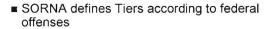


Barriers to implementation

- Retroactivity
- Juveniles
- Cost
- Substantial compliance



■ Tribes

Legal arguments

- Ex post facto
- Separation of powers
- Double jeopardy
- Due process
- Right to contract
- Equal protection
- Cruel & unusual punishment
- Juveniles: right to due process, right to equal protection, right to trial by jury

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Ex post facto: "after the fact" Passing any law that aggravates a crime and inflicts greater punishment ■ AWA must be determined to be criminal, not civil Separation of powers ■ Under AWA, prior judicial determinations are being undone by a policy change enacted by the legislative branch and implemented by the executive branch Double jeopardy ■ The imposition of multiple criminal punishments for the same offense in successive proceedings AWA classification must be seen by the courts as criminal punishment Due process ■ Legislatively or administrate reclassification; no judicial ■ Constitutionally protected liberty interest in prior judicial classification Right to contract No state shall pass any ... law impairing the obligation of contracts ■ Plea deals are contracts Juveniles ■ Children in juvenile court receive only limited due process protections AWA imposes adult sanctions on juveniles who have not received full protection from the Constitution Public policy arguments ■ Offense-based classification system vs. risk-based classification ■ No judicial discretion ■ Vast majority of offenders classified as Tier III ■ Dilution of registry; impossible to know who is a danger

■ Burden on local law enforcement

More policy arguments

- Federal government forcing states to abandon systems they've created
- False sense of security
- No focus on treatment
- Good intentions, unintended consequences
- Plea bargaining to non-sex offenses, more sex offense charges going to trial

How do I lobby on this issue?



Define specific problems

- Don't advocate against SORNA; too broad
- Break it down into specific, manageable issues
- Retroactivity, application to juveniles, cost to implement, risk-based systems vs. offensebased, etc.
- Use your story to highlight overall policy objections

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Present concrete alternatives

- Don't just point out problems, offer solutions
- What should states do instead of what SORNA requires?
- Ask for ideal, but be ready with alternatives

Have an effective meeting

- Direct your message toward specific legislator: are they concerned with big government, civil liberties, overspending?
- Talk about unlikely allies
- Be pithy; don't overwhelm with too many stats, too-long personal stories
- Good mix of personal & policy appeals



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