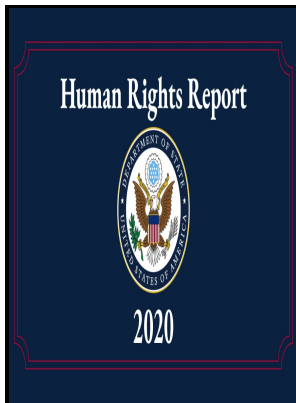


# Knowledge as power - criminal registration and community notification laws in America

Stanford Law Books - United States v. Kebodeaux :: 570 U.S. 387 (2013) :: Justia US Supreme Court Center



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- Criminal records -- United States Knowledge as power - criminal registration and community notification laws in America

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§§54—251 to 54—254 2008 Supp. This principle makes wrongness of conduct a necessary condition for its criminalization, but it does not make it a sufficient much less a decisive condition. Professor Hamilton is one of the nationally known experts who has been trying to set the record straight about sex-offender recidivism rates for many years.

## **Knowledge as Power: Criminal Registration and Community Notification L**

Unfettered online access to registry information facilitates—if not encourages—neighbors, employers, colleagues, and others to shun and ostracize former offenders—diminishing the likelihood of their successful reintegration into communities. Logan perceptively discusses how this shift both reflects and influences major changes in public expectations about our government.

## **Sex Offender Registries: Common Sense or Nonsense?**

As such, when drafting sex offender registration and restriction laws, legislators often fail to understand the problems they intend to solve, as well as the tools employed to solve them.

## **Criminalization and the Collateral Consequences of Conviction**

Code §§11—8—8—1 to 11—8—8—7 Supp. I write separately to stress not only that a federal police power is immaterial to the result in this case, but also that such a power could not be material to the result in this case—because it does not exist.

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But the Clause gives Congress the power to weigh the evidence and to reach a rational conclusion, for example, that safety needs justify

postrelease registration rules. It would be too demanding to ask those making criminalization decisions to anticipate all of the potential harms that may stem from criminalization or all of the potential harms it may prevent, for that matter.

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This means that normative analysis of collateral consequences, which is important in its own right, is also needed because of its implications for the issue of criminalization. §2250 a with 42 U. Brief for Kebodeaux on Rehearing En Banc in No.

**Sex Offender Registries: Common Sense or Nonsense?**

No one here claims that the Wetterling Act, as applied to military sex offenders like Kebodeaux, falls outside the scope of the Necessary and Proper Clause. As crime prevention tools, sex offender registries are a near universal failure. This is because a public registry has no impact on whether a given sex offender will recidivate.

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Accordingly, I would hold that §2250 a 2 A and the registration requirements that it enforces are unconstitutional as applied to Kebodeaux. Some of these are direct products of positive law, whereas others are more or less foreseeable consequences of having a criminal record but are not themselves directly inflicted by restrictive policies. Gavin was a softball coach who was convicted of misdemeanor indecent contact with a child after he grabbed and twisted the buttocks of a 12-year-old girl in a fit of anger over the outcome of a softball game.

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