

Federal Legislation Regarding Sex Offender Registration: The Victims' Stories

The following includes information about the cases that led to the implementation of federal legislation.

Jacob Wetterling

Wetterling's ride home was interrupted by an armed man wearing a nylon mask who ordered the boy's companions to flee. Wetterling has not been seen since. Investigators later learned that, unbeknownst to local law enforcement, halfway houses in St. Joseph housed sex offenders after their release from prison. Wetterling's disappearance transformed his mother, Patty, a self-described "stay-at-home mom," into a tireless advocate for missing children. She was appointed to a governor's task force that recommended stronger sex offender registration requirements in Minnesota. The more stringent requirements were subsequently implemented on a national basis when the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act was included in the Federal Violent Crime Control and Law Enforcement Act of 1994. The Wetterling Act required states to establish stringent registration programs for sex offenders -- including life-long registration for a subclass of offenders classified as sexual predators.

Pam Lychner

Awaiting Lychner at the vacant house was a twice-convicted felon who brutally assaulted the former flight attendant. Her life was saved when her husband arrived on the scene and interrupted the attack. The experience motivated Lychner to form Justice for All, a Texas-based victims' rights advocacy group that lobbies for tougher sentences for violent criminals. U.S. Senators Phil Gramm of Texas and Joseph Biden of Delaware credited Lychner with helping to craft the language of a bill that established a national computer database to track sex offenders. The bill was named the Pam Lychner Sexual Offender

Tracking and Identification Act of 1996 to honor the activist after she and her two daughters were killed in the explosion of TWA Flight 800 off the coast of Long Island, New York, in July 1996. The Lychner Act amended the Violent Crime Control and Law Enforcement Act of 1994 to require the Federal Bureau of Investigation to establish the national offender database and to handle sex offender registration and notification in states unable to maintain "minimally sufficient" programs of their own.

Megan Kanka

The neighbor who invited Megan Kanka to see his puppy was a twice-convicted pedophile who raped and murdered her, then dumped her body in a nearby park. Megan's grieving parents said they never would have let their daughter travel their neighborhood freely if they had been alerted to the presence of a convicted sex offender living across the street from their residence. Congress passed the Federal version of "Megan's Law," another amendment to the Violent Crime Control and Law Enforcement Act of 1994, in 1996.

- "Megan's Law" - On October 21, 1995, Governor Ridge signed into law Act 24 of 1995, commonly referred to as "Megan's Law," which became effective on April 21, 1996. The statute requires states to establish registration programs so local law enforcement will know the whereabouts of sex offenders released into their jurisdictions and notification programs so the public can be warned about sex offenders living in the community. Juveniles are not required to register under Megan's Law unless they are convicted in adult court of one (or more) of the following crimes:
 - Rape
 - Involuntary deviate sexual intercourse
 - Sexual assault
 - Institutional sexual assault

- Aggravated indecent assault
- Indecent assault, where the offense is a misdemeanor of the first degree
- Kidnapping, where the victim is a minor
- Luring a child into a motor vehicle
- Incest, where the victim is a minor
- Prostitution, where the offender promotes prostitution of a minor;
- Obscene and other sexual materials and performances, where the victim is a minor
- Sexual abuse of children
- Unlawful contact with a minor
- Sexual exploitation of children
- Attempt to commit any of the offenses listed above
- A conviction of, a plea of guilty to, or an adjudication of delinquency of, an offense in another jurisdiction equivalent to any of the offenses listed above; or if they are required to register under a sex offender statute in the jurisdiction where convicted, sentenced or court-martialed

Adam Walsh

On July 27, 1981, 6-year-old Adam Walsh and his mother Revé went to a department store about a mile away from their home to shop for lamps. When they entered the store Adam saw several children playing video games on a television monitor and asked if he could stay to play. His mother let him stay and went to the lamp department, which was about 75 feet away. Because the lamp she wanted was not in stock she returned rather quickly, less than 10 minutes later, but couldn't find Adam. After looking for Adam on her own for two hours, someone finally called the local police department. By the end of that week thousands of fliers with Adam's photograph were distributed through the local area. Sixteen days after Adam disappeared from the store his body was found and identified.

- Adam Walsh Child Protection and Safety Act of 2006 (HR 4472) - The Adam Walsh Child Protection and Safety Act of 2006 was signed into law on July 27, 2006. The Act establishes a comprehensive national system for the registration of sex offenders, including juveniles who are 14 years of age or older whose offense (or attempted offense) was comparable to, or more severe than, aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or an attempt or conspiracy to commit such an offense.

“Aggravated sexual abuse” is defined in 18 U.S.C. 2241. State offenses that are comparable to this federal offense are those that cover:

- Engaging in a sexual act with another by force or the threat of serious violence [see 18 U.S.C. 2241(a)]
- Engaging in a sexual act with another by rendering unconscious or involuntarily drugging the victim [see 18 U.S.C. 2241(b)]
- Engaging in a sexual act with a child under the age of 12 [see 18 U.S.C. 2241(c)]

The Act contains several provisions related to the type of information that can be disclosed about the offender, the duration of registration requirements, the extent of community notification, and other issues. The Act outlines those juveniles who are prosecuted and convicted of a sex offense are treated identical to adult sex offenders. All jurisdictions must implement the requirements of the Adam Walsh Act within 3 years of its signing (July 27, 2009).

Act 21 of 2003 (42 Pa. C.S. § 6401 – 6409) – Pennsylvania is the only state that civilly commits juveniles but not adults, though they commit juveniles when they age out of the

juvenile system. Act 21 (42 Pa.C.S. §6401-6409) allows court-ordered involuntary treatment of certain sexually violent persons who have been adjudicated as juveniles. Act 21 mandates that a person who is committed to an adolescent treatment facility for sex crimes and is about to reach the age of 20, must be identified and referred to the Sex Offender Assessment Board (SOAB) for evaluation to determine if the person has “serious difficulty in controlling sexually violent behavior.” If the SOAB determines the person meets the criteria for dangerousness defined in Act 21, and the court determines that a civil commitment is warranted, the person can be committed to the Sexual Responsibility and Treatment Program (SR&TP) operated by the PA Department of Human Services, Office of Mental Health and Substance Abuse Services (DPW, OMHSAS). Additional information on the implementation of Act 21 of 2003 can be found in the Juvenile Act §6358.