



The American Law Institute's Revised Model Penal Code: Removal of Key Identifiers Offenders Must Provide to Sex Offender Registry

The American Law Institute (ALI) is a nonprofit organization composed of judges, lawyers, and professors who provide recommendations to clarify and update the common law. The Model Penal Code (MPC) is designed to guide state legislatures on updating and standardizing state criminal laws. Revisions to the MPC are presented as legal recommendations to revise state laws and impact state/federal court cases. ALI recently passed revisions to the ALI Model Penal Code: Sexual Assault and Related Offenses (the Revised Code).

If adopted by states, portions of the Revised Code raise significant child safety concerns. Children will be endangered by the Revised Code's limitations on prosecuting sex trafficking and its removal of most protections provided by sex offender registries.

Removing Identifiers that Offenders Must Provide to Sex Offender Registry (Code § 213.11D)

The Revised Code would remove several key identifiers that offenders are required to provide when registering as a sex offender, including:

- Date of birth
- Palm prints
- Driver's license information
- Fingerprints
- DNA sample
- Passport
- Internet identifiers

These key identifiers are crucial to avoid mistaken identity when conducting background checks and to provide clarity regarding a registered offender's exact identity. Date of birth, for example, is a key piece of information that enables clear identification and avoids errors in mistaken identity. Similarly, DNA and fingerprints often are essential to connecting convicted sex offenders to unsolved sexual crimes, resulting in resolution of these crimes for victims and their families.

The removal of Internet identifiers is especially problematic. As crimes of online child sexual exploitation have exploded in volume, the ability to record registered offenders' Internet identifiers is essential to protect children online. Registered sex offenders frequently re-offend against children online, and a requirement to provide online identifiers (including email addresses and social networking profiles) provides a means to quickly intervene to keep children safer when a registered offender is attempting to re-offend against children online.

Potential Impact

The Revised Code would render sex offender registries virtually meaningless by removing the requirement to provide key identifiers. These key identifiers provide necessary information to avoid mistaken identity and can be used to intervene and keep children safe from registered offenders who are re-offending online.