



REPORT: IDAHO'S SEX OFFENDER REGISTRY COUNTERPRODUCTIVE, MAY HARM PUBLIC SAFETY

*The report addresses key legal questions in constitutional challenge to Idaho's law
criminalizing oral and anal sex*

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BOISE – A report from University of Michigan Law School professor J.J. Prescott finds Idaho's sex offender registration and notification (SORN) laws “do not serve their purpose of lowering the risk of recidivism, reducing the number of total sex offenses or making communities safer.” “Put simply,” the report concludes, “existing evidence suggests that it is likely that, far from reducing sex offense recidivism, Idaho's notification law is actively increasing the total number of sex offenses each year in the state.”

The report is part of expert testimony in the lawsuit challenging Idaho's continued enforcement of its antiquated and unconstitutional “Crime Against Nature” statute, through the state's sex offender registry. The lawsuit, called *Doe v. Wasden*, was filed by the American Civil Liberties (ACLU) of Idaho, the Law Office of Mathew Strugar and Boise law firm Nevin, Benjamin & McKay, LLP.

“SORN puts thousands of people on this registry for their entire lifetime without any consideration of their individual circumstances,” said Matthew Strugar. “That registration is so ineffective at meeting its stated goals reveals registration's actual purpose: lifetime punishment.”

In addition to being ineffective, the report finds that SORN laws like Idaho's are expensive for states local governments to enforce and “are financially, physically, and emotionally burdensome to registrants and their families, which, again, may increase rather than reduce recidivism risk.”

The 22-page report summarizes available research on the behavior of people convicted of sex offenses and the consequences of SORN laws on recidivism. The consensus of those studies is that SORN laws “are much more likely to *increase* the likelihood that affected individuals return to crime,” the report notes.

[Read the expert witness report](#)

Last September, Idaho's federal court blocked the state from requiring two men from having to register due to Crime Against Nature convictions. The court noted the "discriminatory and arbitrary enforcement of the Idaho crime against nature statute" and ruled that Idaho "can have no legitimate interest in requiring [the men] to register as sex offenders for engaging in private, consensual sexual acts." The state's appeal from that decision is still pending.

In 2003, the United States Supreme Court's landmark decision in *Lawrence v. Texas* held that anti-sodomy laws, including Idaho's Crime Against Nature statute, violate constitutional protections under the Fourteenth Amendment. Yet Idaho is one of three states that continues to enforce its Crime Against Nature law by requiring people with convictions to register as sex offenders. From 1955 to 1957, Idaho's Crime Against Nature statute was the primary legal tool for the "The Boys of Boise" affair—one of the most virulent anti-gay witch hunts in American history. Although Idaho repealed its Crime Against Nature statute after the *Doe v. Wasden* lawsuit was filed, Idaho continues to place those convicted of the unconstitutional statute on the state's ineffective sex offender registry.

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