

**Solitary Nation with Matt Duhamel & Janice Bellucci -  
International Megan's Law**

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**00:07 Matt Duhamel:** Welcome to Solitary Nation. My name is Matt Duhamel, your host. Tonight, I am talking to Janice Bellucci, the Executive Director of Alliance for Constitutional Sex Offense Laws, or the acronym, ACSOL. You can find information about the organization at [all4consolaws.org](http://all4consolaws.org). Janice, welcome to the show.

**00:29 Janice Bellucci:** Thank you.

**00:30 MD:** And first off, I wanna ask, how... We're gonna be talking about a lot of things tonight, and I wanna know just kind of like what your background is and why you got involved in this organization that, I'm guessing, is fighting for more constitutional sex offense laws.

**00:47 JB:** It's a curious story in that I read a book, and the book was written by my plumber. And I thought the book was about something very different, but instead what the book was about was his life on the sex offender registry. At the time, I read the book, I didn't even know he was on the registry, and he's a really good plumber. And I didn't want to lose him as a plumber, so I bought a copy of his newly published book. But when I read his book, it changed my life because I didn't realize how a group of people in our country is being treated today. And I was so outraged about what's going on, that I decided I had to do something. And it came at a good time in my life to do something. I'd been an aerospace attorney for about 30 years, and I was looking for something new to do, and this was it. And I definitely was inspired by Atticus Finch in the book and the movie, 'To Kill a Mockingbird'. And I asked myself what would Atticus do in this situation, and that's what I've done the last five and a half years.

**01:49 MD:** I wanna talk about... You're in California, you're an attorney in California, but you also do national work on different things, but in California, specifically, there's a big heated topic with the sex offender registry, and right now, California is just like one level. So explain to me what's happening or what they're trying to put together in California now.

**02:11 JB:** Sure. California has a dubious distinction of being one of only four states in our nation that has the same registry for everybody who's been convicted of a sex offense. And what that means is, regardless of whether or not you've been convicted of a non-contact, non-violent offense, you are going to be treated the same as somebody who might've committed a dozen violent rapes. And we know that doesn't make sense, it certainly... Many reasons including the fact that it's making a very inefficient use of limited law enforcement resources. And then of course, the terrible price that's being paid by people on the registry, as well as, [02:53]           .

**02:54 MD:** What is the latest on this? Do you think it's going to happen? Is it leaning towards that way?

**03:00 JB:** Well, we're optimistic that there's a bill in front of our state legislature right now which would, in fact, create a tiered registry. In 46 out of 50 states in our country right now have tiered registries and they've had tiered registries for decades. And the citizens in their states are safe. And we believe the citizens in our state can be safe as well with a tiered registry. And what that means is, people are still going to have to register, but the fact is that they will be treated differently depending upon the offense for which they were convicted. So again, you had somebody with a non-contact, non-violent offense, like somebody relieving himself in an alleyway is going to be treated differently than somebody who has, in fact, been convicted of a dozen violent rapes.

**03:45 MD:** Okay. So if someone isn't really conscious of the registry, they know it's out there, but they haven't gone on and looked online for the immediate area, their immediate neighborhood. What will they see? They'll see the crime, they'll see the photo in some situations, but will they see an explanation of the crime to kind of get an idea of what happened or is it very misleading?

**04:09 JB:** Well, right now, I believe that it's misleading, in that there is the picture of a person. Unfortunately, most of the time there's also a home address. And then, there's the title of the offense for which they were convicted. Let me give you an example, Penal Code Section 647.6 in California, the title of that offense is, 'To Annoy or Molest a Child', but the fact is that, somebody can be convicted of that offense and never have touched a child because it's the annoy part, as well. And we also have a lot of teenagers who end up on the registry because of viewing "child pornography". And let's just take, you have a 15-year-old who's curious about sex, wants to see... Get some information from the internet, because 15-year-olds get a lot of information from the internet. And if they looked at a photo of a nude 15-year-old, they have just viewed child pornography, and they too can end up on the sex offender registry for the rest of their lives.

**05:18 MD:** So, parents listening to this, definitely need to be cautious about that, because from the stories I am reading, and not in every case, but it seems like the prosecutors will go after this most of the time.

**05:30 JB:** Yes, they do. They do. And the fact is, if you end up being prosecuted through the federal system, there are mandatory minimum sentences. And so, you could have a teenager who views no more than three images, I am saying three photographs. Now if you look at a video, there's a lot of images in there. But let's just say you looked at three photographs of somebody your own age, you can end up in federal prison for five years, mandatory minimum sentence.

**06:00 MD:** Back when I was a kid, this would never happen. The Internet wasn't around but still there were magazines and things like that.

**06:08 JB:** Well, the technology has been a tool that's led to the problem. The technology in and of itself is not bad. But the fact is, that people are using the technology very innocently and not understanding the full consequences of what they're doing. So let me give you another example of a 16-year-old girl who took nude selfies, and she decided to send her pictures of herself to some boys in her high school. And the fact is, she was convicted of creating and distributing child pornography, even though those are pictures of herself.

**06:43 MD:** So, child pornography of herself?

**06:45 JB:** Yes. And she's on the sex offender registry for that.

**06:49 MD:** Now, I mean, I think a lot of people that are listening now would say, "Maybe counseling would be a little better or something like that instead of a conviction"?

**07:01 JB:** Absolutely. I mean, we have teenagers that do things that adults wouldn't do, because we understand the consequences of those acts, but many teenagers don't. And unfortunately, these days too, a lot of parents don't understand the consequences, so they might think that what their child is doing, their teen is doing is innocent, and unfortunately, it's not innocent, it's against the law. And number two, that there are some severe consequences. Let's just say, instead of going through the federal system, you go through the state system. At least in California, you get treated a little bit differently and you probably won't go to prison for five years for three photos, but you could end up going to jail for a year. And the fact is that, the collateral consequence of that, so it's not the sentence, it's not being put on the sex offender registry, but the fact that you have been convicted of this offense could keep you out of college. There are colleges that do not admit students who are on the sex offender registry, again, regardless of what the offense is.

**08:05 MD:** Or housing, or employment, or whatever, whatever you... As time goes on. You're on the forefront of all this, and are you seeing a change where maybe governments and states are thinking to themselves, "We need to do something a little different here, maybe counseling, maybe something different than conviction, or prison time, or jail time." Are you seeing any trend there?

**08:29 JB:** I can't say it's a trend yet, but I see some data points and some hope on the horizon. And I know, for example, that there is a town in Virginia where they had more than 100 students in a high school who were exchanging nude photos of themselves with other students. So everybody was a teenager, we're not talking about adults, nobody's... You don't have this 40-year-old who's preying on high school students. These are the high school students themselves exchanging photos of themselves. And this town had to make a decision. And the decision was, "Are we going to put more than a 100 of our high school students on the sex offender registry for doing something that's foolish?" And the fact is that town decided they were not going to do that, and because it didn't make sense. And so, what they chose to do instead was, in fact, to charge, and I believe convict them, these students of misdemeanor offenses and with a warning that if they did it again, then they would or could end up on the sex offender registry. To me that makes sense. To have... Tell a teenager, "Once, you've done something wrong. And, oh, by the way, here's the consequence if you do it again." That makes sense to me. What doesn't make sense to me, again, there's a curious teenager who does it once and ends up in federal prison for five years.

**09:49 MD:** Tell our listeners, what is the IML.

**09:52 JB:** Sure. Congress passed the International Megan's Law in February of 2016, and it's a law that has two distinct parts. The first part of it says that the federal government will send a notice to the country to which a registered citizen is traveling. So lets just say that Joe wants to go visit his

relatives in Hungary. And the question is, what should happen there? And under International Megan's Law, when Joe gets ready to go on his trip, he's got to first notify local law enforcement, at least 21 days in advance that he's going. And then, local law enforcement notifies the federal government, the US federal government. And then, our US federal government notifies Hungary and says, "Hey, I want you to know that Joe is coming." Then that country decides whether or not to let Joe enter the country.

**10:58 JB:** That's the way it's supposed to work but that's not the way it always works, because what happens is, whether it's a matter of translation, that people don't understand, in these other countries, what a sex offender is, because in many other countries, there is no sex offender registry. So think about somebody from California going to Hungary, and maybe they've been convicted of this public urination. Again, [11:25] [REDACTED] out, go to the restroom in an alley one night, after Super Bowl or during Super Bowl, there's too many men waiting in line, so they just go relieve themselves in the alley, and then, the next thing they know, they're on the sex offender registry. So the people in Hungary have no concept of that, and they think that, "My God, this is somebody who is a dangerous rapist." And obviously, that if they come into their country then they will be menacing the women and children in that country.

**11:54 MD:** Yeah. I'm looking at this travel matrix on Registrant TAG, I'm sure you're familiar. I think they were in Oakland last year. I'm seeing, if you're on the registry, according to this matrix, you're not going to Guam, you're not going to Hong Kong, you're not going to India, if you're on the sex offender registry. You're not going to New Zealand, the Philippines, Thailand, Vietnam...

**12:17 JB:** You will also not be allowed to enter Japan or Canada. And I had a client who went to Japan with his wife, who by the way is a Japanese citizen. She, in fact, has a dual citizenship, and they went to Japan for the purpose of buying a home there. They live here in California and they also wanted a home in Japan and had the resources to purchase a home in Japan. And he was not allowed to exit the airport, which meant...

**12:42 MD:** Oh, my goodness.

**12:42 JB:** He was not allowed to formally enter the country. Obviously, they didn't buy a house there. The first part of the International Megan's Law has to be with sending notices. The second part of the International Megan's Law says that the State Department must add a unique identifier to new passports issued to people on the registry. And then, it says, "And it may... ", it's not required but, "It may also revoke existing passport," so that they can add that unique identifier to passports. This was supposed to start happening, actually late last year, and I'm pleased to report that it hasn't happened yet.

**13:25 MD:** Wow.

**13:25 JB:** There have not been any regulations issued, for example, that would explain what this identifier would look like or where it might be placed on the passport. I made the argument during a court, in Federal District Court where I filed the lawsuit challenging this law. And I basically said the fact that it's not gonna make any difference what the identifier looks like because that was part

of the government's argument, "Oh well, we'll make you something discreet. You know, it'll be... ", fill in the blank.

**13:57 MD:** It won't say "sex offender" across the passport or something like that?

**14:01 JB:** Yeah. Or like the red J which was for Jew with Nazi Germany. "Oh no, we're not gonna do anything like that." But part of my argument was the following, it doesn't make any difference what the identifier looks like. And I literally said, it could be a happy face or it could be a swastika but the meaning is going to be the same. The meaning is, look out for this person, this person is dangerous. Because the whole purpose, stated purpose of the International Megan's Law was to stop child sex trafficking and child sex tourism. Now, the folks said... Most of the folks, like 99.9% of the people on the registry in California and every state have never committed child sex trafficking or child sex tourism, and so it's ridiculous. It's way too broad. This law is way too broad that they're going to apply this law and add a unique identifier to people's passports because, again, a 16-year-old girl who took nude selfies, the man who relieved himself in the alley, the alleyway.

**15:09 MD:** So right now, travel is very difficult because they are turning people away because of this law, it is in effect, but they're not putting the unique identifiers on the passports quite yet. So, do you think our society and maybe our media and the fear in, especially in American society have created a new social outcast, a group of social outcasts?

**15:35 JB:** Absolutely. I think that today, sex offenders are the lepers of Jesus' time in the Bible, and nobody wants to be associated with a sex offender, just generically. And most of the time, they don't even ask, "What were you convicted of?" I know myself, and my family and some friends, or some ex-friends could not understand, couldn't even fathom why I'm doing the work that I'm doing. And including one daughter, when I told her what I'm doing, the first words out of her mouth were, "How could you?" [chuckle] And so, it takes a while to educate people, to let them know again that not everybody on the sex offender registry is the same, and that most of the people on the registry don't pose a current danger. One of the myths, by the way, about registered citizens, as I prefer to call them, is this idea that there's a high rate risk or high rate, rather, of re-offense, and that's not true. Government report after government report, whether it comes from State or Federal Governments shows that actually the rate of re-offense for somebody on the sex offender registry is extremely slow, low rather. And here in California, for example, our Department of Corrections that supervises people, sex offenders while they're on parole, they said the rate of re-offense while they're on parole is less than 1%.

**17:04 MD:** So, some of our listeners might be thinking, the people that have done these crimes, they deserve to be on the list, they don't care, they want them to be on the list, they wanna protect their families. What would you have to say to that?

**17:19 JB:** Well, I would tell them that, unfortunately, many of the current laws that apply to people on the sex offender registry are collateral consequences, and that these collateral consequences actually do the opposite. So in other words, instead of increasing public safety, they decrease, they reduce public safety. And let me give you an example, many states in our country have something called residency restrictions, which basically limit where somebody on the sex offender registry can live, in some towns, in some states. It's practically every where. You can't live with your family,

whether it's, sometimes wife and children, sometimes it's your parents, sometimes it might be a brother or sister because they live too close to a school or a park. So what happens is this person ends up becoming homeless. And when a person becomes homeless, they have a very unstable life.

**18:15 JB:** Can you imagine if you didn't have a roof over your head? Whether it's the heat of summer, or if it's the cold of winter, you're living outdoors. Maybe if you're lucky, you're living in a car or a tent. But the fact is, you don't have a stable life. And when people don't have stability in their lives, they actually are much more likely to re-offend. So that's an example, a very concrete example of a law that would appear on the surface to make sense and to increase public safety, but the fact is that it decreases or reduces public safety. There are many studies out there by PhDs stating exactly this point and the California Sex Offender Management Board does, in fact, oppose residency restrictions for just that reason because it reduces public safety.

**19:07 MD:** We only have a few more minutes but I just briefly wanna... We know the effects on registrants, what about families? Briefly, how does it affect the families when somebody is on the registry?

**19:19 JB:** There are significant adverse effects upon family members, and the basics are employment and housing. So when a person gets out of prison, it's very hard for them to find a job, much harder than even anybody with any other felony offense. So you've got the housing... I'm sorry, the employment issue. And of course, if they don't have a job, then they don't have any income. So then that impacts the next issue which is housing. How can somebody live, afford to live somewhere if they have no income? And to make matters even worse, especially for the four states where lifetime registry is for everybody, Section 8 housing, the low income housing provided by the federal government is off limits to anybody who is on a sex offender registry for a lifetime. So there's that.

**20:10 JB:** But let me just give you a couple heart-rending stories. I represented this one man. It was because of residency restrictions that he couldn't live in the house that he owned with his wife and his child. And his child has Cerebral Palsy. And so, his wife was having to take care for their child without his assistance. It was heart-rending. Anyway, I did in fact... I was able to convince the parole officer, when he was on parole, to let him live in his own home, again, with his wife and child so that he could in fact be there. But we have many situations where that doesn't happen. And so, many times, again, the man who's on the sex offender registry ends up isolated from his family. He's not there to pick up the kids and take them to school. He's not there to read them a story. He's not there to help them with homework. And trust me, they want to be there with their own family members. I guess, that's one of the things people don't realize is that many people on the registry actually are married and do have families.

**21:17 JB:** And another example I can give you is about a nine-year-old boy. This was in Santa Barbara County where one of his classmates brought a flyer to school with his dad's picture on it. The nine-year-old boy didn't even know his father was on the sex offender registry. And here, there's a boy in his class was distributing flyers with his dad's picture on it. That nine-year-old boy was bullied so badly that he had to change his last name to his mother's maiden name and move across town, so that he wouldn't be bullied by his classmates anymore. And that's just one example of a terrible thing that's happened to a family member.

**21:54 MD:** So it sounds like the registrant is not only an outcast of the community but an outcast of the family?

**21:58 JB:** Absolutely, many times that's true. What I would challenge people to do is not to have that knee-jerk emotional reaction to the term sex offender. It's a term that I prefer not to use but most people do. And to look instead at the facts. And so the facts again, are that people on the registry are very unlikely to re-offend. And especially, if they've been out of prison, in the community for 17 years or more, they're extremely unlikely to re-offend. And to know that it's really in society's best interest to let this person have a stable a life as possible, to let them work. Give them a job, I mean, actually to work. Many of them are more than willing to work, and in fact, I know a local business here in Sacramento where someone took a chance and hired somebody on the sex offender registry and found out this man was willing to work, basically perform the work of three people because he was so happy to have a job and he really wanted to show his employer that he was worthy and that was worth taking that risk. And then, the other thing is about the housing that in fact, people who do sexually assault children, they don't do it in their own backyard.

**23:22 MD:** Okay. So where can people find more information about your organization?

**23:26 JB:** We have a very robust website. We usually add material every single day, and it's [www.all, A-L-L, the number four, and then con, C-O-N-S-O, laws, plural, dot org](http://www.all, A-L-L, the number four, and then con, C-O-N-S-O, laws, plural, dot org). Or you can just do ACSOL, and I think you'll get there too.

**23:46 MD:** Okay. So a lot of information about this, what we've been talking about resources, things like that?

**23:51 JB:** Absolutely. We identify issues all over the country. We started out as a statewide organization but we are now a nationwide organization.

**24:00 MD:** Okay. Great. Well, Janice thank you so much for joining us today.

**24:04 JB:** My good pleasure. Thank you, Matt.

**24:05 MD:** Janice Bellucci, Executive Director of Alliance for Constitutional Sex Offense Laws. This is Matt Duhamel with Solitary Nation. Join me next week for another episode.

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