



## VERMONT NETWORK

### Testimony on S.7

### An Act Relating to Criminal procedure; deferred sentence; sex offender registry

### Senate Committee on Judiciary

January 11, 2017

**Auburn Watersong**

**Policy Director**

Thank you for the opportunity to speak to you regarding Senate Bill 7.

The sex offender registry is a part of Vermont's comprehensive effort to eradicate sexual violence, which includes a full spectrum of services and systems focusing on prevention, community education, resources and support for victims/survivors, quality investigations, timely and effective prosecution, incarceration, and offender supervision.

While the Network appreciates the reality that offenders deserve the ability to continue with productive lives and community involvement whenever possible, this should always be weighed against accountability, victim notification, current and possible future victim safety, and public safety. The Network has long understood that no sex offender registry can absolutely guarantee victim safety, yet we believe that it remains one useful tool for law enforcement agencies in their identification and tracking of convicted high risk sex offenders. (for crimes that qualify for the offense see: VSA 13, 5401) The registry offers a record of the location of a sex offender and clearly identifies the risk involved for potential victims and the potential risk to public safety. The SOR also remains an important marker in the offender's criminal history and useful should another offense be committed in the future.

The net effects of the change proposed in S.7 could be to reduce victim and community safety by increasing the likelihood that defendants guilty of sex crimes on deferred sentences may never be recognized or properly identified by law enforcement or potential future victims until and unless a violation of deferment occurs. Waiting until such a violation and sentencing, may well be too late for yet another potential victim.

*The Vermont Network opposes S.7 because it would leave sex offenders unidentified and untracked, and the sexual natures of their criminal history unrecorded.*

Noteworthy addition: Currently, VT does not have in statute a misdemeanor crime of sexual assault. This year, the Network is proposing the creation of such a statute. This proposed misdemeanor DOES NOT result in listing the offender on the SOR and yet at the same time it would provide a defined criminal charge that clearly identifies the crime as sexual in nature. (Currently, prosecutors either plea down to misdemeanor "prohibited acts" or "simple assault".) This particular charge will establish a criminal history of sex related offense without immediately placing the offender on the sex offender registry.

We look forward to the opportunity to discuss the development of this and other effective tools to help further Vermont's effort to eradicate sexual violence.