



## Newsletter December 2020

### From the Director

*Andy O*



By the time you read this, our elections will be over (maybe, sorta) and you will have enjoyed your pandemic-appropriate Thanksgiving turkey. This year has seen little change to registrant requirements thanks to reasonably benign bills and COVID. Next year – who knows. Be prepared and stay tuned.

Please read the following story about proposed rules changes to the federal regulations regarding registrants. There are sweeping changes that you should be aware of. We are having our next Spotlight Zoom call on Tuesday, the 15th of December. We would love to have you participate. More details are included in this newsletter. If you wish to participate, please let us know.

Our Christmas wish to you is that you stay safe from harassment, registry violations, and COVID and can find meaning in such a tumultuous year. May the spirit of the holiday season give you some peace and joy.

### Proposed SORNA rule change

*Andy O*

The federal government has proposed changes to the federal Sex Offender Registration and Notification Act (SORNA) that, if adopted, would add a new layer of bureaucracy and penalties. These changes would be federal mandates imposed on the states for implementation. It is uncertain what risk the registrant faces if his registering office fails to adapt to some of the changes. For example, some states (not Oklahoma) require registration only once a year but amended SORNA would require it four times a year for Tier 3 offenders. This situation would be loosely analogous to legalizing marijuana in a state even though it is still a federal crime. The penalty for failure to register quarterly could be ten years in federal prison.

Another problem is that it greatly expands federal overreach into an area that should be reserved for the states. Adding more “hoops and hurdles” does little or nothing to protect the public; it just makes it easier to trip up those who are trying hard to be law-abiding, and it diverts resources away from the goal of public safety. Technical violations would now become federal felonies. It is challenging enough to follow myriad of restrictions currently existing (some states are worse than others with Oklahoma somewhere in the middle) and sending violators back to prison for missing a minor rule that has nothing to do with a sexual offense makes no sense. Adding layers of complication, some vaguely worded, makes no sense either.

This is not a bill or proposed law. It would simply add to the existing law by adding rules much the way the Environmental Protection Agency regulates pollution. Proposed rules are published in the Federal Register for a specific comment period, and when they become final (sometimes after several iterations), they again appear in that document.

Below are some specifics. Please note that I am using the generic “he” and “sex offender” as this mirrors the language in the proposed rule.

**Section 72.3** This act would apply to all who are guilty of sex offenses regardless of when the offense occurred or where it happened. It would thus affect even those who are no longer on the registry. Because the rule would apply to “sex offenders” rather than “registrants” it would bypass current registry status.

**Section 72.4** All who have committed sex offenses would have to register in the jurisdictions of residence, employment, and school. They would also have to register initially in the jurisdiction of their offense. Since registrations are always done in person, presumably, the registrant would have to travel to the “offense jurisdiction” if it is not where he currently resides.

**Section 72.5** The sex offender must register for 15 years for Tier 1, 25 years for Tier 2, and lifetime for Tier 3. These tiers will be assigned by the federal government. While this mirrors Oklahoma law, it would presumably nullify Starkey if an Oklahoma registrant is in a reduced time frame. For example, if you are Tier 2 and your registration period had been shortened from 25 years to 10 years because that was the law at the time of your conviction, it would now become 25 years again.

**Section 72.6** For each jurisdiction where the sex offender registers, he must supply his name, DOB, SSN, screen names, aliases, email addresses, phone numbers, address of

residence, employment, and school, temporary address for any time away from home more than 7 days, information about travel abroad including passport number, complete vehicle information, and professional license information. It is not stated, but there is nothing preventing local jurisdiction from publishing any of this information.

**Section 72.7** Sex offenders must register before release from prison. All registrations must be done in person annually for Tier 1, semiannually for Tier 2, and quarterly for Tier 3, and within 3 days following a change in employment, school, or residence. (I wonder how Oklahomans will register in person from prison.) This section also addresses foreign travel and other related matters.

**Section 72.8** The penalty for violating any of the above is up to 10 years’ incarceration.

These descriptions are summaries, and I have not included all the intricacies. The entire rule can be found [here](#). NARSOL has posted a blog on this proposed rule which can be found [here](#). While the comment period has ended, I can assure you that numerous comments have been submitted covering every aspect of this rule. I cannot, however, assure you that any of it will be listened to.



Our October Spotlight call featured Donna Thompson, Director of Oklahoma Baptist State Convention Prison Ministry. Ms. Thompson is an advocate for those who have felony convictions, helping them to understand their rights to register and vote. She explained how to

compute the exact date you can register to vote and encouraged all participants on the call to register and vote just as soon as they are able.



### Zoom with David L. Garlock

NARSOL Board Member

Tuesday, December 15th at 7:30 PM

*“When I have conversations with people, they’re usually shocked to find out that the recidivism rate for sexual offenses is between 2-8% within the nine years following release. They’re even more shocked when they find out that I experienced sexual abuse and am an advocate for those who have been convicted of sexual offenses to make it possible for them to become healthy, productive members of society upon release.”*

The quote above is from David Garlock, our next speaker and guest, who will be featured on our December Spotlight call on Zoom. David is a successful returning citizen, reentry professional, and criminal justice reform advocate. He and his brother received 25-year sentences in Alabama after taking the life of their abuser. A client of Equal Justice Initiative, he was released on parole in 2013 after serving more than 13 years and pursuing several educational opportunities while incarcerated. He subsequently obtained his bachelor's degree from Eastern University and was the Lancaster Program Director for New Person Ministries, a reentry program for men who have been convicted of sex offenses and other returning citizens, from 2017-2020. David graduated from JustLeadershipUSA's Leading with Conviction fellowship program in 2019. He is a NARSOL board member, Co-Chair of the Board for the Lancaster County Reentry Management Organization, and a member of the Pennsylvania Reentry Council, a statewide coalition of county reentry organizations.

David enjoys educating the next generation of criminal justice professionals on rehabilitation and advocating in various spheres for an effective and equitable justice system. He is a frequent speaker at colleges and universities, criminal and social justice conferences, and community events, and he recently appeared in the film Just Mercy (2020).

Please join us and hear David talk a little about his story, the work he did at New Person Ministries, his storytelling and the reason he advocates to abolish the Registry.

Join us on Zoom using the following weblink:

<https://us02web.zoom.us/j/87037240619>.

The meeting ID is **870 3724 0619** and the passcode is **714459**. You can also dial in with your cell phone on one of these numbers: 346-248-7799, 669-900-6833, or 312-626-6799. If one is busy, try another.



### My Story...

I'm a wheat farmer in northern Oklahoma. I live on the farm with my wife and previously with our three children. The winters in my line of work get pretty slow. I had some cattle to look after but that really didn't take up my whole day. I got

interested fairly early in computers and spent quite a bit of time messing with them. When the internet came along, we got a dial-up AOL connection, and I started sampling that.

At some point, I stumbled onto a pornographic picture and was horrified by it. I got rid of whatever search engine it was on and avoided porn for several years. At some point I got into it. I gradually found more younger subjects and collected them. I was hooked you might say. For a while, a couple of years maybe, whenever the busy time of year came around, I would dump my stash and leave it alone through the summer. Later I couldn't put it down. My work suffered from neglect.

Eventually the FBI found me online. One morning, as we were getting my wife and kids ready for school, the FBI and the entire county sheriff department raided our house. They interviewed me, and I foolishly talked to them. They took my computers and left. I figured I needed a lawyer and had no idea where to look. We used a lawyer in a neighboring town for land transactions and such, but I knew he did no criminal work. I asked him for advice on who to call. He contacted some folks he knew, and finally one of them said he knew of someone. After a couple more days, I asked if I could have his info and contact the guy directly.

Things went along for most of a year and a half before I was scheduled for a court appearance. I pled to one count and was sentenced to 97 months. The judge specified that I should participate in a sex offender program while

incarcerated. So, I was sent to the low security institution at Butner, NC. That was, at the time, home of the federal sex offender program. While I was there, the BOP was sued over some mishandling of the program and it was terminated. When my 18-month review came up, I asked to be transferred somewhere closer to Oklahoma so my family could visit more easily. They sent me to Marion, IL. Later I was transferred to Seagoville, TX where I spent most of the rest of my sentence except for another trip back to Butner to treat my prostate cancer. I have to say that I was not badly treated by the BOP. Mostly I was in Club Fed.

While I was away, my cousin farmed the ground I had been farming. One quarter belonging to an aunt, an uncle, and two of my cousins was sold. My sister bought some more of the land after my mother died. So, when I got out, I was able to start farming again, gradually taking over more of the ground again. I had missed some good crop years while I was locked up that would have made my financial situation better.

My lot has been good compared with many of us. Most of the people in my community have accepted me back. A few looks at me cross-eyed but only a few. My wife continued to live on our farm, so I had an acceptable residence, miles from any forbidden schools, parks, etc. I call it my country estate. Even so, I still have to renew my driver's license every year and register with the sheriff twice a year.

#### **Do you have a story to tell?**

Contact us at [ok-rsol.org/contact](http://ok-rsol.org/contact) or call 405-294-4299 and tell us about it.



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