

# Attitudes Towards Megan's Law and Juvenile Sex Offenders

Debra Lee Cochran and M. Alexis Kennedy\*



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*\*Debra Lee Cochran has a Masters in Criminal Justice from the University of Nevada, Las Vegas. M. Alexis Kennedy is an Assistant Professor in the Department of Criminal Justice at the University of Nevada, Las Vegas.*

## **Abstract**

*Sex offender registration laws are very controversial. All fifty states require adult sex offenders to register. Currently forty-two states have extended registration and community notification requirements to juveniles (Szymanski 2009). These states seem to have failed to look at the unique nature of juvenile sex offending. Juveniles have a very low recidivism rate and often represent complex culpability issues due to the strict liability of age-of-consent laws. Applying Megan's Law to juveniles and forcing public registration can lead to negative consequences for juveniles' social development. One of the main stipulations of the registration laws is the requirement to notify schools which harms juvenile offenders, causing social isolation and labeling them as sexual predators (Lowe 1997). Impairment at school interferes with children's social development. Expansion of registration laws should balance the need for juvenile offenders to reintegrate into society and this study sought to examine where support for such an expansion exists.*

### **About the authors**

Debra L. Cochrane recently completed her Masters in Criminal Justice at the University of Nevada, Las Vegas. Her interest in juvenile sex offenders began during her undergraduate research at UNLV and Dixie State College. Ms. Cochrane also has an Associates Degree of Applied Science in Paralegal Studies from the College of Southern Nevada. Email: hkyzlyf@yahoo.com

M. Alexis Kennedy is an Assistant Professor in the Department of Criminal Justice at the University of Nevada, Las Vegas. She has a Ph.D. in Forensic Psychology and was formerly an attorney. Her areas of expertise include the sexual exploitation of children and sexual victimization. E-mail: alexis.kennedy@unlv.edu

## **Attitudes Towards Megan's Law and Juvenile Sex Offenders**

### **Introduction**

The United States struggles with how to best protect potential victims of sex crimes while still balancing the rights of the offenders. Many states have proposed changes to expand restrictive sex offender registration requirements to include juveniles. These expansions rest on assumptions that all offenders should be treated the same. Far more research has been conducted on adult sex offenders than on juveniles. Before 1980, research on juvenile sex offenders was limited in part by a general cultural standard of tolerance. For example, attitudes such as “boys will be boys” characterized sexual misconduct as mere curiosity or experimentation, not as sexual offending (Smith, Wampler, & Reifman 2005).

The trouble with this lack of research on juvenile sex offenders is that the legislators who are changing the sex offender registration laws are passing laws that assume juvenile offenders are the same as adult offenders. The inclusion of juveniles in this broad-reaching registration legislation violates the very purpose of the juvenile court system, which is to protect the child from harm. These newly expanded laws have a significant impact on juvenile sex offenders' lives because one of their primary requirements is the public registration of sex offenders with local law enforcement and schools in the area.

All fifty states have sex offender registration requirements but the standards vary greatly from state to state. Only eight states have not taken the national Megan's Law guidelines and expanded them to require juveniles to register as sex offenders (Szymanski 2009). Nevada, the state where this research was conducted, has not specifically expanded its registration requirements to include juveniles, but the recent attempted amendments through Senate Bill-471 were vague as to whether juveniles should be included or not.

It is important to consider the potential impact of expanding registration laws to include juveniles. Previous research has argued that the enforcement of Megan's Law registration requirements on juveniles could result in more harm than good (Trivits & Reppucci 2002). School is a critical place for children to develop the social skills they need in life and by excluding them from this environment or ostracizing them it may lead to emotional and social distress, which exacerbates the risk of recidivism. When a juvenile's criminal history is available to classmates they tend to be harassed both physically and emotionally, thus hindering the juvenile's education. In some cases these students were forced to transfer to another school or to be home schooled (Trivits & Reppucci 2002).

The purpose of this research project was to begin to understand whether people comprehend the broad goals behind Megan's Law and approve of stricter treatment of juvenile offenders. No research to date has measured public attitudes towards increased restrictions on juvenile sex offenders, yet new laws are constantly being accepted as measures designed to meet public demand. Measuring the attitudes of Criminal Justice students is a good starting point as many of these students will be criminal justice professionals tasked with managing and treating juvenile sex offenders.

### **History of Sex Offender Registries**

Prior to 1994 only five states required convicted sex offenders to register their addresses with local law enforcement. As an acknowledgment of a growing problem, President Clinton passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act<sup>1</sup> also known as "Wetterling Act," which required state implementation of a sex offender registration program.

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<sup>1</sup> 42 U.S.C. §§14071

New Jersey was one of the first states to pass a community notification requirement for convicted sex offenders (Hindman 1997). The law was named after seven-year-old Megan Kanka who was raped and murdered by a paroled sex offender. Her parents and the community were outraged that they were not informed that a twice-convicted sex offender was living in their neighborhood. This started the movement resulting in the passage of New Jersey's "Megan's Law" (Petrosino & Petrosino 1999).

In 1996, Congress passed a federal law mandating state community notification programs. The national Megan's Law is an amendment to this federal law allowing each state to make the guidelines for sex offender registration (Grubestic, Mack, & Murray 2007). Megan's Law, section (e) of the Wetterling Act, required all states to conduct community notification, but did not specify any specific forms and methods other than requiring the state to design an internet site containing state sex-offender information. Beyond that requirement, states were given broad discretion in creating their own policies (Center for Sex Offender Management 1997).

After the passing of the federal version of Megan's Law, all states were encouraged by the federal government to implement a state version of the law. Any states that hesitated to implement a notification and registration law in three years received 10% less from the federal crime control fund or anti-drug grant. With federal financial incentives and the increase in community concern about sex offenders, all fifty states implemented registration laws and forty-seven states expanded their notification laws (Center for Sex Offender Management 1997).

Megan's Law required all convicted adult sex offenders to register with local law enforcement agencies for the remainder of their lives. All fifty states have sex offender registration but the standards vary from state to state. Only eight states do not require juveniles to

register as a sex offender. Thirty-nine states require juveniles adjudicated for a sex offense to register as sex offenders and four states require juveniles convicted in criminal court to register (Szymanski 2009). The different state standards for juvenile offenders are presented in Table 1.

More recently, the Adam Walsh Child Protection and Safety Act was enacted in 2006 and attempted to simplify some registry requirements. One of the most important components of this bill was that it established the basis for a national sex offender registry to be available on the Internet. Under the Adam Walsh Act Title 1, also known as Sex Offender Registration and Notification Act (SORNA),<sup>2</sup> an offender will be assigned to one of three tiers. This act requires stricter prison sentences for offenders who fail to register or keep their information current. It also eliminated the statute of limitations for prosecutions of child abduction and felony sex offenses against children (McPherson 2007).

SORNA does require that certain juveniles register as sex offenders. The federal requirements apply only to juveniles convicted as adults or juveniles adjudicated as a delinquent in juvenile court, only if the juvenile is 14 years of age or older and is convicted of an offense similar to or more serious than the federal aggravated sexual assault statute.<sup>3</sup> In addition to offenses such as forcible rape, this statute covers any offense involving a sex act with a victim under the age of 12. There are no provisions for a risk assessment hearing for juveniles adjudicated as delinquent and subject to registration under SORNA. There are no exceptions for intra-familial cases of sexual abuse. The only exception is the so-called “Romeo and Juliet” clause, whereby the law makes clear that jurisdictions will not be required to register persons convicted of sex offenses involving “consensual” sexual activity between a victim who is at least

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<sup>2</sup> 42 U.S.C. §16911 et. seq

<sup>3</sup> 18 U.S.C. §2241

Table 1

*Individual State Requirements*

State	Juvenile Requirement
Georgia, Hawaii, Nebraska, New York, Tennessee, Vermont, West Virginia, Wyoming	Juveniles do not have to register.
Alabama, Arizona, Idaho, Illinois, Kansas, Massachusetts, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Washington	All adjudicated juveniles must register.
Arkansas, California, Colorado, Connecticut, Delaware, Florida, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Dakota, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin	All adjudicated juveniles must register and possibility of lifetime registration for specified serious sex offenses.
Alaska, Delaware, District of Columbia, Florida, Iowa, Kentucky, Louisiana, Maine, Missouri, New Hampshire, North Carolina, Oklahoma, Virginia	Juveniles convicted in Criminal Court
South Dakota	Juveniles fifteen-years-old or older
Florida, Idaho, Indiana, Iowa, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Ohio, Oklahoma	Juvenile is fourteen-years-old or older Age requirement under SORNA
Maryland, Virginia	Juvenile is thirteen-years-old or older
North Carolina	Juveniles eleven-years-old or older
Arizona, Arkansas, Colorado, Kansas, Minnesota, Texas	Juveniles eight-years-old or older
Massachusetts	Juveniles seven-years-old or older
Alabama, Illinois, Kansas, Oregon, Rhode Island, South Dakota, Texas, Utah, Washington	Termination of registration requirement by time limit. A specified number of years from the date of release from custody. Allow petition of relief after specified years.
Arizona, Idaho, Oklahoma, North Carolina	Termination of registration by age limit. AZ age 25, ID and OK age 21, NC age 18



13 years old and an offender not more than four years older than the victim.<sup>4</sup> These SORNA criteria for juveniles have not been adopted by all states.

### ***Effects of Sex Offender Registries on Offenders***

Since the passing of registration and notification laws, harassment of sex offenders has become a concern. In an attempt to prevent harassment all notifications information comes with a warning label. These warnings inform the community that any parties responsible for harassment of a sex offender will face legal action and could lead to the reversal of the law for vigilantism (Matson & Lieb 1997).

According to Hiller's 1998 findings, public notification of juvenile sex offenders hinders rehabilitation efforts in many ways. By requiring notification to an offender's school this public outing could lead to peer harassment causing social isolation, emotional and physical harm (Lowe 1997). Parents of other students often complained about an offender attending the school and demanding their removal. These types of situations disrupt the offender's rehabilitation and if placed in an alternate educational setting may downgrade his or her level of education.

One example of such an interruption involved a boy who at age nine was adjudicated for raping a younger boy and spent three years in a detention center. Seven years after adjudication, the family moved to Missouri to get away from the constant public attention and persecution. The now sixteen year old has never reoffended but his new neighbors found out about the boy's past criminal history. Following the notification to the school he lost his privacy, all his friends, and his right to attend school. The school claimed they feared for the safety of other students and suggested the family tutor him at home (Avila 1998, as cited in Trivits & Reppucci 2002).

Another example of the disruption due to registration was described in Moore's *USA Today* article (2006). Leah DuBuc, age twenty-two, and a resident of Michigan, was adjudicated

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<sup>4</sup> 18 U.S.C. §16911(5)(c).

at the age of ten for sexual experimentation. DuBuc and her two stepbrothers age eight and five were caught flashing each other and pretending to have sex with their clothes on. Two years later DuBuc plead guilty to first and second degree sexual conduct and was sentenced to eighteen months in a residential treatment program and was required to register as sex offender for twenty-five years. DuBuc's youthful mistake has made it difficult for her to find or keep a reasonable job; she suffers from community harassment, and has been refused financial aid, thus limiting her education level. DuBuc petitioned to be added to the non-public registry instead of the public registry but was denied because she was more than five years older than one victim at the time of the offense. DuBuc claimed the court had poor mathematical skills because her stepbrother was five and she was ten at the time of the offense (Moore 2006).

Levenson and Cotter (2005) conducted a study on sex offenders living in Florida and Kentucky. From one-third to half of the participants reported experiencing some type of adverse effect from registration laws such as loss of employment, loss of housing, harassment, threats, or property damage. Some participants reported that family members or roommates (19%) suffered from some type of physical assault.

When Tewksbury and Lees (2006) surveyed registered sex offenders living on campus their findings showed only one-third of the offenders knew their university retained a sex offender registry that listed their name. Some negative consequences of the campus registry included difficulties in student housing, employment, maintaining social relationships, harassment, feelings of doubt and fear. The vast majority (79%) of student sex offenders were denied employment. Half of the offenders were treated rudely by the public and experienced losing a friend after they learned of their status as a register sex offender, 15.8% lost a significant other. Approximately 5.3% of offenders were assaulted on and off campus. Student offenders

(15.3%) reported receiving harassing mail or phone calls. Just under a half (47.4%) reported being evicted or being denied campus housing. Only 26.3% admitted a decline in their academic performance.

It is important for public officials to consider all of the effects of expanding registration requirements to juveniles because it may exacerbate the very risk factors for recidivism such as unstable lifestyle, negative attitude, and lack of any positive support system may be exacerbated or created by public identification (Hanson & Harris 1998, 2001). Successful rehabilitation is dependent on finding housing, social acceptance, and job security. Using Megan's Law to require juveniles to register creates obstacles for sex offenders preventing reintegration and defeating the primary goal of the law, which is to protect the community (Andrews & Bonta 2007).

### ***Public Perceptions of Sex Offender Registries***

The public's perception of registration laws is important because legislators often use that as the impetus for changing or implementing a particular law. Levenson and colleagues (2007) surveyed 193 Florida residents. Results showed most participants were familiar with Megan's Law and believed it assisted with public safety. The majority of participants believed that most sex offenders would re-offend eventually and the community should be notified. Some data suggested public notification aids in a community feeling safer. Other research found notification increased the anxiety of a community if a sex offender was living in their neighborhood (Caputo 2001) and participants believed notification laws created a false sense of security for parents (Malesky & Keim 2001).

When surveying a group of criminal sexual psychopaths, Petrosino and Petrosino (1999) found that 27% were eligible for notification requirement prior to recent arrests and after they

were released two-thirds committed offenses against family member, friends, or acquaintances. Understanding who the potential victims are is relevant as most individuals do not look at the sex offender registry for someone they trust or know. The majority of offenders admitted to only committing an offense after they have gained the trust of both the child and the guardian.

O'Keefe and Reid-Nash (1987) argued that the more a person pays attention to crime in the media the more their fear and concern increases, therefore making them more attentive to the issue. A study conducted by Proctor and colleagues (2002) on media and Megan's Law demonstrated this phenomenon. Their findings showed a pattern in how the media portrays Megan's Law and how it affected public perceptions. The results indicated that exposure to the all types of media and the positive attention given to Megan's Law was strongly connected to the participant's knowledge and acceptance of the law. Their results revealed participants that pay attention to crime and the media were more likely to support criminal justice policies and in this particular study the participants were highly supportive of Megan's Law.

Proctor and colleagues (2002) similarly found that Massachusetts's community notification law increased the level of specific knowledge concerning the issues of Megan's Law but did not improve the general knowledge of the law. Findings suggested that news media reinforces the public's perception of Megan's Law and their positive belief that it deters victimization. The media coverage also appeared to sway public to ignore the shortcomings of the law such as its inability to reduce sex offenses and loss of support for developing more effective ways to rehabilitate sex offenders (Schram & Milloy 1995).

Registration lists are also limited by their incomplete nature. According to the Bureau of Justice Statistics (2000) these lists do not capture sexual predators that fail to register or have no prior convictions. Lists focus on stranger abuse and largely ignore the fact that 93% of victims

know their attacker. This research revealed the majority of perpetrators (58.7%) were acquaintances of the victim or the family, a little over a third (34.2%) were family members, and only 7% were strangers to their victims.

### ***Juvenile vs. Adult Sex Offenders***

A critical question is whether or not juveniles can or should be treated the same as adults. This question has gained new urgency with the rapid expansion of Megan's Law. This paper is guided by the concern that the enforcement of registration requirements for juveniles could result in more harm than good.

Rehabilitation has always been a key tenet of the juvenile justice system but the public registration requirements often interfere with that underlying principle. Public information including school notifications add to juveniles' stigma and cause social isolation (Lowe 1997). Zimring (2002) argues that states which require juvenile registration and life-long community notification violate the very safe guards that were made to protect children from public scrutiny when they run into trouble as youth. Zimring also pointed out that it is problematic that many juveniles chose to avoid incarceration or detention through plea-bargaining and choose a probation disposition without realizing that this guilty plea actually triggers Megan's Law registration requirements.

Some noticeable characteristics of juvenile sex offenders are poor social skills and feelings of isolation. Requiring them to notify their school they become alienated from their peers and community, exacerbating the stressors that lead to recidivism (Barbaree & Cortoni 1993). Research has suggested that juvenile sex offenders differ significantly from adults in several ways. Juveniles exhibit their own patterns of sexual behavior (Hagan & Gust-Brey 2000;

Rasmussen 1999) they are more responsive to treatment, and seldom re-offend when provided the proper treatment (Association for the Treatment of Sexual Abusers 2000).

Expanding registration requirements to include juveniles does not seem to take into consideration that juveniles are less likely to reoffend than adults. Recidivism rates for juveniles have been reported to be lower than for adults (Moore 2006). Schram and Milloy (1995) found that among adult offenders those who registered reoffended at a similar rate (19%) to those who were unregistered (22%). These rates are higher than seen for juvenile offenders (e.g., 7.1%: Alexander 1999; 4.7%: Waite et al. 2005).

Alfred Kinsey shocked the nation over fifty years ago with his study on human sexual behavior when he found that childhood sexual activity is unusually common and even infants exhibited signs of sexual response. Kinsey's results showed that before the age of thirteen 40% of preadolescent boys admitted to engaging in heterosexual acts and 60% admitted to homosexual acts (Garfinkle 2003). More recent studies demonstrate that sexual behavior is exhibited as a normal activity among juveniles. Research by Okami and colleagues (1997) demonstrated that 46% of children engaged in some type of sex play prior to the age of six; this percentage increased to 77% after adding masturbation. Masters and colleagues (1995) found that 61% of college students reported some sort of sexual experience by the age of thirteen, and 17% admitted to some sort of sex play with a sibling. An evaluation of 758 eighth graders in several rural areas of Maryland, Alexander (1999) revealed that 61% of the boys and 47% of the girls admitted to have experienced sexual intercourse. Nationally, 32.8% of ninth graders and 64.6% of twelfth graders admitted to being sexually active (Center for Disease Control 2007). According to Sonenstein and colleagues (1989), the average sexually active fifteen-year-old has been with at least four different partners. All of these studies reveal a pattern in juvenile sexual

development and the normal parameters of their acts that would qualify as acts falling under sexual offending and requiring registration under Megan's Law in many states.

Courts in some jurisdictions are recognizing that registration for some juveniles may be excessive and unfair. For example in the case of *In re Registrant J.G.* (1996) a ten-year-old boy (J.G.) was caught by his sister exposing his penis to his eight-year-old cousin. J.G. was convicted of first-degree sexual conduct required to register as a sex offender for life. The New Jersey Supreme Court revisited its Megan's Law requirements and recommended revising the tier classifications when applied to juveniles. Concerned with the permanent effects of having to register for life, the New Jersey Supreme Court held that J.G. should not have to register.

The research has shown that there is a lack of information on how the public feels about the application of registration requirements to juvenile offenders. Since much of the sexual behavior captured under registration requirements may actually be developmentally appropriate for children, there is a contradiction between what we know about childhood sexual activity and juveniles sexually offending. This study will address a gap in the literature and our understanding of public perceptions about juvenile sex offenders. The goals of this project are to see if the public comprehends and supports the goals behind Megan's Law and if they believe that these goals are appropriate for juvenile offenders.

## **Methodology**

### ***Sample***

Participants were undergraduate students enrolled in an Introduction to Criminal Justice class. Participants received course credit for completing the research questionnaire. The final sample included 531 students (247 male and 280 female). Participants ranged in age from 18 to 45. The majority of participants were 18, 19 or 20 years old (61.6%). A slight majority self-

reported their ethnicity to be Caucasian (56%). Other ethnicities included African-American (10%), Asian (11%), Hispanic (13%), and other (6%).

### ***Measures***

A questionnaire was developed by the authors that consisted of questions assessing attitudes towards Megan's Law and juvenile sex offenders and included demographic questions. Some attitude questions were based on true life scenarios and followed the description of a specific fact case. To ensure that all students started with a baseline understanding of sex offender registration, a preamble was the first thing presented before the questions began. This paragraph-long preamble outlined the history of the sex offender registration acts and that Megan's Law now applies in 50 states to adults and 38 states for juveniles. Attitude items were measure through yes/no questions, five-point Likert-style agreement items or open-ended questions.

### ***Procedure***

This research project was first approved by the University's Institutional Review Board. Participants completed the research questionnaire in private or in small groups in a research laboratory. All participants signed a consent form in which they were informed their involvement in the survey was completely voluntary and that they could choose not to answer any items and still received full course credit. No identifying information was collected with responses in order to keep answers confidential

A debriefing form was also given to participants after completing the questionnaire. The debriefing form clarified the study's purpose. The phone number for the University Campus counseling center was provided in case participants felt that the topic had been upsetting.



## **Findings**

### ***Attitude Items***

The first section asked participants about their attitudes and perceptions towards registration laws and juveniles sex offenders. Responses to these items can be seen in Table 2.

The first question asked whether the participants believed Megan's Law should apply to juvenile sex offenders. The majority of participants agreed/strongly agreed (77%) that it should apply to juveniles. Only 9.2% thought that juveniles should not have to register.

Participants were next asked if they believed that requiring juveniles to register as sex offenders could cause harm to their social development. The majority of participants agreed/strongly agreed (55.4%) that it could cause harm. Only 21.3% believed it is not harmful. The majority of participants agreed/strongly agreed (69.5%) that the purpose of the juvenile court system is to act as a guardian for children in crisis. Next the participants were asked if Megan's Law violates the protective standards set forth by the juvenile court system. Just under half (48.4%) disagreed/strongly disagreed that it is a violation. When the participants were asked if they believed a juvenile sex offender can be rehabilitated the majority of participants agreed/strongly agreed (58.2%).

Participants showed mixed opinions when asked if a juvenile should be required to register for their entire life even on first offenses. Out of the 531 respondents, 40.1% disagreed/strongly disagreed that juveniles should have to register 26.4% of participants had no opinion and 33.4% agreed/strongly agreed that they should have to register for their entire life. Participants were also split when asked if juveniles should be treated the same as adult sex offenders. Over a third agreed/strongly agreed (39.7%) in equivalent treatment, 32% disagree/strongly disagreed and 27.3% had no opinion. When asked if juveniles should have to

register as a sex offender even if they are under the age of fourteen when they commit the act, a slight minority of the participants (43.8%) disagreed/strongly disagreed. Another 30.7% agreed/disagreed with registration of 13 year olds or younger and 25.2% had no opinion.

The vast majority of participants agreed/strongly agreed (74.6%) the police should monitor juvenile sex offenders regularly like parolees. Less than 10% did not believe they should be monitored. Participants also strongly supported school notification (67.4%).

Participants felt that registration was a strong protective measure. The majority of participants agreed/strongly agreed (78.8%) that Megan's Law registration requirements can help prevent child sexual abuse. The majority of participants agreed/strongly agreed (67.1%) that Megan's Law is effective in protecting children from sex offenders.

Table 2

*Attitudes Items*

Item	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. Megan's Law should apply to juvenile sex offenders.	3.2%	6.0%	13.7%	38.8%	38.2%
2. Requiring juveniles to register as sex offenders could cause harm to their social development.	5.3	16.0	23.0	45.0	10.4
3. The juvenile court system should act as guardians to children in crisis (including those who have committed crimes), looking out for the best interests of the child.	1.7	11.1	16.9	45.8	23.7
4. Registration of juveniles under Megan's Law violates the protective standards (acting as guardians to children in crisis) set by the juvenile court system.	5.5	42.9	30.9	17.3	2.1
5. Juvenile sex offenders can be rehabilitated.	2.6	11.5	27.1	44.6	13.6
6. Juveniles should have to register as sex offenders for their entire life even if it is for their first offenses.	9.0	31.1	26.4	23.0	10.4
7. Juveniles should be treated the same as adults if they commit sex offenses.	6.8	25.2	27.3	29.6	11.1
8. Juveniles should have to register as a sex offender even if they are under the age of 14 when they commit the act.	10.5	33.3	25.2	23.9	6.8
9. Juvenile sex offenders should be monitored regularly like parolees by the police.	1.5	7.5	16.4	50.5	24.1
10. Juvenile sex offenders should have to inform the school that they attend of their sex offenses.	3.4	10.7	18.5	45.4	22.0

Table 2 (con't)

*Attitudes Items*

Item	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
11. Megan's Law registration requirements help prevent child sexual abuse.	1.7	6.8	12.2	49.2	29.6
12. Megan's Law is effective in protecting children from sex offenders.	1.9	8.3	22.2	45.4	1.7
13. Megan's Law can help eliminate sexually motivated abductions.	4.5	12.8	17.9	49.2	15.6
14. Megan's Law is an important tool in fighting sex crimes.	0.9	3.4	13.2	53.5	29.0
15. The community has the right to know if a juvenile sex offender is living in the neighborhood.	1.1	5.5	11.9	35.8	45.8
16. It is constitutional for states to require juvenile to register as sex offenders.	3.0	8.9	24.1	44.1	19.8
17. Nevada should require juveniles to register as sex offenders.	2.4	8.5	24.9	44.3	19.8
18. It is acceptable that each state has its own guidelines under Megan's Law.	7.2	20.2	13.7	44.3	14.3
19. There should be only one standardized national sex offender registry website that lists all offenders.	1.9	16.2	21.1	35.6	25.2
20. Notifying a community every time a sex offender moves into a neighborhood should be a mandatory provision under Megan's Law.	0.8	8.3	12.8	39.9	38.2

Participants also believed that Megan's Law helps eliminate sexually motivated abductions with 64.8% agreeing or strongly agreeing. The vast majority of participants (82.5%) felt Megan's Law was an important tool in fighting sex crimes. Another area with high consensus (81.6%) was agreement that a community has the right to know if a juvenile sex offender is living in the neighborhood.

Participants strongly supported the constitutionality of states requiring juveniles to register as a sex offender with the majority of participants agreeing/strongly agreeing (63.9%) that it is constitutional. Most participants agreed or strongly agreed (64.1%) that the State of Nevada should require juveniles to register as sex offenders. They also agreed/strongly agreed (58.6%) that it is acceptable to states to have their own guidelines. They also agreed/strongly agreed (60.8%) there should be only one standardized national sex offender registry website that lists all offenders. Finally, the vast majority (78.1%) felt that community notification should be mandatory for every sex offender.

### ***Scenario Responses***

The second type of questions asked participants their opinions about true story scenarios of juveniles who have been required to register under the current sex offender registration laws.

The first scenario involved a girl in detention who put her arm around another girl while declaring herself as a lesbian. Because of this single act she was moved to the sex offender unit and is required to register as a sex offender for the remainder of her life. The vast majority of participants (97.2%) did not believe that the girl should have to register for life for this minor incident.

The second scenario was the story of a boy who had consensual sex with his girlfriend who was one year younger than him. After they broke up her parents reported him for statutory

rape. The vast majority of participants (95.9%) did not believe that he should have to register as a sex offender.

Third was a story of a ten-year-old girl who was caught flashing and pretending to have sex while fully clothed with her two stepbrothers (ages eight and five). Those actions required her to register as a sex offender for twenty-five years. Participants were asked if they agree with the court's decision considering her age at the time of the offense. A clear majority of participants (76.6%) believed the court decision was unfair. When participants were asked if she should have to register for twenty-five years the vast majority of participants (86.3%) believed she should not have to register.

The last scenario involved a fourteen-year-old boy who sexually assaulted an eight-year-old girl. This particular offender had been arrested three times prior for sexual misconduct. Participants were asked if this boy should have to register as a sex offender. The vast majority of participants (86.4%) believed this offender should have to register.

### ***Knowledge Questions***

The final items asked participants about their knowledge of current sex offender laws and information. The responses given are presented in Table 3. The majority of participants (54.2%) felt they understood the purpose of Megan's Law before taking the survey. The vast majority of participants (67.8%) said that they know how to find out if there is a sex offender in their neighborhood.

Table 3

*Knowledge Questions*

Item	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1. Prior to this survey, you understood the purpose of Megan's Law	8.9%	23.9%	11.5%	37.1%	17.1%
2. You know where to find out if you have any sex offenders in your neighborhood	5.8	18.6	7.0	43.1	24.7
3. You know if you have any sex offenders living in your neighborhood	13.7	35.0	10.7	25.8	13.4
5. You have looked online to see if you have any sex offenders living in your neighborhood	21.5	23.2	4.5	27.1	22.8
6. You personally know someone who is a registered sex offender	65.5	20.3	2.8	6.0	4.5
4. Have you ever been accused of sexual misconduct?	84.9	11.3	0.9	1.9	0.2

Nearly half (48.7%) did not know if there was a sex offender living in their neighborhood. Again half of the group (49.9%) said that they had looked online to see if any sex offenders were living in their neighborhood. The vast majority of participants (85.8%) stated that they did not personally know a registered sex offender. Just over 10% reported personally knowing a registered sex offender. Very few of the participants disclosed being accused of sexual misconduct, only 2.1% or 11 individuals.

Finally, participants were asked if there was anything else they wanted to add about Megan's Law and juvenile sex offenders. Only 104 participants chose to add a comment. The majority of comments were similar to this one: "It's hard to judge if a juvenile should register for the rest of their lives because they have a chance to rehab and it could also hurt their character growing up. Also decisions seem like they would be made on a case-by-case basis upon the juveniles' age and to what extent the criminal act was."

One participant chose to share a personal story: "My roommate committed a sexual offense 12 years ago that was minor. He recently lost a \$130,000 a year job because a coworker found him on the website. Since, this one mistake he has never been a threat or done wrong. I think it is unfair this will haunt him forever."

### ***Comparisons by Gender and Age***

Attitudes were compared first by looking at responses made across gender. Table 4 presents items that varied significantly by gender. Women and men differed significantly in their responses for 13 of the 20 items. Women were more likely than men to agree that Megan's Law should apply to juveniles, that it was an important tool and that notification is important. Men were more likely to believe that juveniles can be rehabilitated and that registration could cause them harm.



Table 4

*Attitudes towards Sex Offender Registries – compared by gender*

Item	Women N= 280	Men N=247	F
1. Megan's Law should apply to juvenile sex offenders.	4.14	3.91	6.46*
2. Requiring juveniles to register as sex offenders could cause harm to their social development.	3.28	3.52	7.49**
4. Registration of juveniles under Megan's Law violates the protective standards (acting as guardians to children in crisis) set by the juvenile court system.	2.58	2.78	6.49*
5. Juvenile sex offenders can be rehabilitated.	3.43	3.70	10.4***
7. Juveniles should be treated the same as adults if they commit sex offenses.	3.27	2.97	9.6**4
8. Juveniles should have to register as a sex offender even if they are under the age of 14 when they commit the act.	2.92	2.72	4.41*
9. Juvenile sex offenders should be monitored regularly like parolees by the police.	3.99	3.76	8.30**
10. Juvenile sex offenders should have to inform the school that they attend of their sex offenses.	3.81	3.61	5.19*
13. Megan's Law can help eliminate sexually motivated abductions.	3.71	3.44	9.38**
14. Megan's Law is an important tool in fighting sex crimes.	4.13	3.98	4.78*
15. The community has the right to know if a juvenile sex offender is living in the neighborhood.	4.35	4.01	18.4***
17. Nevada should require juveniles to register as sex offenders.	3.82	3.57	8.73**
20. Notifying a community every time a sex offender moves into a neighborhood should be a mandatory provision under Megan's Law.	4.18	3.94	8.07**

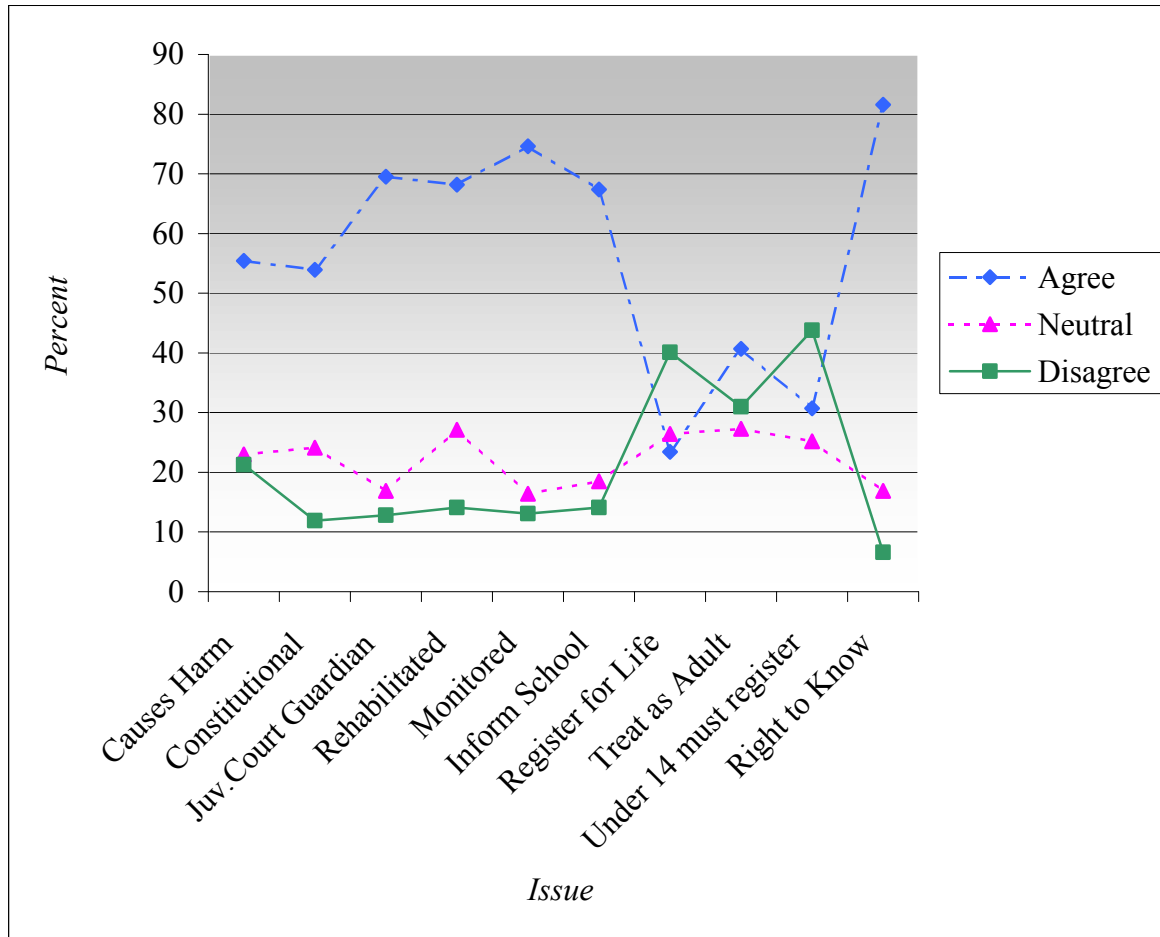
Item means range from 1.0 (strongly disagree) to 5.0 (strongly agree).

\*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$

One final way to look at the responses in this area is presented in Figure 1. It is interesting to see that for some items there was a clear consensus but on others, responses were evenly split between agreement, disagreement and no opinion.

Figure 1

*Attitudes toward juvenile sex offender*



The next area analyzed were questions relating to true stories and registration requirements. The attitudes were first compared by gender and those results can be seen in Table 5. Women and men differed significantly in their responses for most of the true stories except the first story involving a girl who put her arm around another girl. Both groups strongly disagreed (women 97.2%, men 97.5%) with registration for this fact scenario. Women were more likely than men to agree that the underage consensual sex offender should have to register (women 5.7%, men 1.8%)

but both groups were most likely to disagree with registration. Men were more likely than women to agree that the courts decision was unfair when considering the age of the offender at the time of her offense (women 72.9%, men 81.4%) and that she should not be required to register for twenty-five years (women 83.6%, men 89.9%). Women were more likely to agree that the offender who has been accused three times of sexual misconduct should have to register for life (90% women, 83% men).

Table 5

*True Stories – compared by gender*

Item	Women n = 280	Men n = 247	<i>F</i>	<i>p</i>
True Story 1- Registration for girl who put her arm around another girl?	1.98	1.97	.253	.615
True Story 2- Registration for consensual sexual activity?	1.98	1.94	5.74	.017*
True Story 3a-10 year old girl flashing siblings: fair court decision?	1.76	1.86	7.55	.006**
True Story 3b-10 year old girl: Registration for 25 years?	1.87	1.94	8.24	.004**
True Story 4- Registration for repeat juvenile sex offender?	1.06	1.13	7.03	.008**

Item means range from 1.0 (yes) to 2.0 (no).

\*  $p < .05$ , \*\*  $p < .01$ , \*\*\*  $p < .001$ .

## **Conclusion**

Participants' attitudes toward sex offender registries reflect support and comfort with the law. Across a number of items the vast majority of participants agreed that juveniles should have to register under Megan's Law and a little less than half disagreed Megan's Law violates the protective standard set forth by the juvenile court system. The majority of participants appeared to agree with the presumptions set forth by Megan's Law. Participants' attitudes revealed the belief that sex offender registries helps prevent child sexual abuse, is effective in protecting children from sex offenders, helps eliminate sexually motivated abductions, and is an important tool in fighting sex crimes. The majority of participants agreed it is acceptable that each state has its own guidelines under Megan's Law and they also agreed that there should be a standardized national sex offender registry website listing all sex offenders. The vast majority agreed that it should be mandatory that a neighborhood be notified if a sex an offender moves in.

It was interesting what the majority of participants believed sex offender registries could accomplish through the advertisement of the locations of sex offenders. They put significant faith in the ability of registries to deter crime. Statistically significant findings revealed that women were more confident than men in their belief that Megan's Law helps prevent child abuse and helps eliminate sexually motivated abductions. This faith in registries does not seem to take into account that the majority of abusers are actually family members or friends, not strangers.

Participants' attitudes toward juvenile sex offenders reflect conflicting perceptions about the appropriate treatment of juvenile sex offenders. When asked directly if juveniles should be treated the same as adults, the results were mixed splitting comparably between agreement, disagreement and no opinion. Across a number of items slightly more than half of participants agreed that requiring juveniles to register could cause harm to their social development. The majority agreed that juvenile sex offenders can be rehabilitated. These attitudes would suggest acknowledgement of

negative consequences for registered juveniles. The majority also, however, believed that police should monitor offenders regularly like parolees, the offender should inform their school of sex offenses, and the community has a right to know if a juvenile sex offender is living in their neighborhood.

There was also inconsistent agreement about the rights of the child and the protection of the community. Over 70% of the group agreed that the purpose of the juvenile justice system is to look out for the best interests of the child. Contradictorily, less than 20% felt that public registration of juveniles violated the protective standards of the court. Additionally, the vast majority felt it was constitutional for states to require juveniles to register.

Despite a general support for registration, more participants disagreed than agreed that a juvenile should have to register for their entire life if it was their first offense and if they are under the age of 14 when the act committed. This age specific attitude contrasts the general agreement that juveniles should be treated the same as adults.

Another area of contrast was participants' attitudes toward true stories where they expressed disagreement with registration for three out of the four juvenile examples. For the scenarios involving minor sexual incidents (e.g., hugging or consensual underage sexual activity), the vast majority of participants disagreed with the courts' decisions to require these juveniles to register as sex offenders for life. In the scenario where a girl flashed her siblings, the majority of participants disagreed with the court's decision criminalizing the behavior of a ten year old. They also disagreed with the decision to require her to register for 25 years. Only in the final scenario involving a repeat offender did the vast majority agree with the court decision in requiring offender to register for life, and less than 10% disagreed with the decision.

The participants felt that they had some knowledge of sex offender registries and sex offenders. Slightly more than half understood the purpose of Megan's Law prior to taking the

survey. This might be expected to be higher in our subject pool since they were enrolled in an introduction to criminal justice class. The majority of participants knew how to find out if a sex offender was living in their neighborhood, but slightly less than half have looked online for sex offender information. A little more than a third of the participants know if there was a sex offender living in their neighborhood. It is interesting that this wide spread support for the utility of sex offender registries did not translate into widespread use of registries to check for offenders' locations.

When comparing responses across genders, women were stricter in their attitudes towards the punishment of juveniles. Women were more likely than men to agree that a juvenile should inform their school of sex offenses, be treated the same as adults, register under age of fourteen, be monitored like parolees, and should be required to register as a sex offender. This difference in attitudes could be because women are sexually assaulted more often than men.

Our findings supported previous research findings on knowledge and acceptance of sex offender registries. Similar to Levenson and colleagues (2007), most participants were familiar with Megan's Law and believed it assisted with public safety. Our results paralleled Malesky and Keim (2001) where participants believed notification laws created a false sense of security for parents. Our results went even further in that our participants believed notification laws aid in eliminating sexually motivated abductions and prevent child abuse, broad reaching conclusions that may not be supported in reality.

Interestingly, the findings showed a divergence between the participants' attitudes of sex offender registries when applied to juveniles and how they responded to the true stories. It appears that the participants believe Megan's Law is effective and it should be applied to juveniles. After the participants understood the individual circumstances for each particular case scenario their attitudes changed significantly, they then believed it should not apply to those particular juveniles.

As with any study there are limitations. Only undergraduate students were polled which limits the generalizability of these findings. The next step in this research should be to conduct it with non-college populations.

The lack of research on the topic of juvenile sex offenders highlights a critical need for more research to be done. Research should focus on how to rehabilitate juvenile sex offenders, what causes a juvenile to become an offender, and how to protect the rights of children.

The data collected supports the research question that students' attitudes coincide with the presumptions set forth by Megan's Law and juvenile sex offenders should be required to register under Megan's Law even though it could cause harm to a juvenile's social development. Responses seemed to indicate that participants were supportive of Megan's Law and were concerned with the tracking of juvenile sex offenders. The majority of participants also believed that juveniles can be rehabilitated and that each case should be treated individually.

This study was designed to test whether expansion of registration laws to juveniles is widely supported by the general public and if the general public was aware of the long-term consequences when applying registration laws to juveniles. While they appeared to show some concern about the negative effects of registering juveniles, the general public would choose apparent community safety over the concerns of publically labeling these young offenders. The knowledge gained through this study uncovered a need for public education and awareness of the effects of registration laws on juveniles and their development into healthy adults.

Megan's Law is a result of society's demand for stricter laws to prevent sexual assault against children, but when it is a child that is committing the sexual assault, society needs to balance the needs of children on both sides. Creating this balance is a dilemma for legislators (Craun & Kernsmith 2006) particularly when public fear is so much louder than the voices advocating for delinquent children in crisis. Policies should look at the bigger picture and consider how to treat

these young offenders instead of simply labeling them as a sexual predator for the rest of their life. With sex offender registries expanding to the federal level in SORNA, most of these laws are vague, mostly because lawmakers do not define the term “sex offense” clearly. By simply passing a law to solve a growing problem, the public is naïve to believe these laws are actually helpful.



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