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**To: Governor John Hickenlooper
Senate President-Elect Morgan Carroll
House Speaker Mark Ferrandino**

From: Commission on Criminal and Juvenile Justice

Re: Review of Jessica's Law and Colorado's Sex Offender Laws

Date: November 14, 2013

Request

By letter dated April 29, 2013 the Commission on Criminal and Juvenile Justice (CCJJ) was requested to assess the potential impacts Jessica's Law would have if adopted in Colorado. Specifically, the CCJJ was directed to consider:

- The impacts that Jessica's Law has had in other states that have implemented it;
- Any literature or documents available that evaluate Colorado's sexual offender programs based upon empirical analysis and evidence-based practices;
- The objectives of protecting the public, especially children, from dangerous sexual offenders while ensuring the most effective expenditure of Colorado's criminal justice resources; and,
- Any other issues that the CCJJ determines to be important and relevant to the goals of the CCJJ and its assessment of Colorado's criminal laws applicable to sexual offenders.

Background

Jessica's Law refers to an act adopted by the Florida legislature in 2005 (Jessica Lunsford Act; Florida House Bill 2005-1877). The act made a number of changes to the sentencing and registration consequences faced by sex offenders in that state. Other states have adopted some pieces of the Florida statutes, but there is no uniform model that has been adopted wholesale in other jurisdictions. The major points in the act are outlined in a chart prepared by Jessika Shipley of the Colorado Legislative Council Staff in a memorandum to the General Assembly dated March 2012 (revised from an earlier report of April 2008). The chart also compares those major points to relevant provisions in Colorado law. The chart is included with this memorandum as Table A. While there are a variety of conditions included in the act, two points are generally mentioned as the cornerstones of Jessica's Law. The first is a 25-year mandatory minimum prison sentence for the offense of sexual assault on a child and the second is lifetime supervision with electronic monitoring.



States that are credited with having implemented Jessica's Law have not met even those two conditions in the same manner, nor have they uniformly adopted the other provisions of Florida's act. The National Conference of State Legislatures prepared a chart summarizing each state's laws relating specifically to the 25-year mandatory minimum and the lifetime electronic monitoring requirements. This chart is included herein as Table B. The chart underscores a number of differences in the definitions and categories that make state-to-state comparisons difficult. In Florida, the definition of a child for these purposes means a person under 12 years of age. California differentiates between victims under 14 for some crimes and victims under 10 for others. Delaware, Georgia, Kansas, Mississippi, and Texas use 14 as the cut point. Other states define a child victim as being under 16, 15, 13, or 12. Colorado defines a child victim with regards to sexual assault as a person under age 15 for most crimes. There are some sex offenses relating to positions of trust that extend the definition of a child victim to age 18.

Other variants are apparent when comparing the types of sexual assault covered by the laws as well as the applicable sentences. While Florida's act covers "lewd and lascivious molestation of a child," which includes touching, other states have restricted the increased penalties to more specific acts of penetration or other use of violence or to repeat offenders. Nebraska, for instance, has a 15-year minimum sentence for First Degree Sexual Assault of a Child under 12. In Nebraska, that crime requires an act of penetration and does not include contact-only offenses. Repeat offenders are subject to a 25-year minimum sentence. Ohio adopted 25 years to life as a sentence but restricted it to rape of a child under 13. Michigan enacted the 25-year minimum sentence but also applied it only to acts of penetration on a child under 13. Alabama uses a 20-year minimum sentence for their category of "Class A" offenses and 10-year mandatory for "Class B" and "Class C" offenses on victims under 12 if the act was committed with a deadly weapon.

The Jessica's Law condition of electronic monitoring for life following release from prison is also treated differently in the states credited with the adoption of the act. Alaska requires GPS only when aggravating factors are present. Arkansas mandates it for 10 years after release. Iowa sets a minimum of 5 years of electronic tracking for parolees or probationers. Many others authorize, but do not require, the use of electronic monitoring as a condition of supervision. Finally, some states, such as California, require electronic monitoring for registered, unsupervised sex offenders but implementation of this requirement was prevented by a lack of funding authorization.

Analysis

The effort to assess the impacts of Jessica's Law on other states that have implemented it is thus hampered by the variety of what has been implemented. Further, every state started from a different platform of laws and sentencing before adopting their versions of Jessica's Law. Conducting a study of the impacts of the changes in each state would be a monumental undertaking. A search was conducted to determine whether published reports exist within any state that discussed such impacts but none were found. The Washington Institute for Public Policy, one of the most active and well-funded state research arms, has issued reports on the effects of sex offender registration and the use of risk assessment tools for classifying sex offenders, but not on the sentencing range effects nor the results of electronic monitoring specifically on sex offenders. Other states have attempted to study the impact of electronic monitoring on offenders, including sex offenders, but the outcomes to date have not supported the efficacy of this intervention.¹

¹ See, for example, Aos, Miller, & Drake, 2006; Gies, Gainey, Cohen, Healy, Yeide, Bekelman, Bobnis, & Hopps, 2012; New Jersey State Parole Board, 2007; Tennessee Board of Probation and Parole, 2007; and Turner & Janetta, 2007.



Mandatory Minimum Sentences

Colorado defines sexual assault on a child as any sexual contact on a victim less than 15 if the actor is at least 4 years older than the victim. This includes all types of behaviors from touching to penetration. For persons in a position of trust, the age extends to a victim under 18 years old. All sexual assaults on a child in Colorado are subject to the indeterminate sentence provisions of C.R.S. 18-1.3-1004. That statute also incorporates mandatory minimum levels from the crime of violence sentencing ranges. This requires, for example, that an offender convicted of sexual assault on a child as a class 3 felony must be sentenced to no less than a number from 8 to 24 years, with the automatic maximum of life as the undetermined top end on every sentence. If an offender is paroled for a class 3 felony sex offense, the period of parole must be at least 20 additional years up to a maximum of life under C.R.S. 18-1.3-1006. For a class 4 felony, the mandatory minimum is between 2 and 6 years with the automatic maximum of life on each sentence, followed by a period of parole of at least 10 years to life. Sexual assault on a child is a Class 3 felony if there was any use of force, threats, or intimidation or if the act was part of a pattern of conduct. This applies regardless of the nature of the sexual contact. It is a class 4 felony only in the absence of any of those factors. Other sexual offenses with child victims such as enticement of a child, patronizing a prostituted child, and internet sexual exploitation of a child are also covered by the indeterminate sentence statute if the crime included the use of force, threats, or intimidation or resulted in bodily injury and was therefore a crime of violence.

For purposes of comparison it is important to note that Jessica's Law allows for an alternative of EITHER a sentence to life OR a determinate sentence of at least 25 years. In Colorado, every sentence has life as the upper end of an indeterminate range.

Determining the potential impact of adopting some or all of the facets of Jessica's Law in Colorado is as much a moving target as trying to determine the impact of changes in other states. Would Colorado choose to create a new category of victims under 12? The specific ages of child victims are not currently entered in the criminal justice databases so they are not searchable as a data element. Would Colorado apply any new sentencing provision to all types of sexual contact, or restrict it as some states have done to only acts of penetration, or to other aggravators such as use of force or pattern of conduct? Would the electronic monitoring become a mandatory condition of parole or remain as an option as other states have done? Would Colorado retain the indeterminate life sentence as the maximum in each case, incorporate the alternative determinate sentence option authorized by Jessica's Law, or switch completely to a determinate sentence model? How would such a change impact sentencing practices by the courts? The impact of these variables would be little more than guesswork without more information about the criteria and detail of any changes.

Electronic Monitoring

Colorado requires that any sex offender released from prison must comply with the intensive supervision parole program. That program incorporates the option of electronic monitoring as a condition. Sex offenders who have been designated as Sexually Violent Predators (SVPs), are sentenced to indeterminate sentences, or are identified as high risk are required to be on intensive supervised parole (ISP) with the condition of electronic monitoring when first released from prison. In addition, non-ISP parolees can also be placed on electronic monitoring based on certain criteria (e.g., violent crime, high-profile case, career criminal, use of a weapon, gang affiliation, history of escapes, etc.).

The offender's parole agreement typically reads, "Parolee shall participate in intensive supervision while on parole for 180 days at the discretion of the Parole Officer." The Parole Board has the option to extend ISP and electronic monitoring beyond 180 days in cases where the offender is on an indeterminate sentence or designated an SVP. Therefore, sex offenders placed on electronic monitoring generally remain on such



supervision for 6 months. Parolees can be removed from electronic monitoring at the discretion of the community supervision team when they progress to a lower level of supervision except for offenders sentenced to indeterminate sentences, who must be lowered to minimum supervision prior to being removed from electronic monitoring.²

If an offender is placed on probation, the court may order electronic monitoring as a condition. The probation officer also has discretion to require electronic monitoring based on assessments and behavior. Probation as a possible sentence is discussed more fully under the Research section to follow.

Research Findings

Assessing the current status of offenders convicted of crimes related to sexual assaults on children requires combining information from multiple sources. The Lifetime Supervision of Sex Offenders Annual Report, published jointly by the Department of Corrections, the Department of Public Safety, and the State Judicial Department tracks sex offenders sentenced to an indeterminate range but does not distinguish between cases involving adult or child victims. The November 2012 edition of that report indicates that 1,129 hearings were held to consider lifetime sex offenders for parole in FY 2012. Some offenders had multiple hearing dates so the number of hearings is greater than the number of offenders considered. Of those, 107 were granted parole; 102 were “new” parolees, that is, they had not been on parole previously as part of the current sentence (p. 6). It is unknown how many of the 107 inmates paroled from lifetime supervision had assaulted victims below 12 years of age. For comparison, in FY 2011, 844 hearings were held for this population, 21 offenders were granted parole and 17 of those were “new” parolees (Lifetime Supervision of Sex Offenders Annual Report, 2011, p. 5). The increase in releases between FY 2011 and FY 2012 is expected to continue in the near term as more inmates reach parole eligibility under the lifetime sentencing laws that went into effect in Colorado in 1998.

The Department of Corrections Fiscal Year Statistical Report for FY 2011, published in May 2012, indicates that, as of the end of FY 2011, there were 1,678 inmates in prison for sexual assault on a child (p. 43). This aggregate number is not necessarily informative in a review of Jessica’s Law impact as some of those sentences may have been applied under previous laws requiring a determinate sentence while others require an indeterminate sentence as enacted in 1998. It is more pertinent to look at the admissions for FY 2011 for the crimes of sexual assault on a child, sexual assault-position of trust, aggravated incest, and sexual exploitation of a child (DOC Statistical Report FY 2011, Table 17). Remembering that these offenses include victims under 15 or 18, the sentencing patterns are useful to consider. According to an analysis conducted by the Division of Criminal Justice, there was only one class 2 felony admission and it resulted in a sentence of 16 years to life. The sentence lengths for class 3 felonies averaged 21.3 years for 3 aggravated incest cases, 23.4 years for the 28 sexual assault-position of trust cases, and 35.5 years for the 11 sexual assault on a child cases. Thus, a 25-year mandatory minimum would have little effect on sentencing practices for these more serious cases.

The class 4 felonies show a significantly lower minimum sentence as would be expected from the lower severity represented by the crime classification. The sentence lengths for class 4 sex assault-position of trust cases averaged a 6.5 year minimum for 13 offenders, the 35 sexual assault on a child cases averaged 5.7 years, and the single sexual exploitation of a child resulted in a 2-year minimum. However, since the maximum for all of these cases is life, and it is difficult to know how long these inmates will actually serve before being granted parole, assessing the impact of a change in the law to a 25-year minimum is still problematic. It would be informative,

² Department of Corrections Administrative Regulation (AR) 250-02. Specific procedures for sex offenders can be found in AR 250-48.



although not definitive at this point, to study all the lifetime sex offenders in prison for abusing a child victim; however, that requires more time and resources than are available for this report.

Class 4 felonies are also eligible for a sentence to probation for a minimum term of 10 years up to the offender's natural life. Probation requires a pre-sentence investigation that includes a sex offender-specific evaluation and other assessments that guide the imposition of conditions, including treatment and electronic monitoring. These assessments are part of the risk and need determination that have demonstrated effectiveness in the reduction of recidivism (Andrews, Dowden, & Gendreau, 1999; Dowden, 1998; Gendreau, French, & Gionet, 2004; Hanson, Bourgon, Helmus, & Hodgson, 2009).

Like the indeterminate-to-life sentence in place in Colorado for all child sex offenses, some other Colorado requirements are more stringent than those in Jessica's Law. That law allows for an offender to be relieved of designation as a sexual predator after 30 years. Colorado does not allow for removal of that designation at any time. Jessica's Law requires a sexual predator to register twice yearly. Colorado requires quarterly registration for designated sexually violent predators and any offender subject to lifetime supervision.

Outcome Studies

The request from the Governor and legislature also asked the CCJJ to consider literature or documents evaluating Colorado's sexual offender programs as part of the CCJJ's determination of the potential impacts of Jessica's Law. There have been a limited number of evaluations funded to examine sex offender treatment programs. In 2012 the legislature funded a study of the Sex Offender Treatment and Monitoring Program (SOTMP) within the Department of Corrections. This report was completed in January 2013. Its focus was not on recidivism reduction or offender success in treatment. Rather, it was intended to evaluate the SOTMP for adherence to accepted methods of offender assessment and delivery of appropriate treatment. While the recommendations in the report are useful for those issues, they do not provide facts or data that inform the question of the potential impact of Jessica's Law in Colorado. Whether or not provisions of Jessica's Law may be adopted, some form of sex offender treatment will still be offered in prison. .

The use of in-prison treatment programs has been shown to be an effective component of offender rehabilitation when coupled with follow-up treatment in the community per the 2003 study of the Sex Offender Treatment and Monitoring Program (Colorado Division of Criminal Justice, Office of Research and Statistics, 2003). In addition, a study by the Sex Offender Management Board (2011) found a low rate of sexual recidivism (2.6% over three years post-supervision) for sex offenders who successfully completed probation or parole.

Evidence-based Sentencing

As a whole, sentencing for criminal offenses is undergoing a shift in emphasis to the effective use of evidence-based principles in assigning consequences for criminal behavior. These principles are based on an assessment of an offender's risks and needs that tend to drive criminal behavior. The sentence should incorporate conditions that address the needs appropriately. The focus of these evidence-based principles is to reduce recidivism and offender risk (Hanson, Bourgon, Helmus, & Hodgson, 2009; SOTMP Evaluation, 2013). Research has demonstrated that crime of conviction alone does not coincide with risk for recidivism, and other factors should also be considered in sentencing including actuarial risk assessment information (Freeman & Sandler, 2009; Zgoba, Miner, Knight, Letourneau, Levenson, & Thornton, 2012).

The focus of these evidence-based principles is that the sentencing process can help reduce recidivism and offender risk. Evidence-based sentencing is individualized and based on information about an offender's



specific risk and treatment needs. The use of mandatory minimums is contrary to the effective use of sentencing to reduce recidivism. Judge Roger K. Warren, in his 2008 paper entitled, “Evidence-based Practice to Reduce Recidivism: Implications for State Judiciaries,” discussed the importance of ensuring “that state sentencing policy allows sufficient flexibility and discretion to sentencing judges to permit implementation of risk-reduction strategies.” Warren notes that evidence-based sentencing relies on 30 years of criminology research that provides significant guidance in our efforts to improve public safety.

Evidence-based principles in sentencing do not address all components of a sentence. For instance, it is accepted that a sentence should reflect the seriousness of the presenting crime and should also be comparable to sentences imposed on other persons for the same offense. These principles of equity and fairness are not subject to scientific testing. There is no study that can establish whether the sentence for a theft should be shorter or longer than a sentence for murder. Those issues are policy considerations based on what a community believes is the relative damage caused by each crime. The same is true for sexual assault on a child compared to sexual assault on an adult. A community expects that children should receive additional protections and that violating a child should receive more severe punishment. Because the criminal justice system is society’s organized method of dealing with violations of behavioral codes, these concerns are as valid as the goal of treating each offender individually to reach a successful result for that offender. Therefore, a consideration of sex offender sentencing and management necessarily includes direct steps to provide for victim protection and community safety (Sex Offender Management Board enabling statute, 16-11.7.101 C.R.S.).

Review Results

Colorado’s sentencing scheme, actual practices, and supervision requirements meet or exceed Jessica’s Law in many important ways. Colorado’s structure was designed over a period of years with input from many professionals in the field. There has been regular review and revision influenced by research, practical applications, and shifts in public policy. It is expected these reviews will continue. The provisions of Jessica’s Law that Colorado currently lacks are not in keeping with evidence-based sentencing practices as they would move the state further away from the ability to impose a sentence designed to address the level of seriousness of the offense as well as the risk levels of the offenders.

James H. Davis, Chair
Commission on Criminal and Juvenile Justice

Douglas K. Wilson, Vice-Chair
Commission on Criminal and Juvenile Justice

Table A
Comparison of the Provisions of Jessica's Law and Colorado Law on Sex Offenders

This Table is excerpted from the original memo to the General Assembly prepared by Jessika Shipley. A complete version of that document is available at:

<http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251827965184&ssbinary=true>

Subject	Jessica's Law	Colorado
Mandatory minimum sentences for serious sex offenses on a victim who is under the age of 12	An individual convicted of lewd and lascivious molestation of a child, who is not sentenced to life, must be sentenced to at least 25 years imprisonment, followed by probation or community supervision for the remainder of the individual's natural life.	Most sex offenders in Colorado are subject to the Colorado Sex Offender Lifetime Supervision Act of 1998. Additionally, most sex offenses against children are subject to enhanced sentencing provisions. See Attachment A for an explanation of indeterminate sentencing of sex offenders.
Petitions to remove a sexual predator designation	An individual must wait 30 years after being designated as a sexual predator prior to petitioning the court to remove the designation.	Designation as a sexually violent predator is made during the probation or parole process using a risk assessment tool and by a determination of the court. It may be appealed, but the designation may not be removed.
Death penalty	Prosecutors may seek the death penalty in cases where the child victim of a sexual predator dies during (or as an immediate result of) lewd and lascivious molestation.	Prosecutors may seek the death penalty in cases where an individual commits sexual assault on a child and the victim dies during (or as an immediate result of) the sexual assault.
Failure to register as a sex offender	Third degree felony, punishable by a term of imprisonment not to exceed 5 years.	A first offense is a class 6 felony (punishable by 1 year to 18 months in prison, a fine of \$1,000 to \$100,000, or both) and a second offense is a class 5 felony (punishable by 1 to 3 years in prison, a fine of \$1,000 to \$100,000, or both). Depending on the circumstances of the case, an individual may petition to be removed from the sex offender registry.

Table A (cont'd)
Comparison of the Provisions of Jessica's Law and Colorado Law on Sex Offenders

Subject	Jessica's Law	Colorado
Harboring a sex offender	Third degree felony, punishable by a term of imprisonment not to exceed 5 years.	It is a class 5 felony to harbor an individual who has committed, been convicted of, or is charged with a crime, or is suspected or wanted for a crime that is a class 3, 4, or 5 felony (all felony sex offenses fall into one of these three categories). ³
Electronic monitoring	All sexual predators are required to be monitored electronically, via global positioning satellite (GPS), for the entire period of probation.	Electronic monitoring, including GPS, is used as a sentence by the courts in lieu of jail. It is also used as a condition of bond for pre-trial supervision, as well as for monitoring some residential and non-residential parolees out in the community. All offenders who are subject to Intensive Supervision Program Parole (ISP-P) are monitored electronically. ⁴
Sex offender registration and reporting requirements	Sexual predators are required to report in person to re-register twice a year.	Sexually violent predators and individuals subject to lifetime supervision must register quarterly (every 90 days). All other sex offenders re-register annually. (See Attachment B for details of the Sex Offender Registration Act of 2002.)
County probation officials	County probation officials are required to search the state sex offender registry any time they are assigned a new offender.	In Colorado, probation cases are assigned according to judicial district, rather than by counties. Probation officers are not statutorily required to check the sex offender registry, although some may do so as a matter of local policy. Probation officers do receive presentence reports, which include a criminal history, on every offender.

³ A class 5 felony is punishable by one to three years in prison, a fine of \$1,000 to \$100,000, or both.

⁴ The ISP-P was established by statute for high risk-high needs offenders who present increased risk to the community. These offenders would not generally be considered as good candidates for parole by the board and would not receive favorable consideration for release (discretionary) because of the risk posed were it not for the increased supervision, surveillance, and contact by community parole officers this program offers.



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State Statutes Related to Jessica's Law

In February 2005, a nine year old Florida girl named Jessica Lunsford was raped and murdered. The accused offender lived across the street from Jessica and had a history of crimes against children. He was required to register as a sex offender under Florida law but failed to keep his registration information current, as required. This case prompted Florida House Bill 1877 later that year, which increased punishment and monitoring of child sex offenders. Two major components of the bill include a mandatory 25 years to life prison sentence for first time offenders convicted of sex crimes against children and the use of global positioning satellites (GPS) or electronic devices to track the location of sex offenders following release. Several states have since passed similar versions of the original Jessica's Law although the title of acts may vary by state.

At least 25 states have enacted mandatory 25 year minimum sentences for first time child sex crime offenders; at least 39 states have enacted GPS or electronic monitoring provisions specific to sex offenders; and at least 23 states have enacted *both* GPS or electronic monitoring and 25 year minimums, identified below by an asterisk next to the state name. Some states have not yet enacted these Jessica's Law components but may have comparable or related provisions; that information is also included below.

Table B
State Statutes Related to Jessica's Law

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
Alabama	§13A-5-6; §15-20-21; § 15-20-26.1	SB 53 (2005)	20 year minimum sentence for Class A and 10 years for a Class B or C felony sex offenses involving a child under age 12 while using a deadly weapon. Numerous criminal sex offenses enumerated in §15-20-21 including sexual abuse, kidnap, enticement.	Requires electronic monitoring of sexual violent predators.
Alaska	§12.55.125; §33.16.150	SB 218 (2006):	SB 218 raised presumptive sentencing ranges for sex related crimes against minors including 1st 2nd, 3rd degree sex assault, sex abuse w/ a minor, prostitution, etc.	Requires GPS as condition of parole/probation when aggravating factors are found - not specific to sex offenders.
Arizona	§13-604.01; §13-1423	SB 1141(1998)	Life sentence for 1st degree dangerous crimes against children including sexual assault or sexual conduct w/ a minor 12 years or younger & violent sex assault. Provides presumptive sentences ranging from 20-30 years for other sex related crimes.	Not Specified
*Arkansas	§5-14-103; §12-12-923	HB 1004 (2006) HB 1005 (2006)	25 year mandatory minimum sentence for rape of a child under 14 years of age.	Requires electronic monitoring of sexually violent predators for minimum 10 years after release.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
*California	Penal Code: §269; 288.7; §3010; §3004	SB 1128 (2006) SB 619 (2005) SB 963 (2005) Prop 83 (2006)	25 years to life mandatory minimum sentence for intercourse or sodomy w/ child 10 years or younger and 15 years to life for oral copulation or sexual penetration w/ child 10 years or younger. 15 years to life w/ consecutive sentencing for additional sex acts w/ a child 14 years or younger.	Requires GPS monitoring of felony sex offenders for life.
Colorado	§18-1.3-406; §18-1.3-401	---	Presumptive sentencing with mandatory ranges provided for sex offenses constituting violent crimes.	Not Specified
*Connecticut	§53a-70c; §53a-90a; §53-21; §53a-30	SB 1458 (2007) HB 5846 (2006)	25 year mandatory minimum for aggravated sexual assault of a minor younger than 13 years. Also provides restrictions on sentence reduction or suspension, requiring specified periods of imprisonment ranging from 2-10 years for crimes including sexual assault of a minor, impairing morals of a child, child pornography, enticing a minor, etc.	Court authorized to impose GPS monitoring as a condition of probation - not specific to sex offenders.
Delaware	Chapter 11: §4205A	HB 404 (2006)	25 years to life mandatory minimum sentence when victim is younger than 14 years and the crime is rape, continuous sexual abuse of a child, or a dangerous crime against a child.	Not Specified
*Florida	§800.04; §775.082;	HB 1877 (2005)	25 years to life mandatory minimum sentence for lewd or lascivious molestation against a victim less than 12 years of age.	Requires electronic monitoring of specified sex offenders for life.
*Georgia	§16-5-21 §17-10-6.2 §16-6-4 §16-5-21 §42-1-14	HB 1059 (2006)	25 year mandatory minimum sentence for crimes of sexual assault, aggravated assault with intent to rape, incest, kidnapping against a child less than 14 years old; aggravated child molestation, aggravated sodomy with child 13-15 years old; rape; aggravated sexual battery	Requires sexually dangerous predators to wear GPS electronic monitoring device for life.
Hawaii	---	---	---	Not Specified
Idaho	§20-219	HB 381 (2008)	---	Requires sexually violent predators be electronically monitored throughout probation or parole period.
Illinois	§730 ILCS 5/3-3-7; §720 ILCS 5/12-14.1	SB 1397 (2007) HB 4222 (2006)	Provides for extended sentencing periods of 15 and 20 years or minimum 50 years for predatory criminal sexual assault of a child; depending on use of firearm or resulting bodily injury.	Requires sexually violent predators be electronically monitored throughout probation or parole period.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
Indiana	§11-13-3-4; §35-50-2-2; §35-50-2-4	SB 125 (2005) HB 1155 (2005) SB 12 (2005)	Provides fixed felony class A sentencing ranges of 20-50 years for specified sex crimes involving deadly force, including sexual misconduct w/ a minor and child molestation. Also limits suspension of class A child molestation sentence only to that in excess of 30 years.	Requires sexually violent predators be electronically monitored, includes GPS.
Iowa	§901A.2; §692A.4A; §903B.1; §903B.2; §902.14	HF 619 (2005)	Provides enhanced and special sentences up to life imprisonment for certain repeat sex offenders.	Requires certain sex offenders be electronically monitored or tracked for at least 5 years as condition of parole or probation.
*Kansas	§21-4642; §21-4643; §22-3717	HB 2576 (2006)	25 years to life mandatory minimum sentence for certain child (under 14) sex offenses including rape, sexual exploitation, sodomy, prostitution, trafficking, etc, with specific exceptions. Provides 40 year minimum for repeat offenders of certain sex offenses. Requires life imprisonment without the possibility of parole for repeat offenders classified as aggravated habitual sex offenders.	Requires electronic monitoring for life of certain sex offenders.
Kentucky	§431.520; §532.080; §532.060;	HB 003 (2006)	Certain sex related crimes classified as class A felonies are subject to indeterminate sentencing ranges from 20-50 years. 25 years to life for a 1st degree persistent repeat felony sex offender.	Court is authorized to require electronic monitoring of certain sex offenders
*Louisiana	§14:78.1; §14.81.2; §14.81.1; §14.43.1; §15:550; §15:560.4	HB 004 (2006) HB 642 (2008) SB 164 (2004) HB 572 (2006)	25-99 years at hard labor mandatory minimum sentence for sex crimes against a child under 13 years old including: aggravated incest, molestation of a juvenile, sexual battery, pornography involving juveniles, etc.	Requires electronic monitoring for life of certain sex offenders.
Maine	17-A §253; 17-A §1252; 17-A §1231	HP 1224 (2006)	Provides definite minimum sentence of 20 years for gross sexual assault of a child under age 12.	Conviction of gross sexual assault requires supervised release including electronic monitoring for duration.
*Maryland	Crime Code: §3-305; §3-303; §11-724	HB 2A (2006)	25 years to life mandatory minimum sentence for 1st degree sex offense and rape with a child under age 13.	Parole Commission is authorized to use GPS as part of sex offender supervision.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
Massachusetts	265, §23; 265, §47	HB 5234 (2006) HB 4811 (2008)	Provides for a minimum 10 years for rape of a child under 16 using a weapon. Minimum 25 year sentencing similar to "Jessica's Law" was removed from HB 4811 before passage.	Requires GPS monitoring for certain sex offenders throughout probation.
*Michigan	§750.520b; §750.520n	HB 5421 (2006) HB 5531 (2006) H 5532 (2006) SB 709 (2006) SB 1122 (2006)	25 years to life mandatory minimum sentence for 1st degree sexual conduct with a child under age 13.	Requires lifetime electronic monitoring when convicted of criminal sexual conduct with a child under age 13
Minnesota	§609.3455	---	Provides for mandatory life sentence for egregious first-time offenders convicted of sexual conduct when the fact finder determines that a heinous element exists	Allows use of electronic surveillance on certain sex offenders.
Mississippi	§97-3-101; §99-19-84	SB 2527 (2006)	Minimum 20 years to life for sexual battery of a child under 14 years old.	Allows court to order electronic monitoring on certain sex offenders.
*Missouri	§566.030; §566.060; §566.213; §217.735; §559.106	HB 353 (2005)	Mandatory minimum 25 years for sexual trafficking of a child under age 12. Mandatory minimum 30 years to life for forcible rape or sodomy of a child under age 12.	Requires lifetime electronic monitoring/tracking using GPS for specified sex offenders.
*Montana	§45-5-625; §45-5-503; §45-5-507; §46-18-222; §46-18-206; §46-18-207; §46-23-1010	SB 207 (2005)	Mandatory minimum 25 years to life, with some exceptions, for sex related crimes with a child 12 years or younger including: sexual intercourse without consent, sexual abuse of children, incest, etc.	Requires electronic monitoring using GPS for level 3 sex offenders and authorizes use for other levels of sex offenders.
Nebraska	§28-319.01; §83-174.03	LB 1199 (2006)	Provides for minimum 15 year sentence for 1st offense of 1st degree sexual assault of a child under 12 years of age; repeat offenders subject to 25 year minimum.	Authorizes office of parole to use electronic monitoring on certain sex offenders.
*Nevada	§200.366; §176A.410; §213.1243; §213.1255	SB 471 (2007)	Mandatory life imprisonment with eligibility for parole only after 25 years has been served for sexual assault of a child under age 16 and substantial bodily harm did not occur; mandatory life imprisonment w/o parole if substantial bodily injury did occur. Mandatory life imprisonment with eligibility for parole only after 35 years has been served for sexual assault against a child under age 14 and substantial bodily harm did not occur.	Authorizes use of electronic monitoring device that will provide information related to sex offender's geographic location.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
New Hampshire	§651:6; §632-A:2	HB 1692 (2006)	Authorizes but does not mandate extended sentencing of 25 years to life for 1st degree sexual assault or aggravated felonious sexual assault against a child under age 13.	Not Specified
New Jersey	§30:4-123.92	SB 484 (2007)	Several bills have been recently introduced but died in committee. (2006: AB 960, SB 1204. 2004: SB 2594, AB 4177, AB 4067, AB 4068.)	Authorizes satellite-based monitoring of sex offenders
New Mexico	§31-21-10.1; §31-18-23; §31-18-25	---	Provides mandatory life imprisonment for repeat violent sexual offenders, not 1st time offenders.	Requires GPS monitoring of sex offenders for the duration of parole.
New York	Penal Code: §130.95; §130.96; §70.08; §70.00; §70.06; §65.10; Exec. §837-r	AB 8939 (2006)	10 years to life minimum sentence for sex related crimes classified as predatory sexual assault & predatory sexual assault against a child less than 13 years old. 25 years to life minimum for persistent violent felony offenders.	Allows use of electronic monitoring on certain sex offenders as a condition of release.
*North Carolina	§14-27.2A §14-27.4A §14-208.40 §14-208.40A	HB 933 (2008) HB 1896 (2006)	Mandatory 25 years to life for sex related offenses against a child under 13 years of age including rape of a child, sexual offense with a child.	Requires satellite based monitoring for life of certain sex offenders.
North Dakota	§12.1-20-03; §25-03.3-24; §12-67-01; §12-67-02	HB 1216 (2007) SB 2029 (2007)	20 year mandatory minimum sentence for gross sexual imposition against a child under 15 but provides that the court may deviate from the minimum when it would impose manifest injustice, in which case a 5 year minimum must be observed.	Authorizes GPS monitoring for sex offender containment, requires for sexually dangerous persons.
Ohio	§2929.13 §2971.03	SB 260 (2007) HB 95 (2006)	25 years to life <i>indefinite</i> minimum sentence for rape of a child under age 13.	Authorizes GPS monitoring for certain sex offenders.
*Oklahoma	22 §991a; 10 §7115; 21 §1021;	SB 631 (2005) HB 1816 (2007)	25 years to life mandatory minimum sentence for sex related crimes against a child under 12 including sexual abuse & exploitation by a parent, child pornography, and sexual battery and lewd acts with a child under 16.	Requires GPS monitoring of habitual or aggravated sex offenders.
*Oregon	§137.700; §163.235;	HB 3511A (2006)	25 year mandatory minimum sentences for 1st degree sex related offenses against a child under 12 including rape, sodomy, kidnapping, sexual penetration.	Requires lifetime "active tracking" of certain sex offenders.
*Rhode Island	§11-37-8.2.1 §11-37-8.2 §13-8-30	SB 2058 (2006) HB 7040 (2006)	25 years to life mandatory minimum sentence for 1st degree child molestation sexual assault against a child 14 years and under.	Requires lifetime GPS monitoring for convicted child molesters and high risk offenders.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
Pennsylvania	42 §9718.2; 42 §9798.3;	HB 944 (2005)	Provides 10 year minimum sentence for sexual assault of a child under 16; 25 year minimum for 2nd offenders and life imprisonment for 3rd time offenders.	Authorizes GPS monitoring for certain sex offenders.
*South Carolina	§16-3-655; §23-3-540	SB 1138 (2006) HB 3328 (2005)	25 years to life mandatory minimum sentence for criminal sexual conduct with a minor under 11 years old. Mandatory life imprisonment or death for subsequent offenders.	Requires active electronic monitoring for certain sex offenders.
South Dakota	§22-22-1.2 §23A-27-12.1; §24-15A-24	SB 208 (2006) SB 148 (2006)	Provides for minimum 15 year sentence for rape of a child under age 13.	Authorizes use of GPS and electronic monitoring for parole and probation – not specific to sex offenders.
*Tennessee	§39-13-522 §40-39-302 §40-39-303	HB 2314 (2007) HB 3182 (2004)	25 years to life mandatory minimum sentence for rape of a child under age 13.	Authorizes use of GPS and electronic monitoring on sex offenders.
*Texas	Penal Code: §21.02 Crim. Proc: §17.43; §42.12	HB 008 (2007)	25 years to life mandatory minimum sentence for continuous Sexual Abuse of a child under age 14.	Authorizes use of GPS and electronic monitoring on sex offenders.
Utah	§76-5-402.1; §76-1-301 §76-5-403.1 §76-5-402.3	HB 013 (2008) HB 256 (2008)	25 years to life mandatory minimum sentence for sex related crimes against a child under age 14 including rape of a child, object rape of a child, sodomy of a child.	Not Specified
Vermont	13, §3253 28, §351	HB 856 (2006)	Provides presumptive sentencing minimum of 10 years, mandatory minimum 5 years, and mandatory maximum of life for sexual assault on a child under 13 years old.	Includes electronic monitoring in definition of an alternative sentencing program – not specific to sex offenders.
*Virginia	§ 18.2-61; § 18.2-67.1; § 18.2-67.2; §19.2-295.2:1	HB 846 (2006) SB 559 (2006)	25 year mandatory minimum sentence for rape, forcible sodomy, object sexual penetration against a child under 13 years old when committed in commission of or part of the same course of conduct as kidnapping, abduction, burglary, aggravated malicious wounding, etc. Provides for an additional suspended sentence of 40 years.	Requires GPS tracking for certain sex offenders.

Table B (cont'd) – State Statutes Relating to Jessica’s Law (Source: National Conference of State Legislatures)

State	Statute Citations	Related Bill Numbers	Mandatory 25 Year Minimum 1st Time Offense Sentencing Provisions & Related Information	Electronic/GPS Monitoring of Sex Offenders
*Washington	§9.94A.712; §9.94A.713	HB 3277 (2006) HB 2407 (2006)	25 year mandatory minimum sentence for predatory offenses of 1st & 2nd degree rape of a child and 1st degree child molestation. Also provides 25 year minimum when victim is less than 15 years of age for 1st & 2nd degree rape, indecent liberties by forcible compulsion, 1 st degree kidnapping w/ sexual motivation. 25 year minimum also provided relating to sex crimes involving a person developmentally disabled, mentally disordered, a frail elder, or a vulnerable adult.	Allows for electronic monitoring of sex offenders released as a condition of community custody.
*West Virginia	§61-8B-3; §61-8B-7; §62-11D-1; §62-11D-3	HB 101A (2006)	25-100 year mandatory minimum sentence for 1st degree sexual assault or sexual abuse against a child less than 12 years of age.	Requires electronic monitoring including GPS of sexually violent predators.
*Wisconsin	§939.616 §301.48	AB 784 (2005) AB 591 (2005)	25 year mandatory minimum prison sentence for sexual assault against a child under age 13 and repeated acts of sexual assault of the same child.	Requires lifetime GPS tracking for certain sex offenders.
Wyoming	§6-2-306 §7-13-1102	---	Provides for mandatory life imprisonment for repeat, not 1st time, sex offenders convicted of sexual abuse of a minor.	Allows electronic monitoring as part of intensive supervision programs - not specific to sex offenders.

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 Statutes and bills provided are summarized. Full text can be retrieved through: <http://www.ncsl.org/public/leglinks.cfm>