



Newsletter March 2021



From the Director's Desk

Andy O.

The first session of the 58th Legislature is now open for business and we are following close to half a dozen bills of interest. There are descriptions of each one in this newsletter, but I would like to comment on one – the chemical castration bill. Chemical castration is removing a person's sexual desire through medication and can be a useful tool for someone whose issues are exacerbated by libido, who desires the treatment, and is under the care and monitoring of professionals.

However, forced chemical castration is [cruel and unusual punishment](#) because it renders offenders incapable of sexual desire and procreation and subjects them to the physical changes caused by female hormones. It should be constitutionally prohibited by the Eighth Amendment. Further, not everyone who has committed a sex crime has done so because of intense sexual desire. Chemical castration should be a tool to be used among other treatments, and it should never be left to the Department of Corrections to sort this out.

(Read further commentary within our Legislative Report.)

Please be sure to join us to hear Steven Yoder on March 9th. I have included an example of some of his reporting on residency restrictions. You will enjoy his talk.



Mark N.

Legislative Committee Chair

The First Session of the 58th Oklahoma State Legislature convened on Monday, February 1. OKRSOL perused the 2,978 bills introduced and found five bills that have the potential to affect registrants. We also found a bill proposing a "Domestic Violence Offender Registry". We will follow this as well.

Here is a list of those bills and their status:

SB156

Details for this bill can be seen below. HB1115 is a duplicate bill to this one. SB156 died in the Senate Judiciary Committee.

SB276

This bill would prohibit institutions within the Oklahoma State System of Higher Education

from performing a criminal background check on prospective student's initial application for admission. However, there was a clause allowing them to do background checks for certain sex crimes. SB276 died in the Senate Education Committee.

SB480

This bill would have allowed most convicted felons, including those with a sex offense, to hold the office of a Notary Public. SB480 died in the Senate Judiciary Committee.

HB1002

- A. In the original statutes, the statute of limitations on a victim filing a civil suit against the perpetrator of a sex crime was limited to the victim's 45th birthday. HB1002 would allow the victim to commence civil action at any time and shall not be time-barred.
- B. A civil suit may be brought by a victim against damages for injury suffered because of childhood sexual abuse, may be commenced against an entity, organization, institution, agency, firm, business, or corporation, whether for profit or nonprofit, within 30 years of the last act committed against the victim or within five years of when the victim knew of the last act of the perpetrator, whichever is longer. The time limit for commencement of such action is held for a child until the age of 18.
- C. For a period of five years beginning November 1, 2021, any victim who was previously time-barred prior to November 1, 2021, shall be permitted to file an action pursuant to paragraphs A and B.

Director's Commentary:

Oklahoma already has a lenient period for filing civil suits, so this bill does not substantially add to it. While the bill is somewhat confusing (why have lifetime for civil action against an individual and 30 years for an organization?), it reflects

current attitudes and will be a challenge to stop. The language allowing a falsely accused individual from countersuing for triple damages has been removed, and while there is nothing statutorily preventing a countersuit, the removal of this may be construed as to encourage lawsuits based on vague recollections long ago buried. We oppose this bill.

HB1115

This bill would require that persons convicted of the following sex crimes listed in the Oklahoma State Statutes, in addition to the court's punishment with respect to incarceration, probation and/or parole, shall be chemically castrated:

1. Rape as defined in Title 21, Section 1114;
2. Rape by Instrumentation as defined in Title 21, Section 1111.1;
3. Lewd proposals or acts with a child under the age of 16 as defined in Title 21, Section 1123;
4. Solicitation of a minor as defined in Title 21, Section 1021, subsection B;
5. Procuring a minor to participate in pornography as defined in Title 21, Sections 1021.2 and 1021.3; and
6. Forcible Sodomy as defined in Title 21, Section 888.

The chemical castration shall not apply if the person voluntarily undergoes a permanent medical alternative approved by the court.

Director's Commentary:

This bill requires those convicted of the sexual crimes listed above to undergo chemical castration by using medroxyprogesterone acetate or another approved drug as a condition of release. All the rules and procedures required to enforce this law will be determined by the Department of Corrections.

The bill makes chemical castration a court-ordered option for an initial offense but a requirement upon conviction of a second offense. Chemical castration, if necessary, should be

administered and monitored by physicians and psychiatrists as a part of a treatment program. It should not be a one size fits all approach administered by the Oklahoma DOC. We strongly oppose this bill.

OKRSOL is open to questions and comments. Send to Mark at okrsol.legislature@gmail.com



Our December Spotlight call featured **David L. Garlock**. 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. He told us his story of redemption and restoration and how he turned his life around. It was a fascinating hour listening to him speak.

Zoom with Steven Yoder
Journalist, Writer, Editor

Tuesday, March 9, 2021 at 7:30 PM



Please join us for our March Spotlight call with Steven Yoder. He is a journalist who has covered a range of domestic policy issues for national magazines and news sites, including The Washington Post, PBS, Salon, Reason, and The American Prospect. While his focus is domestic policy, he specializes in criminal justice, especially the impacts of sex-offense registries and related laws. He is going to be speaking on residency requirements, specifically how other states handle theirs. If we were to attempt to have a legislator introduce a modification to the existing 2,000-foot restriction, what is a common-sense direction we could take, knowing that in a state such as ours, the entire thing would never be repealed? Come join us with your questions. See the article below for an example of Steven's writing.

The meeting will be on Zoom using the link, <https://us02web.zoom.us/j/83946185339>.

Meeting ID: **839 4618 5339**

Use your computer's audio or dial in on your cell phone for the audio with one of the numbers below. If you cannot use Zoom, you can still dial in with your cell phone using these numbers:

346-248-7799

669-900-6833

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If one is busy, try another. We hope to have you there with us.

Wisconsin came close to changing a rule that often leaves people on sex offense registries homeless

Steven Yoder

In May 2016, a local Fox station in Wisconsin reported a remarkable story. That March, a man who had served 11 years on second-degree child sexual assault had been released from prison. The city of Waukesha had a rule forbidding those convicted of a sex crime against someone under age 18 from living within 1,500 feet of schools, parks, and other places where children congregate. His mother and brothers all lived

inside those banned zones, so he couldn't live with them.

With nowhere to go and homeless shelters refusing help, the day after his release he intentionally stood next to a school to get rearrested. That landed him back in prison for two years. "I just couldn't go on with no place to go," he told the station. (According to state records, after getting out in 2018, he's now back in prison on another probation violation.) The Appeal contacted the state Department of Corrections to speak with him but, citing a "rigorous process" for making prisoners available for interviews, the agency didn't respond before publication.

The latest available research shows that 32 states and many municipalities, including dozens in Wisconsin, have rules like Waukesha's that make big swaths of housing off limits to people with sex crime records. Those policies might sound like common sense, but a 2017 report from the U.S. Department of Justice concluded that there's "no empirical support for the effectiveness of residence restrictions." Reformers and experts have tried [for](#) years to convince legislators that restrictions are bad policy, given the research and investigations [linking](#) them to higher rates of homelessness.

So, it seemed odd to see Governor Tony Evers, a Democrat, block Republican efforts to get rid of one such ban, at a time when Democratic candidates are out front on a range of criminal justice reforms.

Both legislative chambers unanimously supported Senate Bill 60, which four Republican state senators sponsored. It would have done away with the state's rule forbidding those released from the state's sex-offense civil commitment program from living within 1,500 feet of schools and other places. The civil commitment program confines about 280 people beyond their prison release dates for

treatment, a program the state says is intended to lower their risk of recidivism.

Evers, who [ran](#) as a progressive, vetoed the bill in late November. He wrote that eliminating the distance restriction weakens protections that provide "as safe a place as we can for our kids to grow, learn, and play."

But that argument about the bill takes as fact that those released from civil commitment are highly likely to recidivate, an assumption supported by little data. A paper by two law professors in the summer 2018 *American Criminal Law Review* concluded the opposite, describing three studies that found three- to five-year reconviction rates ranging from 3 to 7 percent.



My Story...

My story starts out just as normal as any other. I grew up in a tight knit family with plenty of brothers and sisters who were raised with conservative Christian views. We all graduated college, attended church, played sports, and overall had a healthy life. I ended up getting married and joining the military. Ultimately, my goal was to graduate college and get in-state tuition. The military helped me achieve that goal.

While I was in ROTC, I was introduced to something on the Internet called Yahoo Groups and the adult section where you could go to talk to some lonely girls and get them to show pictures of themselves. It was harmless fun, or so I thought. During moments of free time, I decided to check out the adult section to see what I could find. One time I saw a screen name related to soccer, and since I'm an avid soccer

player, I struck up a conversation. This was an adult chat room, and I assumed participants had to be over 18. After some brief introductions and discussion about soccer, I learned the other person was under 18. Had I not been so naive and overconfident, I should have stopped there and blocked the person permanently, but the one mistake I made was to add them to my buddy list. Anytime they were online, it would pop up. Of course, what I didn't know was this person wasn't a female and an undercover cop with one intention, and that was getting me to say something inappropriate. By this time, we were talking several times a week. I said I was good at a certain sexually related act, and somehow it was inferred that I could do this with the person I was talking to. That was the end of my life as I knew it.

I was arrested, and I assumed I would get a fine or community service or something like that, but oh, was I wrong. For law enforcement, this case was essentially a slam dunk. They have a detective willing to testify that the elements of the crime were met. I quickly found out entrapment is not a defense, and my only option was to take a plea deal. Of course, I could no longer carry a weapon or have a secret clearance for the military, so my military career ended abruptly. I took a plea deal and spent 27 months in prison with a 10-year registration requirement. This was 16 years ago, and I'm still on the registry! Once I moved back to Oklahoma, the plea deal no longer applied, and Oklahoma got to decide my time on the registry. I hired a local attorney who told me he could get me off the registry. After spending thousands of dollars and months of time, I was told, if I move out of state and return, then the grandfather clause doesn't count, and if I didn't like it, to move back to my previous state or don't break the law to begin with.

I have been fortunate enough to have a somewhat normal life with a decent job. I have been able to get married again and have a small family with kids I love and adore. I wonder if my

children will start to question why I don't attend school events or if their friends or their friends' parents will ever find out about my past and ostracize or punish my children for my actions. I feel the same for my wife and hope that she isn't treated differently when her friends find out. I have seen reactions all over the board once someone finds out about me. I've had friends and business cohorts use it against me or become shocked that I never told them and stop working with me. It makes for good gossip and word travels fast in small circles once one person finds out. I've had people shun me for months or years only to come back later and tell me they have gotten over it and would like to rekindle the friendship. I even had my competitors find out and use it against me to help them get work they normally wouldn't. Fear is what usually fuels these actions, and it's the fear of liability by the employers if anyone finds out they agreed to let me work for them. The fear created by the media about people on the registry fuels this fear. As drugs are getting de-criminalized and most other crimes are being swept under the rug, the people on the registry are becoming an easy target for lawmakers and media and are getting more time and resources spent on ways to punish them.

With all that being said and all the challenges I have faced, what really has touched my heart is when I tell someone about my past and they say, "Oh yes, we've known that for years but thanks for telling us", and I realize they never treated me any differently, and I never knew they knew. There are many good people who judge you based on who you are and what they have observed in person, and not your past mistakes. These are the people that have made my life the way it is. These are the people that gave me a chance and allowed me to have a somewhat normal life. I still would love to travel more or go on cruises with the wife and kids and visit tropical islands or exotic places. I'm hopeful that there's a light at the end of the tunnel, and I will someday be off the list. The good people on this earth, who are Christlike and forgiving, have

given me the opportunities I still have. All I can do is live my life like everyone knows my past and be who I am, letting them judge me based off that and their own personal fears or experiences.

Do you have a story to tell?

Contact us at:

ok-rsol.org/contact or call 405-294-4299.

Tell us about it. We'd love to hear from you.



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