



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

**TESTIMONY ON 25-H 5925,
RELATING TO SEXUAL OFFENDER REGISTRATION AND COMMUNITY
NOTIFICATION
April 3, 2025**

This bill responds to a federal court decision issued two years ago, striking down a state law that barred certain sex offenders from residing within 1,000 feet of a school. *Chapdelaine v. Neronha*, 661 F.Supp.3d 1267 (D.R.I. 2023). The bill specifies that all sex offenders would instead be subject to a 300-foot limit that was enacted at the same time as the provision that was ruled unconstitutional.

The ACLU of Rhode Island is nonetheless constrained to oppose the bill in its present form for two reasons. First, the bill fails to correct the flaws that prompted the court to strike down the 1,000 foot law. The court ruled the law unconstitutional on the grounds that neither an ordinary person nor law enforcement could understand the statutory language that attempts to define the boundaries of residences and schools, making the residency prohibition unconstitutionally void for vagueness. That same vagueness problem remains in the 300-foot law.

Second, as we have argued from the beginning of efforts to impose residency restrictions, they are both ineffective and counter-productive. They are based on the flawed assumption that most sexual abuse is committed by strangers. Yet the statistics are clear: 90% or so of child sexual assaults are committed by family members, friends or acquaintances of the victim, not by strangers who find their victims at schools or parks. Thus, a law like this completely misses the mark, for the problem has nothing to do with not knowing where a sex offender is located. Unfortunately, the law has the further negative impact of making it very difficult for sex offenders to reintegrate themselves into the community, and the resulting instability can have the effect of increasing, rather than decreasing, the likelihood of recidivism. It certainly increases their risks of homelessness, which limits police ability to monitor their location.

It is worth emphasizing that this position is shared by many professionals involved in the treatment of sex offenders, as noted in the attachment. Over two decades ago, when this effort first began, the Iowa County Attorneys Association noted: "Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children." That research remains true to this day.

For all these reasons, the ACLU urges the committee to repeal both sections of the law rather than try to tinker with it. Thank you for considering our views.

A Sample of Organizational Opposition to Sex Offender Residency Requirements

“There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.”

- **Kansas Department of Corrections** “Sex Offender Housing Restrictions,”
<https://www.doc.ks.gov/publications/CFS/sex-offender-housing-restrictions>

“Residence restrictions and their consequences are apt to challenge the coping skills of many sex offenders when they face transience and instability as a result of these laws. Precarious living arrangements have the potential to exacerbate dynamic risk factors associated with re-offense, such as lifestyle instability, substance abuse, negative moods, and lack of social support.”

- **Federal Probation Journal, U.S. Courts** Sex Offender Residence Restrictions: Sensible Crime Policy or Flawed Logic?,
https://www.uscourts.gov/sites/default/files/71_3_1_0.pdf

“Residence restriction zones create barriers to reentry and inhibit the factors known to contribute to successful reintegration, such as employment, housing stability, prosocial relationships, and civic engagement... Housing instability, transience, unemployment, and a lack of support systems are known to increase the likelihood of recidivism for criminal offenders in general and sex offenders specifically.”

- **Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism**, Paul A. Zandbergen, Jill S. Levenson, Timothy C. Hart,
<https://www.prisonlegalnews.org/media/publications/Residential%20Proximity%20to%20Schools%20and%20Daycare%20Centers%20-%20Influence%20on%20Sex%20Offense%20Recidivism,%20IACFP,%202010.pdf>

“Many law enforcement officials and sex offender treatment providers emphasize the importance of stability and support in reducing recidivism. They decry residency restrictions as counterproductive because they isolate and push underground people who may need family contact, treatment and supervision.”

- **Human Rights Watch**, US: Sex Offender Laws May Do More Harm Than Good,
<https://www.hrw.org/news/2007/09/11/us-sex-offender-laws-may-do-more-harm-good>