

TESTIMONY OF LOYD JENKINS JR (MICHIGAN RESIDENT):

I applied for a job as a director of communications operations for a local nonprofit that works in the humanitarian relief industry here in Michigan. The CEO was eager to hire me when he learned of my varied com skills and that my wife is a public health professional. I was upfront and told him that I was a felon and he asked whether the offense was against children. I affirmed that it was NOT, and that it involved a 24-year-old male and the conviction was nearly 20 years in the past. He said that was all he needed to know and that we didn't have to get into the details of it because it was so old, unless I wanted to. I acknowledged that I preferred to not. The company policy indicated that having a felony did not necessarily disqualify employment and I and my wife were encouraged about the opportunity.

However, after the required background check, a perturbed CEO sat with his human resource person to discuss my present status as a Michigan SORA registrant. Though I again indicated that the conviction was nearly 20 years in the past, **the CEO rebuffed emphatically saying, "No, it's not in the past. It's very much in the present because you have to currently register."** In lieu of hiring me, he instead contracted with me to work as the director. And while I held a staff position and was much like the other employees, I was neither offered nor compensated for any employment benefits. Unemployment insurance, health and dental insurance, 401K, accumulation of PTO or vacations, and profit sharing were all denied me solely due to my registrant status. I worked for them for over 4.5 years (until they were acquired by another nonprofit) and was never given an opportunity to take a vacation, my average work-week was 70 hours-plus with heaped responsibility. Though the CEO was very pleased with my work, he took every advantage.

HB-5679 Is Not A Good Bill for the following reasons:

IT CAUSES HARM TO: an already vulnerable people-group—which are **convicts** of past offenses—**and to the innocents** within their families (spouse and children). The registrant is unable to acquire employment, housing, and can be easily targeted, as I have been, for abuses by anyone who wants to look on the registry. Where the registry was only accessible vis-à-vis through or with the police, it would more likely show a more genuine motive of intent.

My **wife has suffered loss of opportunities**, and group memberships she's held since she was in her early teens, and **has been turned down job opportunities due to the public nature of the registry** and having the same address as a registrant.

My **children have been targets of mistreatment by school** staff, insomuch that we had to change schools twice because of it (Jenison Public wouldn't even permit me to sign my daughter out for healthcare appointments, though my past offense did not involve a minor). My children have lost many friends over the years, typically during Halloween, as other orgs violate the federal SORA by using the list in apps for monetary, advertising or PR gain.

WASTE OF RESOURCES GIVEN STATE'S CURRENT CONDITION: The information the bill requires from the registrant, is easily and nearly instantaneously available to any investigative law enforcement who desires such information. Having a registrant provide it was initiated in **a pre-digital era and originally to protect children against sex predators.** Michigan has turned it into something completely different. The bill does not allow any conveniences or ease in providing the information for the registrant (i.e. online

with identifying verification) which clearly indicates that **the intent is, indeed, to punish and create hardships for the registrant and their families.** Currently, people can do taxes online (a regulatory obligation of a gov't document), driver's license renewals, business registration, order controlled prescriptions and many other legal, government documentation all online. But strangely, the free persons that must register with SORA must do it in person—not once per year, or every 4 years like the DMV, but every time.

THIS BILL IS REDUNDANT & UNDERMINES LAW ENFORCEMENT'S ABILITIES TO ADEQUATELY ASSESS POTENTIAL RISKS: There already exists **supervisory tools for judges to use** as they adjudicate proper sentences for those pleading or being found guilty. Therein, and having knowledge of case details, they can determine whether the level of severity of the case warrants decades of supervision or not.

Having to report multiple times per year is excessive and its application is indistinguishable from parole/probation creating more strain on resources for the state. If there is a requirement to report specific information within a specified time limit (within 3 days, or 7 days, or 10 days), it is redundant and unnecessary to report 4 times per year additionally.

According to Michigan's AG, Dana Nessel's, Brief of Amicus Curiae, "There are dangerous sexual predators, to be sure, and the public needs to be protected from them. But the current SORA it is not the way to achieve that goal because it places people on the registry without an individualized assessment of their risk to public safety..." (see People of Michigan vs. Paul Betts Jr.) The AG is correct that SORA is not the way because it re-evaluates only by categorizing conviction elements alone (type, frequency). However, the **individuals are assessed by the MDOC in its parole process**. Someone who is a continued risk to the public will either not be put on parole, or while on parole will have their parole extended or revoked on the basis of prospective risk.

Having bills like this one, fundamentally communicates that judges and the MDOC are unable to adequately determine whether or not persons with past sex convictions are risks to the public.

The SORA was also instituted as a tool to be provided to parents in which to help keep their children safe. However, research indicates the database does NOT have any significant effect as a deterrent or to recurrent sex offenses. As well, we have seen through the COVID pandemic how well people follow the law and become a bit crazed regarding information (toilet paper, food hoarding) to keep themselves and their families safe.

THIS BILL VIOLATES FREEDOMS: I AM A FREE PERSON and no longer a ward of the state. I have served my sentence long ago as handed down by a judge from the state of Michigan. There is absolutely no distinction between being on parole/probation and having "to report," and requiring a registrant to present in person and "having to report." In both scenarios, not reporting results in criminal prosecution.

There is no other information-providing, regulatory law required of free persons so heavily as Michigan's SOR having a perpetual threat of imprisonment. This bill keeps registrants tethered to law enforcement supervision for extreme amounts of time (a life sentence is a 20 years or more in length). I

cannot even go on vacation with my family for more than a week, without having “to report” my movements to law enforcement.

No other felony has this type of regulation.

BILL AS WRITTEN IS NOT REGULATORY: criminal law involves personal or property harm and is enforced by public police, the consequence of violation results with imprisonment and/or supervision. Regulatory laws typically involve liability and are often enforced by specialist agencies and the consequences of violations results in fines. This bill and the SORA make the initial willful infraction subject to criminal prosecution and the threat of imprisonment. At the Dept of Motor Vehicle, infractions are fines and license suspensions. With the IRS infractions are FIRST fines and interest on fines—several times—and then thereafter, criminal prosecution.

MY HOPE: is to one day be removed from the registry, not to fade into obscure anonymity, but to be able to adequately provide for my family in order to reduce that burden from my wife.

MY LIFE: is an example of how Michigan prevents me from reasonably regaining unalienable rights of life, liberty and the pursuit of happiness. And according to the Declaration of Independence, “... That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it...” Though they refer to the government, I only refer to the abolition of the bill.



Loyd E Jenkins Jr.