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SEX OFFENDER REGISTRATION  
AND  
COMMUNITY NOTIFICATION

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A “Megan’s Law” Sourcebook<sup>©</sup>

Second Edition

Karen J. Terry, Ph.D.

John S. Furlong, J.D.

with assistance from Alissa Ackerman, M.A.



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# Note From the Publisher

This Second Edition is a complete updating and reorganization, by a new authorship team, of the First Edition. We gratefully acknowledge the work on the first edition of its authors, Elizabeth Rahmberg Walsh and Fred Cohen.

## HOW TO USE THIS BOOK

This edition is organized in three parts. Part I offers the authors' commentary on the state of the law. A topical index and table of cases discussed, cross referenced to chapter text, can be found at the end of Part I. Part II provides an annotated summary of key cases, presented alphabetically by case name. This master list is followed by a topical index to the cases, for those readers looking for all cases ruling on a particular point. Part III provides a table highlighting and comparing the main provisions of the various Megan's Law statutes, and then sets out full text of federal and state law. Part III also presents a sampling of statute guidelines for implementation. (Note: Sample guidelines begin on page III-G-1.)

Note: This edition is updated on an ongoing basis. As of the 2008 Supplement, included here, it reflects legislation and case law through August 1, 2007; it will be kept current with periodic supplements sent on approval.

# Introduction to the Second Edition

This book offers a comprehensive view of sex offender registration and community notification laws, commonly referred to as Megan's Law. It is meant to serve as a thorough reference, providing both primary and secondary information for laws in every state and federal jurisdiction. It covers two basic areas: the case law that surrounds registration and notification and the statutes and guidelines themselves.

Over the past two years, registration and notification statutes have changed considerably, and the second edition of this text focuses primarily on these changes. In the first edition of this book, there was a focus on constitutional issues such as *ex post facto* application of the law, due process, and double jeopardy, which were key to Megan's Law legislation when it was originally implemented. The scope of the cases in court regarding this legislation is changing, moving toward challenging the discretion used with the application of the statutes (e.g., with risk assessment procedures). In addition, rather than question whether notification is constitutional, the question is now whether the method of notification is constitutional. The case law included in this edition includes both the original cases and new cases, all of which have been pivotal to the development of the law as we know it today.

The format of the second edition of this text has changed from the original format:

Part I provides a discussion of law and practice in the field. Chapter 1 is an introduction and puts registration and community notification as a law in perspective. Chapter 2 is an overview of all the relevant case law up until August 2002. It provides the reader with information on legal challenges to the statutes and procedures of registration and notification, including both punishment- and nonpunishment-based arguments.

Part II provides a summary of the relevant cases discussed in Chapter 2, both federal and state. Cases are presented in alphabetical order, with a brief annotation of the issues addressed. An index by issue is provided at the end of the annotated list.

Part III provides the laws and guidelines. First, we present a table that summarizes the main provisions of the statutes. This is a reader-friendly table that aims to show the primary differences between statutes on a state-by-state and federal basis. The table is followed by a presentation of the current state and federal statutes *verbatim*. Finally, a sampling of statute guidelines for implementation is provided. Due to the length of the guidelines, all state guidelines are not included.

Because of the dynamic nature of this legislation, readers are urged to keep in mind that changes and developments are likely to take place as this text goes to press. One issue in particular that is likely to be affected is that of Internet notification. At the time of this writing, two cases are set to be heard by the Supreme Court in order to determine whether Internet notification in its current procedure is constitutional. All changes will be addressed in the next supplement.

The authors welcome any comments from readers in an effort to provide the most comprehensive overview of Megan's Law. Additions, comments, and corrections should be sent to the authors, c/o Civic Research Institute, 32 East 31st Street, sixth floor, New York, NY 10016.

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