



Sex Offender Faces Life in Prison for Being Homeless

Sex Offender 'Clusters' Are Cropping Up in Georgia

By BRITTANY BACON

Aug. 8, 2007 —

A convicted sex offender in Georgia was pulled off the street and now faces life in prison -- not for committing a crime -- but because he was homeless.

Larry W. Moore Jr., who was convicted of a felony in North Carolina in 1994 for indecent liberty with a child and a sex offender registry violation in Georgia in 2005, could receive a life sentence after violating the state's registry law a second time.

A conviction for the second violation occurred last week, after an Augusta investigator found out that he registered a false address; he actually lived on the street. Under Georgia's new law, this second violation triggers an automatic life sentence.

Georgia's new sex offender law -- one of the nation's toughest to date -- prohibits offenders from living and working within 1,000 feet of not just schools and day care centers, but also churches, public or community swimming pools, public or private parks, bus stops and any other places "where minors congregate."

While many states have registry requirements, Georgia's 2006 sex offender law added school bus stops and churches to the list of places 1,000 feet from which registered sex offenders couldn't live or work, leaving them with only a handful of hotels and shelters to choose from, policy experts said. And although there is a court-ordered hold on the bus stop limitation, the church provision is in place.

Last fall, the Southern Center for Human Rights and the American Civil Liberties Union asked a court to prevent nine elderly and severely disabled offenders who lived within 1,000 feet of a church from being evicted.

The SCHR said that among those who faced eviction were residents of nursing homes, persons with Alzheimer's disease, and a resident of a hospice care facility who was told he had six months to live, according to court documents. They argued that the law incorrectly makes no exception for those who "by virtue of their advanced age and/or physical conditions&are not a danger to anyone." The case is pending.

Among critics of the Georgia law are law enforcement officials within the state, who say the law creates clusters of sex offenders and forces them underground where police can lose track of them completely. In Augusta, only one investigator is keeping track of more than 200 sex offenders, according to Sgt. Ray Hardin, an investigator at the Richmond County Sheriff's department. Hardin said that his office is overwhelmed by the constant flow of paperwork and the same sex offenders who come in "three times a week telling us where they moved to next."

Studies also show that sex offenders have a lower recidivism rate than other types of criminals. Jill Levenson, a professor of human services at Lynn University in Florida, told ABC Law & Justice Unit that there is not one case in the entire United States where a child or adult was not assaulted because of residency restrictions and called these laws "one of the largest wastes of resources and false sense of security things we've done yet."

Policy critics also argue that the wave of recent sex offender legislation gives neither hardship exemptions based on illness or disability, nor laxer sentences for seemingly less serious crimes, like a 17-year-old having sex with a 15-year-old. They argue that the legislation is based on reactionary politics and myths about sex offenders that are not supported by valid research or evidence.

But in a nation where child rape and murders victims like Meghan Kanka, Jessica Lunsford and Polly Klaas are practically household names -- each having had laws passed in their honor -- child predators and sex offenders are hard pressed to find any sympathy from their communities.

In an interview with the L.A. Times, the Georgia law's Republican sponsor Rep. Jerry Keen acknowledged the law would be "an inconvenience" for "some folks" who would have to move. "But," he said, "if you weigh that argument against the overall impact, which is the safety of children, most folks would agree this is a good thing."

Heavy Price for Homelessness

In Georgia, first-time sex offenders can be arrested and face 10-30 years in prison for a single violation of registry requirements. Repeat violators automatically receive a life sentence, legal experts said.

Moore joins 15 other Georgia sex offenders who have violated a provision that requires them to register an address since the law was passed in April 2006, but he is the first of several pending cases where the state has arrested an offender who then tried to use a homelessness defense, said Sarah Totonchi, a public policy director of the Southern Center for Human Rights.

Proper registry means going to the police and telling them where you live, and under law, "homeless does not constitute an address," she said.

The assistant district attorney on the case, Mukty Patel, said that homelessness was not a sufficient excuse. "We only had to prove that he failed to register when he checked out of his hotel," she said.

Critics of the registry say the law places people in a catch-22 by rendering nearly the entire state unlivable for sex offenders, while at the same time insisting that they register a permanent address.

"The law leaves very little recourse for people who are thrown onto streets as a result of this law, and the same residency laws that cause people to lose their homes also deem many of the shelters unavailable," Totonchi said.

According to the SCHR, only one shelter in the state meets the requirements, and it is currently full.

Across the nation, state legislators are enacting similar residency laws that make it difficult for offenders to hold legal residences or remain in a community at all. In addition to residency restrictions on sex offenders, some states require GPS monitoring of sexual predators, and have proposed that offenders use bright colored license plates on their vehicles.

Misguided Measures?

Despite the prevalence of state registry laws, some policy experts said there is no research to suggest a relationship between where sex offenders live and whether or not they'll repeat their crimes, or that these laws are even effective in preventing sexual crimes.

"We should base our laws to protect children on evidence-based research and expert knowledge, but instead lawmakers are responding to 'stranger danger myths,' which make us most fearful of the wrong enemy," said Totonchi of the SCHR. "We tend to be most afraid of strangers when the statistics tell us we should be watching out for family members at the dinner table," she said.

In fact, only 7 percent of sex crimes against kids are committed by strangers, according to Justice Department statistics, while 80-90 percent of sex crimes are committed by a person the child knows.

And contrary to popular belief, studies show that sex offenders have a lower recidivism rate than other types of criminals, re-offending in about 14 percent of cases.

Jill Levenson of Florida's Lynn University told ABC Law & Justice Unit that "ironically, what happens with residency restrictions is that we end up creating exactly the types of risk factors that we know lead to higher recidivism rather than lower recidivism," Levenson said. "In other words, we know that stability, social support and employment are really important factors to help criminals maintain a productive life and not resume a life of crime, so disrupting the stability of criminal offenders is not likely to be in the best interest of public safety."

Georgia isn't the only state where law enforcement officials are publicly opposing the sex offender laws they're expected to uphold.

In Cedar Rapids, Iowa, Sheriff Don Zeller said new residency restrictions are forcing offenders into rural parts of the county where they are far harder to keep track of -- or worse, forcing them underground, where they can be lost track of completely.

"We're finding that it's almost impossible to keep track of individuals we have registered in the county," Zeller told ABC News' Law & Justice Unit. "Five years ago, we knew where about 95 percent of those individuals were. Now we're lucky if we know where 50, 55 percent of them are."

And paradoxically, Zeller said, the new restrictions are also creating sex offender "clusters" -- like the Ced-Rel Motel in Lynn County, where more than two dozen sex offenders lived at one time.

"What if some individual comes in there with a family and decides that they're going to stay there overnight, not knowing that 26 sex offenders are living there? And what happens if then they expose their family because most families will send their kids down to get pop or ice and, unbeknown to them, there are 26 sex offenders living in that same complex?" Zeller said.

Paul Zandbergen, a member of the University of South Florida's geography department, did a study in which he mapped the effects of residency restrictions in his state and found that "if you add up all the restrictions -- almost nothing is left [that people can live in] fairly quickly."

Nancy Sabin is the executive director of the Jacob Wetterling Foundation, named for a Minnesota boy who was abducted at gunpoint in 1989 and never heard from again. The foundation spearheads preventive education programs aimed at protecting children from both stranger predators and sex offenders in their own communities or homes.

"Can you help me understand where all these sexual predators are coming from?" she asked rhetorically. "They're coming from our homes!

"Why do we pretend we don't know where they are?" she asked, adding that Americans "need to see ourselves as part of the solution."

ABC News' Jim Avila and Mary Harris contributed to this report.

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