Those convicted of two or more sex crimes or of a sexually violent crime
Michigan		All registered sex offenders	Those convicted of two or more crimes, sexually violent offense, sex crimes involving victim under age 13
Minnesota	All registered sex offenders		Those convicted of two or more crimes, committed murder during a sex assault, sexually dangerous person
Mississippi	Misdemeanor sex offenses	Felony sex offenses	Those convicted of crimes against children under age 14, repeat sex offenses, and sexually violent offenses
Missouri			All registered sex offenders
Montana			All registered sex offenders
Nebraska	All registered sex offenses		Offenders who were convicted of an aggravated offense or have prior convictions for sex-related offenses
Nevada	Tier 1 offenders	Tier 2 offenders	Tier 3 offenders
New Hampshire	All registered sex offenders		If convicted of aggravated felonious sexual assault, felonious sexual assault, habitual indecent exposure,

State	10 to 15 years	16 to 25 years	Life
			offenses against children, and those with a second sex-related conviction
New Jersey			All registered sex offenders
New Mexico	1st sex offense		2nd sex offense
New York		Level 1 sex offenders	Level 2 or 3 sex offenders, sexual predators, sexually violent offenders, those convicted of multiple sex crimes
North Carolina	All registered sex offenders		Violent sex offenders, offenders who commit multiple sex offenses, and if convicted of aggravated sex offense
North Dakota	Low-risk sex offenders	Moderate-risk sex offenders	High-risk sex offenders
Ohio	Tier 1 sex offenders	Tier 2 sex offenders	Tier 3 sex offenders
Oklahoma	Those required to register because of an out-of-state offense, level 1 sex offenders	Level 2 sex offenders	Level 3 sex offenders, habitual sex offenders, and those convicted of an aggravated sex offense
Oregon			All registered sex offenders
Pennsylvania	1st sex offense		2nd sex offense
Rhode Island			All registered sex offenders
South Carolina			All registered sex offenders
South Dakota			All registered sex offenders
Tennessee	All registered sex offenders		Violent sex offenders and those convicted of more than one sex offense
Texas	Offenders convicted of prohibited sexual conduct, indecent exposure, online solicitation of a minor and any attempt, conspiracy or solicitation to commit a sex offense		All other registered sex offenders
Utah	All registered sex offenders		Repeat sex offenders, sex crimes involving children, aggravated sex crimes
Vermont	All registered sex offenders		Sexually violent predators
Virginia	All registered sex offenders		Sexually violent offenders
Washington	Class "a" felony without "forcible compulsion"; class "c" felony	Class "b" felony	Sexually violent offenders, forcible crimes, and sex offenses involving minors
West Virginia	All registered sex offenders		The offender has one or more prior convictions, is a sexual predator, has committed sex crimes involving children, has a documented mental illness
Wisconsin	All registered sex offenders		
Wyoming	All registered sex offenders		

**Table 3. Group to which Community Notification Law Applies, as of 2008**

<b>State</b>	<b>Notification Applies to . . .</b>
Alabama	All juvenile and adult registered sex offenders, where risk is high
Alaska	All registered sex offenders
Arizona	More serious (level 2 and level 3) registered sex offenders
Arkansas	All registered sex offenders
California	All registered sex offenders
Colorado	All registered sex offenders
Connecticut	All registered sex offenders
Delaware	More serious (tier 2 and tier 3) sex offenders
Florida	All registered sex offenders
Georgia	All registered sex offenders
Hawaii	More serious (felony) registered sex offenders
Idaho	All registered adult sex offenders
Illinois	All registered sex offenders
Indiana	All registered sex offenders
Iowa	All registered sex offenders
Kansas	All registered sex offenders
Kentucky	All registered sex offenders
Louisiana	All registered sex offenders
Maine	All registered sex offenders
Maryland	All registered sex offenders
Massachusetts	More serious (level 2 and level 3) registered sex offenders
Michigan	All registered sex offenders
Minnesota	More serious (level 2 and level 3) registered sex offenders
Mississippi	All registered sex offenders
Missouri	All registered sex offenders
Montana	All registered sex offenders
Nebraska	More serious (level 3) registered sex offenders
Nevada	More serious (tier 2 and tier 3) registered sex offenders
New Hampshire	Sex offenders convicted of aggravated sex crimes and sex crimes against children
New Jersey	More serious (tier 2 and tier 3) registered sex offenders
New Mexico	Sex offenders convicted of aggravated sex crimes and sex crimes against children
New York	More serious (level 2 and level 3) registered sex offenders
North Carolina	All registered sex offenders
North Dakota	All registered sex offenders
Ohio	All registered sex offenders
Oklahoma	All registered sex offenders
Oregon	Predatory and sexually violent registered sex offenders
Pennsylvania	All registered sex offenders
Rhode Island	More serious (level 2 and level 3) registered sex offenders
South Carolina	All registered sex offenders
South Dakota	All registered sex offenders
Tennessee	All registered sex offenders
Texas	All registered sex offenders
Utah	All registered sex offenders
Vermont	Sex offenders convicted of aggravated sex crimes and sex crimes against children
Virginia	All registered sex offenders
Washington	More serious (risk 3) registered sex offenders
West Virginia	All registered sex offenders
Wisconsin	Sexually violent registered sex offenders
Wyoming	All registered sex offenders

**Table 4. Residence Restrictions, by State, as of 2008**

	500 to 999 ft.	1,000 to 1,499 ft.	1,500 to 1,999 ft.	2,000 ft.	General Law <sup>1</sup>	Other Law <sup>2</sup>	Child Victim <sup>3</sup>
Alabama				X		X	
Arizona		X					X
Arkansas				X			
California				X			
Delaware	X						X
Florida		X					X
Georgia		X					
Idaho	X						
Illinois	X						X
Indiana		X					X
Iowa				X			
Kentucky		X					
Louisiana		X					X
Maryland					X		
Michigan		X					
Minnesota					X		
Mississippi			X				
Missouri		X					X
Montana					X		
Nebraska	X						
Nevada		X					X
North Carolina		X					
Ohio		X					
Oklahoma				X			
Oregon					X		
South Carolina						X	
South Dakota	X						
Tennessee		X					
Texas					X		
Utah						X	
Virginia	X						
Washington	X						X
West Virginia		X					

1. These laws do not list an exact distance, thus allowing local municipalities to specify a boundary restriction.
2. Refers to laws that restrict offenders from living proximate to certain types of persons (e.g., students).
3. These laws only apply to offenders previously convicted of sex crimes against children.