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SB 404

Testimony from Jesse Kelley, State Affairs Manager in Criminal Justice, R Street Institute

Dear Senate Committee on the Judiciary:

My name is Jesse Kelley, and I am the State Affairs Manager for Criminal Justice for the R Street Institute. The R Street Institute is a nonprofit, nonpartisan, public policy research organization focused on promoting policies that enhance free markets and limited, effective government.

I am writing to express my concern regarding, and opposition to, certain provisions in this bill, specifically the addition of delinquent juveniles to the state Sex Offender Registry. The juvenile justice system is based on second chances, with sanctions levied in the best interests of the accused. Requiring lifelong registration for juvenile offenders is not only harmful and economically inefficient, it undermines the ideals of forgiveness, second chances and rehabilitation that are supposed to sit at the heart of the juvenile justice system.

First, registries actually harm young people and communities. Registries punish young people for an extended amount of time *after* they have been through the detention system. Additionally, research indicates that juveniles are [very unlikely](#) to commit a second sex offense, rendering additional punishment unnecessary. In fact, because this far-reaching punishment affects juveniles for the rest of their lives, the Pennsylvania Supreme Court [ruled](#) mandatory lifetime registration unconstitutional for youthful offenders. Furthermore, restrictions imposed by the registry make communities less safe by limiting children's ability to go to school, to find work and to find housing, which can culminate in them committing non-sexual offenses to survive.

Second, it is estimated that youth registration imposes a [\\$3 billion](#) annual cost on the public. West Virginia alone could spend upwards of [\\$2 million](#) to add juveniles to its registry. This not only imposes a needless expense on taxpayers, it diverts resources from more effective, evidence-based measures that would prevent child-on-child harm, enable juvenile rehabilitation and support survivors.

Third, the main goal of the juvenile justice system is rehabilitation, not punishment. Yet instead of teaching them appropriate behavior, adding juveniles to the sex registry would inflict further punishment. It would therefore be unwise to further punish juvenile offenders when we have the opportunity to give them the tools to become productive members of society.

We strongly oppose SB 404 and implore the committee to determine that this bill's harms significantly outweigh any potential benefits. Not only has research determined that more than [97 percent](#) of youth registrants have never and will never reoffend sexually, but the expense of adding juveniles to the Sex Offender Registry will cost West Virginia more than \$2 million, an expense the state can ill-afford. By labeling juveniles as sex offenders, children will be denied a childhood, while the practice would do little to benefit society.

Sincerely,

Jesse Kelley, Esq.
State Affairs Manager, Criminal Justice
R Street Institute