

Judiciary Committee,

I am writing this testimony today to oppose HB 5679. Also, I would like to share my feelings about why those of us still on the Michigan Sex Offender Registry who successfully completed HYTA, so therefore have no criminal conviction, should not be on the registry.

I've highlighted my key points below, followed by a more detailed description of my experience on the registry and my reasons for opposing HB 5679.

- I am on the Michigan Sex Offender Registry, so in the eyes of the public, I am a convicted felon, but I have never been convicted of a crime.
- This has completely altered and limited the trajectory of every aspect of my life.
- I graduated from Michigan State University, but have been unable to use my degree to secure employment or build a career.
- I have endured unspeakable suffering due to being on the registry; this includes not only psychological trauma, but real world impact: extreme difficulty finding and maintaining employment, continual housing issues, travel issues, and catastrophic impact to establishing healthy, long-term relationships.
- I successfully completed HYTA over 15 years ago, which I was told was supposed to give young people a second chance.
- At the time of our plea deals, HYTA allowed for 17-20 year olds to accept plea deals so that we would not have to live with the burdens of a felony conviction. The registry imposes those burdens and more.
- After living this, it is very obvious to me that being on this registry is not only equal to, but far exceeds the punishment of having a felony.
- Anyone after October 1, 2004 who successfully completed HYTA never had to be on the registry, but that was not applied retroactively.
- I am asking that the same rules that were applied on October 1, 2004 for HYTA individuals are applied retroactively to individuals who took the HYTA deal before October 1, 2004.

I am on the Michigan Sex Offender Registry, but I have no conviction, after taking a plea deal for HYTA, and then successfully completing three years of probation. At that time, HYTA was available to youths from 17-20 years old. In 2015 it expanded to include people as old as 23. Also, since October 1, 2004 anybody who successfully completes HYTA never has to be on the registry, but that law was not applied retroactively. So any HYTA registrants before October 1, 2004 still have to register. I think there are issues with the registry as a whole, but those issues are magnified when speaking about people on the registry who successfully completed HYTA.

Being on the registry has been the most difficult thing I've ever faced in my life. There are the obvious reasons why: being rejected for jobs, traveling restrictions, and not being accepted when filling out an application for an apartment after the registry information shows up. Those have been very difficult times for me that have left me missing out on so many potential opportunities and have left me moving between family members' and friends' homes for places to live. It's the mental side of life on the registry though that is the toughest, as I am in constant fear and always have to protect my last name from getting out. It's always something I have to worry about. I'm frequently in situations where I'm meeting new people. I'm fine at that part of it, but the

difficulty comes from having to hide and protect my last name. I can't proudly say my full name like most other people when introducing themselves; to anybody new I meet, I'm just Paul. I know that I'm a Google search away from being discovered, so I have to make sure not to get too close to anybody. I've learned that the closer I get to people, the more they might want to know my last name.

So the registry forces people in my situation to shape our lives to avoid those type of interactions. When we can't do that, the mental toll it takes is huge. My worst work experience while on the registry was probably actually my best potential job. A friend's dad helped get me a job for a large corporate company. I lasted there for two years, but ultimately, a job where my duties required me to hand out business cards with my name on them and meet new people was not the best job for me because of my situation. I was also constantly worried about coworkers finding out I was on the list and incorrectly judging me. Being on the registry is a punishment like nothing else and doesn't seem fair, especially to those of us without a conviction.

Traveling is an absolute nightmare. In the United States, the process is: find out where I'll be traveling, write down all addresses and dates that I'll be there, report that information to my local police department, then go through the frustration of trying to get a factual answer as to what the registry rules are for the states I'll be visiting. If I ask three different people the same registry requirement question, I often get three different answers; these are people who are directly involved with that state's registry. You can understand my fear in not being able to get a clear answer to my requirements, when a violation means a felony. I'm mentioning these issues in other states because it's not understood by most people in the public, that when we travel as registrants, our requirements don't end after we let our local police department know that we're leaving our Michigan residence; they reach much further. These restrictions force us to tweak or completely end our travel plans so that we can follow the laws in other states, while also avoiding having to register, which in some states means lifetime registration if you stay in the same place for three or more days in any year. After living this for almost the last 20 years, I can tell you that these travel restrictions feel extremely unconstitutional because I accepted that plea deal for HYTA to keep my criminal record clean, for the sole purpose of not having to live like this.

I've learned that trying to travel out of our country has a whole new level of challenges. My girlfriend asked me to go to Australia with her as her job was taking her there for two weeks. I bought a passport and filled out an online visa application for Australia. I initially was instantly accepted, but a week later was rejected because I was accused of lying on the application. The question simply asked, "Have you ever been convicted of a crime?" One of the things that HYTA was supposed to provide me was the opportunity to honestly answer "no" to that question. I appealed their rejection, but they were not able to verify or make sense of the fact that I am on the registry but have never been convicted of a crime. So she went to Australia without me. I have a clean record, but I am living every bit and more the life of a man with a felony conviction on his record. I don't think this is what was intended when HYTA was created.

I have to talk about the night of the incident. I had just turned 20 years old and was at a college party. Some guys I hadn't seen since high school were there with a girl and we all were hanging out and playing drinking games. At some point the girl and I went to the basement and had

sexual relations. We didn't have intercourse, but the legal term used was "digital penetration." I was young and reckless to behave like that, but at that time I thought that's all it was. A month later, I got a letter from detectives asking if they could speak with me, so I went into their office. When I got there, they mentioned that night and then accused me of rape. I knew that wasn't true so I wrote out a statement. It was after I wrote out the statement that they said that she was 14. My lawyer told me that her dad found out that his daughter had been involved with an older guy at a party and he decided to press charges. I can't blame him. If I was a father, especially before going through all this, I probably would have done the same thing. I also know that the girl was a victim, no matter what my intentions were. Somebody at that age is too young to engage in any sort of sexual activity. I've always taken full responsibility for my actions and even though HYTA says that I have no conviction, I still accept responsibility for my reckless behavior.

I lost my mom to cancer at the age of 15. A year later my dad moved in his new girlfriend, who I was not very fond of at the time and he married her shortly after that. Those events caused me to first be very sad, then angry, then rebellious and reckless. Reckless kids and young people make mistakes. They are involved in situations because they are young and reckless, not because they are a danger to society moving forward as they grow up and mature. Isn't this exactly why HYTA was created? The HYTA people still on the registry who should be removed all have this in common: we were all 17-20 years old at the time of our offenses, we all successfully went through as many as three years of probation in order to live our lives free from the obstacles created by a criminal conviction, and we have all been without a 2nd offense for at least 15 years (before 10/1/04). I'm sure most are like me when I say that I would much rather have a felony on my record and not be on the registry than vice versa; the main reason being that in 2020, 99% of people are going to Google me before they ever do a background check on me. In the mind of anyone who Google's me, I am a convicted felon. That is the exact opposite of what HYTA was created for.

I don't doubt that the registry was created for all the right reasons. It was to protect the public from dangerous predators and people at high risk to reoffend. Over the years though, it has become less effective, in my opinion. Around 75% of the people on the registry are tier 3, "the most dangerous offenders." I'm labeled a tier 3 offender, and for what? I was a danger to society that night. I was young and reckless, which led to me engaging in irresponsible activity with a minor. There is no indication from before that night, on that night, or since that night that in any way shows me to be some sort of predator or danger to society moving forward. I was young, dumb, and reckless. Just because I turned 18 years old and became an adult does not mean that I was not still a kid. It does not mean that I turned 18 so I all of a sudden became the man that I would be in adulthood. It does not mean that I should be punished as severely as somebody who does the same thing as an older adult. This is exactly what HYTA was created for, to protect those adults aged 17-20 (now 17-23) who are involved in crimes that stem from being young, and not from being dangers to society moving forward.

I listened to one of Chairman Graham Filler's podcasts the other day where he was speaking with Sheriff Larry Jerue about young people sexting. They were discussing how some kids' sexting in school should not be punished in the same way as the Larry Nassar's of the world. Chairman Filler discussed a new bill that would give those kids under 18 a second chance. He did it to separate the mistakes young people make from the "really bad actors." The Sex Offender

Registry doesn't do that. It does nothing to accurately separate who is a danger versus who is not. It does not give young people a second chance. I hope that you will use the same logic from that discussion when rewriting a new bill for the registry.

I've lived this, so I know how wrong and unjust this has felt for me, my family, and others in my HYTA situation. I hope after reading this that you also see how wrong and unjust this has been. I'm sure there are many people over the last 15 or more years who have had the power to fix this, but have not. Maybe it's because it's not an easy law to change, or maybe it's because they didn't want their fingerprints on a law that lessened the punishment for "sex offenders." I've watched this drag on for the last 15 years. Each year getting more and more hope and positive feedback from news sources or in talking with the ACLU. This could continue to drag on forever, but I don't have that much time. I'm in my 30's. I can still do amazing things in this world and live a life full of potential. At some point though it's too late. At some point, the walls that being on the registry puts up will carry on into my 40's or 50's and then it's too late. I deserve to have a fair chance at life. I'm putting my faith in you to help make that happen, not because it's easy, but because it's the right thing to do.

I am truly grateful to you for reading this and for considering it moving forward.

Thank you,
Paul