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Sex crimes break the lock on juvenile records

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By Martha T. Moore, USA TODAY

Laws meant to protect the public by listing sex offenders on Internet registries are colliding with laws intended to shield the identities of children who get into trouble.

Amie Zyla, 18, of Waukesha, Wis., has successfully promoted the idea that the public's right to know of a sex offender living nearby trumps a juvenile's right to keep court records secret. Last year, she persuaded her state's legislators to let police notify neighbors about the presence of a juvenile sex offender they consider a public risk.

This year, she went national. Congress is finishing work on a bill she promoted that could include juveniles on a federal registry being created. It would make failure to register a felony.

Zyla began her campaign when Joshua Wade, who was sent to a juvenile home for sexually assaulting her when she was 8 and he was 14, was arrested again for assaulting children. The community-notification law could have prevented him from molesting again, Zyla says.

"If they're a juvenile and they've done it, people should know about it," she says. "Josh got out and he did it all over again." He has been sentenced to 25 years in prison.

Changes like Wisconsin's are at odds with a longstanding practice of giving juvenile offenders a clean slate when they become adults.

'Let me go on with my life'

Leah DuBuc, 22, a Michigan college student, says sexual experimentation when she was 10 has tarred her as a criminal for the 25 years she must stay on the state's registry.

DuBuc says she and her stepbrothers, ages 8 and 5, "flashed" each other and play-acted sex while clothed. She pleaded guilty at 12 to charges of criminal sexual conduct in the first and second degree and spent 18 months in a residential treatment program. In court proceedings, she said she engaged in sexual activity with both boys. However, she says she lied in court to get away from her stepmother.

"It was stupid child's play," she says, "and now I'm on the list until I'm 37."

Since her name was added to the state registry three years ago when she turned 18, DuBuc has found angry messages taped to her dorm room door and pinging into her e-mail inbox. She has been turned down for jobs at fast-food restaurants and internships for a degree in social work by employers she says saw her on the registry.

It's illegal for DuBuc to attend her 9-year-old half-brother's hockey games or her 10-year-old half-sister's dance recital because sex offenders aren't allowed into school buildings. She petitioned to be put on a non-public registry limited to police use but was denied because, the court said, she was more than five years older than one victim. She says the court's math is wrong.

She notes that she leads Bible study, has taught English in Japan and volunteers at a homeless shelter. "Look at everything I've done," she says. "Let me go on with my life."

Some states list juveniles on public registries, some wait until they turn 18, and some never list them. Some list an offender for life; others specify a period of years, depending on the crime.

Some states have recently reconsidered putting juveniles on sex offender registries. In May, three changed their laws:

- Vermont no longer applies sex offender laws to people ages 15-18 who engage in consensual sex, joining other states with "Romeo and Juliet laws" that keep such teens off offender registries.
- Kansas gave juvenile court judges the discretion to keep juveniles off the public registry.
- In Missouri, a teenager convicted of consensual sex with another teen can appeal to be removed from the non-public police registry. Missouri does not put juveniles on its public registry.

Federal bill would mandate inclusion

The proposed federal law would require states to put juveniles on public registries after sex offenses are handled in juvenile court.

The House version of the proposal would list on a national Internet registry, for a minimum of 20 years, youths whose crimes have been handled in juvenile court. The Senate version would not list juveniles. Senate and House negotiators will work out the differences before a final vote.

"We have to remember whose interest we need to put first. We put the interest of victims and potential victims first," says Rep. Mark Green, R-Wis., a co-sponsor of the House bill.

If treated, juvenile sex offenders are far less likely to commit another offense, says Mark Chaffin, research director at the National Center on Sexual Behavior of Youth at the University of Oklahoma. The rate at which juveniles repeat sex offenses ranges from 5% to 15%, compared with 20% to 25% for adult sex offenders, he says.

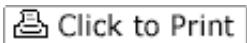
Putting juveniles on public registries tars them for life, opponents of the practice say.

"The whole logic of a juvenile system is that your behavior at 8, 9, 10 or even 13 or 14 should not stigmatize you for life," Chaffin says.

When an adolescent assaults a grade-schooler, "They're both children," says Morna Murray, director of youth development for the Children's Defense Fund, which opposes the House bill. "And both of them need to be protected."

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