



Registry Matters Podcast

Episode 138

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Andy 00:00

Registry Matters is an independent production. The opinions and ideas here are that of the host and do not reflect the opinions of any other organization. If you have a problem with these thoughts, fyp. Recording live from FYP Studios, east and west transmitting across the internet. This is Episode 138 of Registry Matters. I still can't believe that we're at 138 Larry. That's really kind of mind boggling to me.

Larry 00:25

That is really phenomenal that we've lasted this long because what's the stats on podcasts? How long do they last?

Andy 00:32

Most make it to about six or seven episodes and then they fall off the planet.

Larry 00:37

So, we have made it.

Andy 00:39

Larry, I have amazing news, hockey playoffs started today. I'm so excited you have no idea.

Larry 00:46

A hockey?

Andy 00:47

yeah like the NHL the playoffs that died when you know cuz the playoffs would have started April or so probably May is when they would have actually like started and you know, there's this little human malware thing going on called COVID. So everything's shut down.

Larry 01:04

I think I vaguely remember that. Yeah. There was a hockey season going and the NBA.

Andy 01:08

There was a hockey season going and then it just stopped.

Larry 01:13

No, there was an NBA season.

Andy 01:15

Yeah. And then so the the baseball thing started back up and then like everyone started testing positive, let me just to fill in on how they're doing it. They have quarantined the players for a couple weeks in hotels. And they've rented out the Toronto stadium and they're just like, there's nobody interacting with anybody other than them playing the game there and the stands are empty. They have covers over the whole stadium. It's it's impressive on how they're doing it to keep everybody isolated and staying away from each other given the grand scheme of things, so I'm excited.

Larry 01:49

Alright, for those who who live in regions of the country where there are there are no hockey teams that is not a significant part of, of everyday life, which when The Atlanta Flames were an expansion NHL team in 1973. All of us Atlantans had no idea a thing about hockey. Yes. And we'd have we had to have it spoon fed to us so we would understand the rules. So, so tell people, when you hear that of the call of icing the puck, what has the player done when they're called for icing?

Andy 02:19

They have sent the puck too far down the arena the rink to get by the goalie without somebody being there. It's kind of sort of similar to offsides. But that's what it is. They've sent the puck across to two lines too far. And then they just drop the play dead. Because you can't you can't camp you can't like put a player down there by the goal and shoot a puck and then just have them tap it in. So

they kind of like sort of like move things forward. So icing is somebody shooting the puck too far. And then they call the playback and they start over.

Larry 02:50

So for those of you who weren't alive in '73, there was the New York Islanders and the Atlanta flames as expansion teams and the Atlanta flames were an amazing expansion team that actually they want hockey games as an expansion team, and we had the best play by play announcer that ever lived. (Andy: Ever? Ever. Jigs, McDonald

Andy 03:12

Jigs McDonald, you have an unbelievable amount of knowledge about things that are have no relevancy to anything.

Larry 03:19

Well, I think everybody that listened to follow the flames would remember Jake's McDonald

Andy 03:23

Yes, I'm sure that they would. I don't remember growing up in the DC area, I certainly do not remember any of the announcers that did the capitals.

Larry 03:32

Well, he was so amazing in terms of his ability to explain it to those in the south, he recognized he was in a part of the country had never experienced hockey. And rather than being snarky, he was very, very kind to us Southern Hicks and explained what was going on. And you could you could actually follow the action. If you're listening to a radio Jigs, was so good you could actually follow that's hard. (Andy: It is.) It is if you could, if you could, if you can call hockey and identify play by play as quickly as things unfold.

Andy 04:03

I understand Yeah, and contrary to popular belief, it's not like they they spun up a team and

everybody from Atlanta or Georgia or the region started playing, you know, were feeding into the team. Nobody in hockey is practically from the United States to begin with. You'll see, you'll see players names and the they write it across the back and it's some name from you know, like, you know, a Russian name and it spans like from elbow to elbow. It's pretty funny.

Larry 04:30

So I have a lot of them come come from Canada, but Okay, let's move it.

Andy 04:33

Yeah, we should. Let's start off with some feedback from our previous episode, where we got some emails, and I'm going to start something moving and I don't remember what the shortcut key is. Start. So that screen will move around. I got a new camera Larry. Did you see my new camera?

Larry 04:53

I heard about it, but I didn't see it.

Andy 04:57

Alright, well, it does. Um, but we got a we got an email. A message from someone that was talking about wanted to go back and discuss the interstate transfer stuff that we did. And he wants to know, if an offender is not allowed to contact the icots office, then what are the options for them If the state refuses to submit the application? the same person wants to know how the state of Florida can force longer registration than that required by the state of conviction? Can you can you expand on that and like, turn it into something understandable?

Larry 05:29

Well, it was actually a little more snarkily written, but I appreciated it because it really it really helped to illuminate that we didn't accomplish fully the objective of that of that segment. Since since registration, let's take the second part first, since registration is a civil regulatory scheme. The

way Florida can do that is because their civil regulatory scheme is different than the previous state. And when you take your car, always go back to this car. When you take your car from Georgia, to New Jersey, whatever route requirements you had to register your car in Georgia no longer apply. Georgia will not assess any fees, and New Jersey will not honor any deal that Georgia may have cut you because of your age, because of the age of the vehicle. Some states give veterans exceptions where you don't have to pay for registration. Our state is one of them. All that does not follow you. All of that doesn't follow you because it's a civil regulatory scheme. So how Florida can do that is they have a more strict regulatory scheme than the previous state. So that second part is relatively easy. The first part about I bought the interstate compact is more difficult because if you're languishing either in the community and wanting to move to another state, or you're languish in prison and you don't know where you're gonna go, and the state refuses to submit it, I don't have an answer of what you can do, because the state has the prerogative to not let you transfer unless you fall into one of the mandatory categories, which, which is a very limited number of people where if you were, if you're in the military and you got orders, and of course, most people in the military, when they're when they have conviction, they generally are discharged. But if you had some conviction in the military, and you received orders to report to a new base location, they would have to allow, that's a mandatory transfer case. But there are not that many mandatory transfer case it is a privilege to be allowed to serve your sentence in another state. If the state where you were convicted, chooses not to grant tthat privilege to you, then you're mostly stuck.

Andy 07:44

So there's a creek and a paddle involved in your answer.

Larry 07:49

Well, I wouldn't want to go that far. Because if you if you truly had someone on the outside in what would be the sending state in the state of conviction, who could actually get through to people in the interstate compact office in that state, you never call Kentucky, you never call the national office. But if you could find someone who might take an interest, it's a long shot. I'm not encouraging it because I think it's a really long shot because it doesn't start at the interstate compact office, it starts at the prison, or at the probation, community supervision office, if you're already out in the community. That's where the process starts at. If you can find someone who would encourage them to initiate that process, but other than that, I don't know anyway to forcibly require a state to allow you to go when you don't have the right to go while you're being punished. You have the you have the right to serve your punishment in the state that convicted you. That's the right you have .

Andy 08:40

Do you think you could get any relief from the court?

Larry 08:45

No, I don't.

Andy 08:46

All right. So You're independently wealthy. You just have the million-dollar trust. You know, you're some sort of you know, silver spoon, baby, whatever, you end up on the registry and you're you just want to move and you don't have any family and you want to move to Wyoming Where there's just buffalo. And you say, I would like to move, you don't need income, you don't have a job. You don't have family there, but you're just trying to move out onto some thousand acres so you're not near anybody. They don't have to let you go, because they're not into any one of those categories of having some sort of family anything of those required thingamabobs.

Larry 09:19

That That is correct. You You have no right to when people start thinking about what the courts can do, the courts can enforce rights courts are typically not intended to create rights that you don't have. And since you don't have a right to that, it might be a good public policy. I mean, there's no one, When we talk about things that would be a good public policy, it might be a good public policy, if we allowed people to transfer particular if they had stronger family support or community support in the in the new state. But that doesn't necessarily transfer into a right just because it'd be good public policy. It'd be good public policy, not 10 to 15 mile an hour speed limit, but we could have that if we wanted to. And there wouldn't be anything unconstitutional about having that

Andy 10:03

Larry, I just always want you to be on our side.

Larry 10:07

I know that's that's kind of the emails I get occasionally.

Andy 10:12

which will segue into the next one. Another email asked how we can claim to be against the registry. When we seem to be okay with the decision from the PA Supreme Court. First of all, I don't understand these decisions, like ever and I just accept whatever you tell me, like whatever you dump into my brain is what I accept. So were you like, are you for the registry? Let me just start there. You are pro registry person, aren't you?

Larry 10:34

Well, I feel like after 137 previous episodes, I wouldn't have to answer that. But if there's, if there's, if there's any doubt, then I'll say it for those doubters. I'm against registering people for criminal conduct. It's it's, it's it goes against everything I believe in. But, but that doesn't change the analysis. Again, we can have laws That people disagree with and that doesn't transform

them to being unconstitutional. All this mumbo jumbo about it? Well, it's not backed by the science, they passed a law. It doesn't have to be backed by data and science. And what we said about the Pennsylvania Supreme Court is that, that their 2012 SORNA Adam Walsh Act compliance was too harsh for people who had previous offenses that predated that. The legislature had a choice of just letting those people vanish into thin air or trying to come up with a registry scheme that would be less punitive, That would be that could be considered civil regulatory. The Supreme Court of that states that they hit that critical balance like that with the restrictions that they removed, and the fact that you can petition to be removed from the registry. And the fact that you don't have to go in as frequently that that that now they no longer have a punitive scheme for those who have older offenses. That's what the court said. But that shouldn't be interpreted to say that that we're for it. In fact, I wrote an article that's posted on the NARSOL website, NARSOL is disappointed. And and we are disappointed. We wish they had said that even the peel-back version was still punitive, but they didn't. And and then I concluded by saying that that is not likely to be any other alternative because the US Supreme Court, if they were to petition the Supreme Court here, they're not going to they've already told us that when they denied hearing the the challenge on the previous decision in *Munez* they're not going to hear this. They don't see anything that they want to get involved in constitutionally. So So I think this is the end of the line until the legislature changes what's required on the older registrants. That's going to be the law for some time to come.

Andy 12:47

What I would like so so like, you know, I mean, you and I have been talking pretty regularly for like four or five years so I already I wouldn't have interpreted the way that you described the This decision last week as your position being for this decision, so do you have any inkling as to why it would have been interpreted that way? Because I

didn't hear it at all. But just because you can, like agree with their assessment doesn't mean you agree with like, you can look at the facts and you can pull back and like, well, the way the facts were presented, this makes sense. I don't agree with it, but it makes sense.

Larry 13:27

That's the best I can come up with is that I understand how they got to the conclusion that they did, because they're looking at strictly from a constitutional point of view, using the US Supreme Court precedent and using the Kennedy Mendoza Martinez, seven factors which they disregard two of them. But they say that looking at that, that the the reduced restrictions no longer impose punishment in their opinion. We disagree, particularly because they're still full internet publication. So I think There can be another round of litigation saying, Okay, let's challenge the internet publication, particularly with all the stuff that wasn't a part of the conviction. If you if you narrow your challenge down to just the things that were not a part of the conviction, because there's no one can say they would have the right to know, this is a result of conviction or that would have automatically flowed to the public domain has resulted conviction because all the stuff that the registry lists is not a part of the conviction case, of the case file related to conviction. So I think there's probably an avenue for a new case challenging that aspect of it, but there's good people, they're good people working in Pennsylvania they're not gonna let this go and they're going to come up with new angles to come back and try to at least further tighten the noose on the registry even though they're not going to be able to abolish it through judicial intervention. And I think that's probably what people hear. When I say the courts can't end registration, they said, Well, he must be for it. Because the courts can't end it.

Andy 14:55

But that would be like saying, Larry, the courts can't end 75 mile an hour speed limits.

Larry 15:04

So well, I understand that but but people, people who really don't understand the role of courts, which is what we try to help people understand the role of courts. They believe if you if you have a disagreement, and something doesn't seem right that the courts exists to correct all wrongs, and that's not what course exists to do.

Andy 15:23

I hear ya. All right. And then also, in regards to 137. It says with regards to interstate transfers, I listened closely to your discussion and it seemed to pertain entirely to folks who are currently under supervision. My question has to do with registration requirements in the receiving state. Once you have fulfilled your sentence and have been released from the registry in your home state, does the receive Act does the receiving state have the opportunity to impose their registration requirements on you if they would require registration for a similar offense, even though you are no longer under supervision or subject to registration in your home state? In my case, I live in Pennsylvania where my probation ended in 2016. And I was subsequently released from registration in 2018. As a result of the *Munez* decision to be specific, my offense did not require registration under Pennsylvania's Megan's Law in effect at the time of the offense in 2010. But under the 2012 adoption of the Adam Walsh Act, I was required to register for 15 years. As you know, this was found to be unconstitutional by the Pennsylvania Supreme Court, and my registration was terminated. I would like to move to Colorado where my understanding is that they have a lifetime registration requirement for a similar offense. I've been unable to find an attorney who has ever dealt with a case like this, and it seems as though nobody really knows that I would be required to register in Colorado. But if that is the case, I'm unlikely to move. I greatly appreciate your input or referral to someone who may have the answer to this question. Thanks muchly.

Larry 16:56
Has anyone ever told you that you are an amazing reader? (Andy: No) Well you are.

Andy 17:03
I can tell you growing up, I was never called anything amazing of anything regarding reading.

Larry 17:08
Well, you should you should go to broadcasting school. You could do well.

Andy 17:12
No I can't beat Rick.

Larry 17:18
Well he is correct in his that we were we were focusing on the interstate transfer of supervision. We did blend in some mention of registry requirements, but only for only for the purpose of telling folks that they're separate and unique. And he's zeroed in on what's a good, very good question. And as a favor, I'm going to provide the Colorado statute with the annotations which means that any case that's been decided on each section of the Colorado statute, you'll see what the courts have decided in the names of the cases. So that makes the statute be 59 pages, because I don't generally put in annotations but I'm going to provide that but here's here's the deal. The registration requirements, as we talked about just a few seconds ago, when we equated to the car. Your relief from registration in Pennsylvania doesn't do anything for you in any other state unless you can cite to a state that says in their statutory scheme, that anyone who has completed or been relieved from registration shall not have to register here. And I'm I'm recognized as an expert in this field, and I have not found such a provision in any state statute. So at the moment, I'm not aware of that. And at my first glance at the Colorado scheme, you would be required to register because you are a person and

Andy 18:50
I have personally transferred myself into a canine. So I don't qualify anymore thank you.

Larry 18:57
And I believe that you've been convicted after 1994 (Andy: He said that yes.) so yeah, but he says 2010. So that would be after 1994. So we've got the person test, he wrote this email. So he is a person unless a robot could compose this. And he was convicted after 1994 whatever that date was, I did it in show prep. So and they define a sex offender as anyone who who, if they had committed that conduct in Colorado, that offense, they would have to register there. Chances are when you take a look at that list of offenses, you're going to find that it would have been a registerable offense. Now I'm saying chances because I can't give you a legal opinion. I don't know enough, and I'm not authorized to give you a legal opinion, but chances are that it's going to translate into a registerable sex offense in Colorado. But then that begs the new question. Since you're not currently registered, there's no handoff needing to occur. You're not in a registration system, which means that you're not obligated to tell PA that you're leaving. And you're not. I mean, unless there's a hovercraft to staying with you, you're not going to be followed by a hovercraft that's going to report you. So it is conceivable that you could live 10, 15, 20, 30, 40, 50 years in Colorado and never have to register. It's also conceivable that you could get into a barroom brawl like the person did from Colorado that moved to Nebraska. And they could run your background check. And they could see that you have that conviction in Pennsylvania. And they could say you need to register. Now I continue to tell people that I believe that they would just simply give you a notice of your register. I do not believe that if you've been properly discharged from registration in a state that they would because at that point, you don't have the requisite notice requirement. An average person of ordinary intelligence would believe until they're notified that they don't have a duty to

register. I don't know too many people that would say oh, well, I'm done and finished but I better check a lot of people would assume that if you're if you completed your sentence, and they view this as a part of their sentence, are done. So you would probably get a notice to register and a threat of prosecution if you didn't register within a fixed number of days. But we can indeed refer you to an attorney. And in fact, if I was good at names, maybe Andy remembers her name. We can call her name now and then we will we will make the referral to her and she'll be able to unravel this (Andy: Colleen?) Colleen Kelly.

Andy 21:24
I don't know her.

Larry 21:26
So well we've had her on the on the call, oh, Colleen has been on the podcast before.

Andy 21:33
I don't think No, she didn't join us. She was on the NARSOL in Action. I don't think she came over here.

Larry 21:37
Okay, well, I know she's been on with us. And yeah, she she would be she would be a good, and Alison Ruttenberg, who did the the case that's up on appeal with the 10th circuit would be another potential candidate. This is not a unique situation. I don't know why that he has not been able to find an attorney that's ever heard of this. This is quite a common thing. People actually get off registries in states And this is a very commonly asked question. I hear it on a regular basis. I don't think a day goes by that I don't hear this question. So I'm surprised that that no attorneys ever heard of that. It's not that anything unique about it, it's only unique to him because he was one of those unfortunate ones who at the time, he did his plea, that he was apprised, there was no duty to register. And then when they pass their version of the AWA, they took a list of offenses that had previously required registration. And if people

had not turned out their entire obligations, they said, congratulations, you're now required to register and they quickly notified those people. And some people were then like, months or weeks or a year or two of discharging their sentencing in Pennsylvania, and all of a sudden were told that they had to register. It was really terrible. It happened and people people suffered immensely. And finally, the courts years later, corrected it and he no longer has to register in that state.

Andy 22:55
I am trying to think of some sort of snarky question to ask you. Was I it's like if you ended up at a restaurant where there's like a mafia person eating, and then they raid the restaurant, that is how you would come under the purview of the police that they may run a background check. You just get like detained and they run everybody and they figure out that you're not related to the mafia guy, but Oh, and like, I mean, would it just be like, you type in their name John Doe And like, everything starts flashing, this person has a record convicted of this? I mean, how many how many degrees of separation would just the lockup person? How far down the rabbit hole would they have to go to figure out that you aren't on the Colorado registry and you should be?

Larry 23:42
They would have to do more than an average officer. And anybody wants to invite an officer on here that wants to talk about it because since I've never been an officer, but from my communications with officers, they typically when they pull you over, want to know basic information about you. They don't want to know criminal history unless you give them over reason to want to know that, like suspicious circumstances that causes them to believe you might be engaged in criminality. In a standard roadside pullover or a standard encounter as you're describing, there wouldn't be any suspicion of criminality on you, per se. So there you go, when they run you when they pull you over for

doing a California stop, they want to know if there's any warrants outstanding that would take you into custody. So they run that one of the person fills in the NCIC. There's a number of databases with NCIC that so they're looking to see if you're wanted, there's another person field called the sex offender registration. So every law enforcement agency that registers a person interested into the NCIC so the agency that issued the agency issues, where the warrant is issued, They turn that over to someone in that jurisdiction, they entered into in the NCIC. When that warrant is served when they when they collect your body, that warrant is cancelled now it doesn't vanish. It's still in the NCIC. It's an executed warrant, the fact that you your registration as these are entered by the court or times out, that doesn't change the fact you were registered, but you're no longer coming up in that active file. (Andy: Okay) They call that a bullet below the line hit, you know, they so they have to want to go below the line. So they're looking to see if you're wanted, they're looking to see if you're on supervision, they're looking to see if you're registered sex offender, they're looking to see if you're carrying a concealed permit if you've got one of those because for some reason, although officers claimed they believe in the right to carry weapons, it makes them extremely nervous that someone might have a weapon. So if you come if you come up on, did you have a concealed carry permit? They're going to come running to the car and say, sir, can you tell me where your weapon is? So that's the type of things that an average encounter is going to, but now the other hand if you're in a very ritzy neighborhood, at two o'clock in the morning, and you've got your car thumping, and making all the noise that to blooming, somebody called the cops and and when they get out there, they can't see through the windows and we When they finally, when they finally engage with you, and you've got, you've got all these things that just don't look right in the car that that average you wouldn't find at two o'clock in the morning. They might run your criminal history, but it takes time and they

can do it. Most every agency has cars that are they equipped with the NCIC in the car these days, but they generally don't do it. But they could run your criminal history without any provocation also could be bored one day and say I haven't pulled anybody over all day today, let me run this guy's history.

Andy 26:30

It seems it feels like it'd be a little bit of a stretch, though, that just Joe Schmo cop is going to be like, Well, we've got John Doe pulled over here, and I'm going to go see if he should be on the registry. That seems like that would be a stretch, there's two or three pieces of information that the person will be looking to connect to it like because I mean, statistically, there aren't that many of us in the United States that would be in another state where they should have registered that didn't like I mean, that's the number People that would be in that category, we really love for them to just go fishing all the time looking for that person.

Larry 27:06

That is that is correct and like I say that you're going to get a notice is what you're going to get. Now, I can't guarantee you that just like I wasn't able to guarantee anything last week, I can't guarantee you'll get a notice. But if you have a good faith belief that you shouldn't be registered, and they happen to discover that you should be. And in all my experience, which is approaching 20 years now that people have been provided noticed, and a threat if you don't do this, you're going to get prosecuted. I don't know anyone, and I challenged the listening audience that you have been pulled over and I said, we've got you It's the 45th hour, we're gonna prosecute you. And that's where you actually are currently registered and you just happen to be visiting a state but a person who's actually been discharged from registration. I challenge you to tell me a case for they have been prosecuted and not provided notice of a new state. I don't think you'll be able to find it. And then someone's gonna write and

say, well just because it hasn't happened, doesn't mean it can't. And if that's the way you feel didn't just go in and register go in when you get to Colorado or whatever state may be and say, I got discharged, and I'm worried and I'd like to register here.

Andy 28:15

We have a person in North Carolina that did that two or three times and eventually got himself kind of effed up.

Larry 28:20

Yeah, he like but if you go on enough times and asked to register, you'll eventually find someone who will register you if you do that.

Andy 28:29

but before we move on in chat, so even if you're off the registry, that will follow you wherever you go. And you have to follow that state. So the destination state wherever you're moving to, in this case, the Colorado State, you have to follow the rules of their registry, even if you've been released from wherever you've come from.

Larry 28:49

If you're if their statute defines your offense and your conviction date, your conduct date, however they define a sex offender. If your conduct fits within their statutory scheme, you would technically have a requirement that there would be no regard for the other state having terminated that requirement. It doesn't factor in their analysis at all.

Andy 29:08

Oh, well, then let me let me throw this at you in on the Georgia thing, when you do your annual, I'm just going to assume that other states have some sort of similar language that you are acknowledging that you know that is your job to go check out the rules that they may change whenever the legislature wants to, and it's your job to keep up with the changes. So like, that's their notification that they can change stuff that

you know that you have the duty to to the obligation to register. But when you go step foot into the new territory of the next state, you haven't been given that notification yet.

Larry 29:40

Well, if you are currently registered, you have because you know, everybody, I think all the registry knows that all 50 states have a registry. So if you're currently registered, if you're currently registered, you know that you're going to likely fall within a zone of coverage. If you are not registered by the mechanisms that we've discussed, including what happened to him. He doesn't have that notice, because in his mind, his obligation ended when the Supreme Court of Pennsylvania said, you can't do this. (Andy: Right. That's kind of what I'm getting at.) But then he's going to have to receive a new notification that he has to register before he's gonna be subject to prosecution. He doesn't have any notice of that. When he encounters a cop in Colorado, and they say, Whoa, we ran your conviction history and you do have a sex offense. They're going to provide him a notice to register. And then he can say you can take your registration and go to hell with it. And he can go back to Pennsylvania, or he could comply or face the threat of prosecution.

Andy 30:43

I gotcha. I gotcha. Okay, well, then let's cover some news articles before we have our super fun thing. At the end. We're going to be covering a great topic. Let's cover this first thing it says this is from the Colorado Gazette. I guess it would be and it's Colorado board that writes rules for management of PFRs is rife with conflicts, state audits, fines. This is like you said, like, you're not surprised that they would find this and I don't know that I, I, to me, it would seem like they would just sort of automatically accept like, this is the best thing ever. But, but it's just it's the bureaucracy of it that we don't want to get rid of our jobs. So we're going to do everything that we can to make sure that we keep as many people registered as possible. I just like to read articles

where they actually denounced the registry in some form or fashion.

Larry 31:33

Well, when you when you have a sex offender management board, and and I think overall, the concept of a board is good. But what happens is when you're trying to figure out the composition of the board, you end up with a disaster because the composition of who who ends up on the board by statute, in our state, for example, all the all the law enforcement apparatus has a seat at the table either they're either the secretary of the director of these agencies or their designee. And then in order to make sure that we consider the treatment component, they invite the treatment professionals to have seats at the table. And what the treatment providers do?

Andy 32:15

They treat PFRs and get paid to do it.

Larry 32:19

Okay, so do you think that they would like to channel more customers to their, to their business? Or do you think they would try to figure out how to get rid of as many customers as they can?

Andy 32:27

I'm pretty sure that they would be in the business of getting as many as possible.

Larry 32:32

And therein lies the conflict. So when you create these boards, they look good conceptually, you say, Well, you know, we're gonna have, we're gonna have a diverse Board of law enforcement, judges, and treatment professionals and probation professionals and all this. And what happens is that the law enforcement apparatus has its bias. And the treatment apparatus has its bias and the treatment apparatus is not going to do anything to curtail the demand for the services it provides. So magically we come up with everybody needs treatment. And I hate to break it

to you. There are people who commit sex offenses who do not need any treatment whatsoever. (Andy: totally true. On the flipside of that there are those that do.) well, let me let me finish on that. So that people out there that are listening don't think I've gone off the deep end because I may have been out of this issue. People commit sex offenses because we've criminalized behavior that question we shouldn't be criminalized, perfectly normal behavior is criminalized. And okay, I don't need to treat you if you're 19 and you have an interest in a 17-year-old. There's nothing to treat there. So all I'm doing is bleeding money from you, to give you treatment that you do not need. The only treatment that you would need, which is really isn't professional psychological treatment. It would be that we would try to treat You to understand it's important to know the boundaries of the law. You need to know that we've imposed, we've imposed, we've imposed a moral code that may be a little bit irrational. And you need to think about what you would have thought you would have had the freedom to do in the land of the free but you don't have that freedom. But in terms of being anything physically wrong with you mentally wrong, there's nothing to treat. So, so but but, but I do believe that treatment can be very beneficial. But all with the exception of Maryland, which is pure as the wind-driven snow. most of the states have, have treatment designed to fail. It's a collaboration, to fish out things to violate the person and other treatment of people are going to love it when I say this, but they work in conjunction with the probation officers relaying everything that they say with no confidentiality, and they are fishing for information and then magically the person gets violated I just can't imagine being just a dumb country boy. I can't imagine how treatment would be effective if you're afraid to tell your inner thoughts that might be those those thinking errors that cause you to start down a path towards misbehavior. If you can't discuss those urges, and those thoughts, with a treatment professional that's going to do

therapy rather than than handcuff therapy, then how effective can that treatment be?

Andy 35:25

You're not being super hard on Maryland and might be confusing people in that state, might you because you're picking on somebody?

Larry 35:33

No, no, no, Maryland does it right. They they have a system where that the treatment providers are vetted carefully, and they only treat with the best of intentions and you don't have all these problems that we have in my state and around the country. So Maryland does it right.

Andy 35:51

Okay. I just wanted to know, I got I see a comment there in chat that you might be leading people astray.

Larry 35:59

No, Maryland probably does have, I'm not aware of anywhere in my state where they do it right. I think at one time Maryland actually did have some some parts of the state that was that was trying to do it Right. And, and but here, I don't know of anywhere in our state where treatment's been done right. I'm sorry to say that. And for many states I hear from the same model is enforced what we use here. So I'm very much down on treatment. But back to the point of the article, the the the treatment people like we had in our state, we had a very prominent sex offender treatment person which shall remain nameless on the air but this person is the reason why we have indeterminate supervision. We never had indeterminate probation or parole in this state till about 17 years ago. And then we had a treatment provider who came and testified so eloquently about how important it is for treatment, which was music to the ears of the of the of the audience of the lawmakers. We're for treatment. And then he said, but the problem is these offenders are so difficult to treat. They're resistant. They are in denial. And we don't we

don't break through oftentimes, and time before their supervision. And then what's the solution? Doctor? What's the solution is longer periods of supervision. Well, how much longer one that that's the difficult question. We don't know how much longer we just know that we should, we should have a longer period of supervision. But what about indeterminate? Oh, that's an idea. And then well, what would we what would we do about getting those people off? How would we determine that they're ready for release? Well, they would need to be able to have an evaluation take place. Well, how would those evaluations happen? Hehe, we do them. All of a sudden, you've got a regime in place that requires everyone to be indeterminately supervised for a sexual offense here. And then they have to go through a very expensive proposition of a court hearing. An attorney at a psychosexual eval. And then they may or may not be terminated from supervision. If you're on parole, it's almost impossible to get terminated from supervision. And magically they need treatment the entire time they're on supervision. How does that come about? That you need treatment the entire time.

Andy 38:13

I feel that I was super fortunate that there was a treatment that I did go to the person, he was a PhD. So like, I think I can make a distinction, at least just anecdotally, from people that I've spoken to the ones that are like, Doctor doctors have a clue and they're interested in the treatment, but the ones that are less than they are part of this this regime that you're talking about. And he he wasn't fishing if you didn't if he didn't think that you were hiding something he didn't go fishing to get information out of you to try and then pass it over to probation to get you jammed up. It just he seemed to be very rational and reasonable about it.

Larry 38:53

So well, it's fantastic. I occasionally do hear of people who were felt very fortunate to be hooked with good treatment, unfortunately, I never hear

that from my state. But I do hear of it from around the country. And I think it's a good thing. That's the whole intent of this. Since we're integrating these offenders, former offenders into society, we should want the most effective treatment that we can have.

Andy 39:20

The one other thing that I highlighted in the article, which I'm all about some science, and it says that they were questioning the validity of polygraphs, contending that they were little more than junk science, and that seemed kind of coincidental to me. Somebody asked me about getting information on, on what I thought about polygraphs. And before I go on some rant about polygraphs. But anyway so they were even saying in here that they're they're using polygraphs, but to just state it like it makes people confess to things even though there's no there's no science behind it. It's just a boo game. It just scares you into going along with them saying well you were out past curfew. *gasp* You know that I was out past curfew and then you admit to it so then everything goes down the toilet.

Larry 40:01

Well, and you have evolved my thinking from from from this podcast at the time we started. My experience with polygraphs was I knew I didn't like them. I knew that they had outlawed them in the private sector back in the Reagan administration of all times. Companies like Magic Market in Georgia the Mumford company. They used to polygraph everybody's condition of employment. And then if they had an inventory shortage, they would polygraph people to find out where the missing inventory went. And that was outlawed. That practice was outlawed decades ago. But in the practice of law, we discovered that everybody who shows deception, had always admitted that they did whatever it was that they were accused of doing. So therefore, I concluded from I mean, statistically, the people show deception, and then they say, Yep, I did it. So to me, they work.

Andy 40:50

Yes they work in that respect.

Larry 40:53

But you provoked me to have an in-depth conversation. So I had an off the record conversation, with a person who has been doing polygraphs for a very long time. And in fact, I don't think I should say anymore. But in fact, he is well positioned in the state and said that I can't say this publicly, but it's not much better than a coin toss. But you've been you've been doing this for all these years. And he said, Yep, but it's not but the results are not much better than coin toss. Well, knowing that I can't see how in good conscience we could require these people to pay these huge sums of money for something that's not much better than a toss of a coin.

Andy 41:34

I think you hit it, how can we expect them to pay this money I mean, that's the point of it. It is about the money for the polygrapher which like I don't even want to call it a profession because it's no better than somebody selling snake oil. But you know, they charge the \$200, \$250 whatever for the for the poly. That's all it is.

Larry 41:51

And that's, that's really cheap. The private rate here is by much higher than that. now the government rate for for for department corrections tends to be in the \$300 range but if you go out and solicit a private polygraph, you're going to pay double that here.

Andy 42:06

All right now Now why did you put this in here? Why are you going to stoke all the there's gonna be a certain group of people that are going to hate on this dismissal of Michael Flynn's case will go before the full DC circuit. We have a couple articles, one from courthouse news, and the other one from NPR. The other one is left leaning

rag. So we're going to get in trouble for NPR. So why'd you put this in here?

Larry 42:28

Well, because we talk about petition for rehearing en banc and how rarely, it's granted. So what's unique about this case, is that the judge himself judge, district, US District Judge Emmet Sullivan, has tried to insert himself as a party to this case. And although the government wants to drop the case, Judge Sullivan is trying to pretend that he has standing to litigate the Department of Justice's decision to dismiss the case. And two of the three judge panel on the DC Circuit said, No, you don't. And then they the the petition for full court review, I think there are 10 on this circuit. I went to the website right before the podcast, there's either 10 or 11. But the full court is going to hear this and what the relevance is I'm not I'm not interested in Flynn, per se. I'm interested in the nuances of the case because if we allow a judge to be a party to a case, we've we've destroyed the neutrality of the judge. The judge is not the prosecutor. And and we're allowing if they flip the panel if the full court flips the panel and reverses their decision, we are affording to a different judge or to a judge, that they are party to the action and they're not. They're a neutral, detached observer. And I agree with the panel. And I hope that the full court doesn't allow Sullivan to do what he's trying to do, which is to keep the case alive. I have no preference about what to know about what Flynn did. To me, it's a bigger issue, that is an issue of the prosecution decides what they're going to prosecute what they're going to drop. And the judge doesn't get to decide that.

Andy 44:24

So he draws on what cases they are pointed to.

Larry 44:27

Well, they draw straws, but it's just not their decision. And when, when the government decides it doesn't want to move forward anymore. What what's eaten at Sullivan is he's

already taken a plea on this case. And therefore, he says that the evidence is there sufficient for a conviction. And that's the only point he he's got. But evidence can change. You could look at the evidence and say, gee, we misunderstood that and yes, you could be subject to political pressure. There'll be people out there who will say that, but it's ultimately the prosecution's call. What is going to be a struggle for this panel for this full court, is they look at this panel decision, because they allow this to come about through habeas corpus, which is a very, very narrow process. It's a very narrow train to ride on the habeas corpus. And very, very few exceptions are allow you to, claims that you would like to assert are not cognizable in that proceeding. So this is going to expand, if if they affirm the panel, this is going to expand habeas corpus a little bit. And that's usually a scary thing for courts, because when they look at it, they see that avalanche, well we open up habeas corpus to this type of claim then all of a sudden we're gonna have the proverbial floodgates. So they're really going to be in a conundrum here because they allowed Flynn to use a habeas proceeding to, to do this cause of action. And so I'm intrigued by it. But I have no opinion about Flynn. I don't have I'm not alleging any political interference or anything. It's just it's a masterwork at play in terms of the legal challenge.

Andy 46:00

Can you give me the one sentence response to what is a habeas corpus? Like the definition of that?

Larry 46:08

Well, that's that's a vehicle of of ancient origin to get yourself before a court. If you believe your custody is unlawful, that you should not be held so it's a writ to say bring me before the court. And, and its origin it was for people who were in physical custody but as society has evolved, we've recognized custody to be not only physical custody but but constructive custody, which can be probation, parole, even on supervised

probation in some jurisdictions has been recognized as custody when you're when you're when you're under the control of the system. So he used habeas corpus which which has not been recognized for the purpose that he used it. And we went we did that we did the deep dive earlier, I'm not brushed up enough to talk about it in this episode, but we did the deep dive a few episodes back he asserted unique claims for habeas corpus and the they recognize those as viable. And, and the the dissenting judge on the three-judge panel said, Wow, this has never been held to be a proper use of habeas corpus for the type of relief he's getting. So that's the nuance of an expanding habeas corpus. Generally, conservatives don't like to expand habeas corpus because it means more cases before the court, which inundates the courts and these people that are in custody, they they should just accept their custodial status and quit whining about it. That's why they passed the anti-terrorism and effective death penalty act in 1996 to severely limit habeas corpus. So this is this is intriguing, and we'll come back to it once a panel they're going to hear oral arguments in the next week or so. And I expect a decision fairly quickly because of the prominence of this case, but certainly by the end of the year, early next year at the latest and this is going to be I don't think they're gonna release it before the election. I think I think they consider that politically risky but but I think we're gonna have a decision shortly after the election or certainly early next year, it's gonna be fascinating to see what they do

Andy 48:07

very well. And then over at the appeal, we only have one more after this one says Mississippi teen who has languished in jail for 17 months without an indictment is just one of thousands. I believe you have a constitutional right to a speedy trial. But I was thinking about this and I was like, maybe that's after you're charged like you have been indicted, then you have a right to a speedy trial. If they just sort of detain you. Can they just let you sit there for a long time?

Larry 48:33

Apparently so. I was I was a little bit confused by this article. But apparently it all hinges on the fact that he hasn't been indicted. And but yet the judge finds he's a danger to the community because he was out on bond and he got accused of a new crime. So that that's enough evidence to continue to hold him according to the judge, that the community needs to be kept safe from this guy.

Andy 48:58

How about the angle That when he let's see the, on July 14 the day that he turned 16 he had spent he had already been there for 511 days. That's like how is he, he can't be detained for this long as a minor this doesn't make any sense to me.

Larry 49:19

It is distressing. But but his original charge date dates back to to what he was just 13 he was arrested on armed robbery charge and allegedly stealing from an elderly man at gunpoint. He was quickly released which is the right thing to do for for a juvenile you try to find some structure and make sure that they're they're in an environment where that they're properly supervised, which may mean state custody depending on depending on the circumstances. But But that was the proper way to do it. You don't want to hold 13 year olds in jail I'm sorry, but civil essence law does try to get 13 year olds out of jail so that was the right thing to do. But then he got arrested again. On aggravated assault charges involving a gun and another teenager and they still they revoked his release on the previous charge. And therein lies the problem. The judge saying, Hey, he's dangerous.

Andy 50:06

So, we have 13 year olds in Mississippi jails and for years this is this is crazy. All right, well, there you go. Hey, thanks, Mississippi Keep up the good work.

Larry 50:17

Well, that's the same one where the governor says all the problems with the prisons because of cell phones.

Andy 50:21

That's right, I could play that clip too.

Larry 50:24

that's the problem.

Andy 50:26

Ready to be a part of Registry Matters? Get links at registrymatters.co. If you need to be discreet about it, contact them by email registrymatterscast@gmail.com you can call or text a ransom message to (747)227-4477. Wanna support Registry Matters on a monthly basis? Head to patreon.com/registrymatters. Not ready to become a patron give a five-star review at Apple podcasts for stitcher or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting. Without you, we can't succeed, you make it possible. And you put this in just on my behalf. So this from the intercept how cops can secretly track your phone, a guide to Stingray surveillance technology which may have been deployed at recent protests. Do you know what a stingray machine is?

Larry 51:27

As I understand it is kind of a roving cell tower that can substitute for your cell tower service. So it it it takes over the it takes over the call and you never know the difference.

Andy 51:37

Correct. So yeah, so and and it's owned by you know, by the man so to speak, and then they so you go to protest or if that you know, and, you know, they may be looking for Osama bin Laden in Central City Park or you know, in a Central Park in New York City, but they're also grabbing the other hundred thousand people that are that are around that however much the sting Stinger can

handle, Stingray can handle But just wanted to put it on people's radar that the man has these tools available to them that you would have no idea that this mobile unit has been put in your vicinity and they are tracking your movements. If they put they put three down then they have your exact location if they just have one they know that you were sort of like within a circumference of it. But they wouldn't know your exact GPS. Well, I guess they could actually because your phone's probably turned on to do all the GPS tracking. They could just pick up the data from it. Yeah, you're screwed. That's a warrantless search though.

Larry 52:34

So, yep, it would be a warrantless search. We've got a fun article coming out of Michigan, don't we?

Andy 52:43

Yes, we do. This is the next one that's up. This is from the Washington Times and it says Michigan's top court kills lawsuit by wrongly imprisoned man. Here's a dude, as I understand it, that pled out to something that he shouldn't have been convicted of and then violated the probation. So he goes to prison, but then his case his like conviction was overturned, but they wouldn't let him go or wouldn't like, compensate him for being gone for 17 months, something like that. Did I do that right?

Larry 53:19

Well, I'm going to try to do do it this, this is confusing, and it's gonna probably be better if people, I made the copy of the case. The the publication doesn't have a link to it because of the age at the time of the person. But I went and researched it and got the case and I've made a few highlights. And I think it would be helpful. It's not a long decision. It's only 13 pages. And it's nuanced enough that even I have trouble following it. But what happened was Michigan changed the law that that released people that had convictions as used from the registry. And the

the the MSP, the Michigan State Police was supposed to notify everybody but they never notified this guy. So he kept, he kept registering. And, and then he gave an incorrect address either inadvertently or advertently. He gave an incorrect address. And he got prosecuted for that. And then subsequent to that, he got prosecuted again. And this is after he's no longer required to register. He got prosecuted, and they sent him to prison the next time around. And it took the Michigan Department of Corrections 17 months to realize when they looked at his age, and I looked at his conviction, they said, Wow, you've got released for registration years ago, but the MSP had not notified him and relieved about that duty. And his his second conviction, he pled out, which I don't understand when we talk about bad lawyering. I'm gonna I'm gonna dump on your lawyers out there, Michigan. If you take a case and the law has changed, that has relieved people from the duty to register with useful offenses. And you don't take the time to figure this out. If he can't recover from the state, I hope he goes after you. Because you had a duty to know. And you should not have pled him out when you told him to take that guilty plea. You told the court that in your professional opinion, that the court had subject matter jurisdiction, meaning that that a law within Michigan within the jurisdiction of the court had been violated, that your client had violated it, and they had personal jurisdiction over him. They didn't have either in this case, they did not have personal jurisdiction over the guy because he was not required to register they didn't have subject matter jurisdiction. So you botched your job but anyway, when he gets out of prison he files a lawsuit seeking compensation for for the 17 months. And then that's where it gets really nuanced. With what now people typically can think of the defendant as a bad guy. In this case, he's the initiator, he's the plaintiff. His name is Anthony Hart, and the state of Michigan is the defendant. So so the defendant always tries to get rid of your litigation, they file motions to dismiss. And they filed a motion to dismiss on two grounds. They said that, that the

that the the state of Michigan had sovereign immunity. And then they said that in the alternative, that the he had failed to state a claim upon which relief can be granted. So they filed under Michigan, MCR and it gets ad number and I'm assuming that that that that's that that's Michigan Compiled rules. I'm guessing that's what that stands for. But because they have MTL for Michigan compiled laws, I'm assuming that stands for the for the Rules of Civil Procedure. So they filed a motion to dismiss under C7 and C8 of that section and C7 and C8 have different standards of what's appealable. In C8 the you have to have leave of the appeals court, you did not have an automatic right to an appeal. So it's all nuanced and the appellate court didn't possibly have jurisdiction because he had not asked for leave to do that appeal. All the section where the state prevailed. And so so the nuance of it is is that that, that whether or not the appellate court should have been looking at it without without having received a motion and granting leave to file on appeal was all the biggie. But on the rare cases like this, I actually read the dissent. And the dissent is fantastic. So I encourage people to read the dissent because the dissenting judges is a sharply divided four-three decision on dissenting judges are just add a bunch of how ridiculous this is the terms What what what the state imposed upon him. They say on page 9, they say, So the plaintiff was not entitled to relief because he could have avoided his legal arrest or detention by complying with a law that he was not required to law to comply with, or by taking the initiative to ask the state to please follow the laws expressed requirement and that the state remove him from from the registry, or by someone figuring out that the state provided him with deficient counsel, which I just did a blistering criticism. You were incompetent, defense counsel, but he was supposed to, that's the standard that they imposed on him and then in the previous paragraph, they said Put simply, the panel held it because people who are not required to be on the registry might in theory, take steps to avoid the state's failure to remove

them, and illegally arrest them. They are better positioned than fleeing felons to avoid being victims of a constitutional torts, meaning that if he had done more, than he wouldn't have been a victim so they blame him, The victim, which is what we're not supposed to do. So on page eight, they blame the victim say if he had done more, he wouldn't have been the victim. I mean, I love it. So the dissent actually just caused me great joy to read that because three of the four, three of the seven judges understood how silly This is.

Andy 59:18

And why did you read the dissent? You you said Like, I don't ever read the sense because they don't matter?

Larry 59:23

Well, they don't matter, because this is the end of the line. As far as I know. I can't think of what else he would do. But when I read the majority opinion, it seemed it seemed like it was it was a majority who were struggling for a reason to rule in favor of the state. And when they struggle that hard and got themselves in such a contorted pretzel, and I see the court that divided I said, well, gee, I wonder what they saw. And when I read that, I said, I know I see. This is so silly. I mean, the preceding paragraph it said it noted to say without having arrested and convicted plaintiffs or conduct that was not criminal If one he had, say the correct address while complying with a statute which he was not required to comply with. And two, had had been aware of the change in law and taking steps to remove himself from the registry and three had been represented by an attorney who noticed that he was not required to register. How do you know that your attorney's competent?

Andy 1:00:20

Yeah, I thought why we are hiring attorneys because we are not competent. That's why the attorney is supposed to be competent.

Larry 1:00:26

I thought that that was the job of the state of Michigan to provide competent counsel for the people that were indigent and needed counsel, I thought that that was your job to vet them and say that they're qualified. I did not know that as a burden we shifted to the defendant.

Andy 1:00:40

Larry, as much as I respect your intellect. I'm not bringing you to fix bringing my car for you to fix it. It's just not what you're good at. That's why we hire attorneys that are quote unquote, supposed to be experts in these fields. That's garbage that's garbage that that they put the burden back on him and then blamed him for it.

Larry 1:01:00

I think it was really tragic. I hope he sues the lawyer. Yeah, if you're listening, I know that we have probably about 100,000 listeners in Michigan. If you're listening, contact us.

Andy 1:01:12

Okay. And is that is that is that us as in Registry Matters or somebody else

Larry 1:01:16

Registry matters. Don't we have about 100,000 listeners in Michigan?

Andy 1:01:19

I mean, I thought you were kind of low balling it.

Larry 1:01:22

Well, I'm sure if at least that

Andy 1:01:24

Okay. So Larry, I saw I was trolling around on the internet. And I saw somebody asking some questions about SORNA. So I threw together. I don't know a dozen-ish questions regarding SORNA. And you being the expert on all things SORNA and things like that related. I figured we could kind of bet around this idea of what SORNA is, where does where the lines drawn between

where this applies, what it affects what it doesn't affect, what are the rules? What are the punishments for their not implementing rules, it's, et cetera. Did I say that right, Brenda? No. etc, etc. I hear it all the time when I listen to podcasts and I and I guess that would be a very regional thing of the way that they say etc. But so here we go about some SORNA of stuff. What is SORNA?

Larry 1:02:16

Well, it would be the sex offender registration and notification Act, which was a component of the Adam Walsh Act of 2006.

Andy 1:02:28

So it's a piece, Adam Walsh Act being the daddy and then SORNA being a piece of the daddy. That's probably not a very good analogy, but...

Larry 1:02:37

that is a good that is a good analogy. That's what sort of it is. Now what confuses people is because the term SORNA has been around for a long time even before Adam Walsh Act, states had named their sex offender registration notification act they had named it either SORA or SORNA. So when when when people say SORNA always ask which sort are you talking about? You talking about your state or are you talking about federal?

Andy 1:03:00

They probably looked at you like, I don't know that you're even asking me a question that I would have an answer to, they probably look at you like, you're dumb.

Larry 1:03:07

Well, they do.

Andy 1:03:10

And I wrote down so this is Title One that is to say that part of the Adam Walsh Act, which was signed in 2006, you said that already, um, does SORNA impose any living or work restrictions to PFRs. And for those new PFRs, person forced to

register, that's a term that I don't know if that somebody else said that we should start using that here. We didn't we didn't create this, but instead of saying, sex offender, so we start saying PFRs.

Larry 1:03:37

There are no restrictions on where a person can live or work within the federal SORNA structure. It's not encouraged. It's not mentioned. It's not there. Which means if your jurisdiction has restrictions, they did not get those recommendations from the feds.

Andy 1:03:56

So they decided to make them up for whatever reason that they decided to make them up.

Larry 1:04:00

That would be correct. There's no encouragement by the federal authorities to have have those restrictions.

Andy 1:04:09

the way that I word I said how does SORNA interact with the states is SORNA federal legislation but one like so, you know, so Florida and Alabama and many of those states like around that area they like they're just horrible. But other places are less horrible. So how does SORNA make that? How does SORNA interact with them making their laws?

Larry 1:04:31

In simple, simple terms, that's the power of the Federal appropriation that that is how they interact. But there really is no federal Sex Offender Registry. And that really confuses people. There is a registry. There is a there is a website that that searches in state registry, you can go to a federal website that merely looks into the state registries, but there's no federal registry, the way they interact is that the feds have said if you'd like the federal money, then we would strongly urge you to adopt registration standards that are at least at these levels. And I

think it would be helpful to have some background and long-term listeners, I apologize. You've heard this before, but the people who have joined in the almost three years we've been doing this. Everyone hasn't heard it. We had a registry before 2006. We actually had to Jacob Wetterling act that passed in 1994. (Andy: This is going back to the 50s or something.) Yeah, yeah. Well, there was a few states that California had 47. I think Washington State adopted was it 89 or 90, but but but as far as at the federal level, the the the Jacob Wetterling Act was passed, and it gave the states the same three years to comply to create registries that were that met the standards at the time. And the standards were far more lenient at the time. So all states had come into compliance within the three year period with with adopting registries but what they discovered was that, that you had states do what they had no incentive to do. And so, so they adopted these registries and some states were fairly lacks on what they did. And well, people had gone off the grid. And I have no idea if the number of 100,000 is accurate or not. But that was what was paraded before congressional testimony in 2006. That 100,000 sex offenders, approximately 500,000 that were required to register at the time had gone missing. And that was a 20% of absconding, absconding from from registration. And the state that they have been convicted and had absolutely no incentive to spend their resources to find them because what you would do if you were in state A, and you went to do a verification of a resident and they weren't there and you started asking around And they say, Well, last I heard that person moved from Alabama to Ohio. You would uncork the champagne bottles and say, Well, he's their problem. (Andy: Now that's one less.) Yep, that's exactly now see Ohio didn't know they were there. Because they hadn't registered in Ohio, they just simply checked out of Alabama. And Alabama wasn't about to spend resources. As I've said, you would be totally insane to bring a person back because I know that 90 something percent are never going to reoffend, but some of those are going to reoffend. So if you spend your

valuable resources going out and extraditing, 100 sex offenders that have gone off grid to bring back to your state, and then you're released from your state, you're going to have sex offenders committing offenses in your state that they would have been in Ohio committed. And I don't know about you, but from a public policy perspective, you'd much rather have them committing in Ohio than in your state, wouldn't you?

Andy 1:07:54

Yeah, not in my backyard. All right,

Larry 1:07:56

So so that was the gap that had Feds were seeking to create to close that gap, this address that because thousands, as many as 100,000 had had not had complied. And so then it begs the question, what do we do? And the feds realized they don't have jurisdiction to have a registry. They knew that they didn't in '94. They didn't have jurisdiction. And they do again in 2006. They didn't have jurisdiction. But what they wanted was a prosecutorial tool to use in their arsenal. So when people cross state lines, they say, Oh, well, that makes it federal. I mean, even though when they got convicted in Alabama, they never left Alabama. We don't have any jurisdiction. But if we can track them to another state, then they have engaged in interstate commerce because they crossed jurisdictional boundaries. So they put that one component in there that that that the feds can prosecute. And then they shoveled a whole bunch of money to a fugitive effort, comprehension task force to go out and find all these thousands Missing sex offenders. And a lot of prosecutions ensued because of this very well-funded unit in the US Marshal services been looking for missing PFRs. So that's the backstory of the registry. They were trying to close the gap. But they also had had John Walsh, who was the father of poor Adam, who I think killed in the early 80s. That came over the year '81, '82 somewhere in that era, but but he was pontificating, that, that that the laws weren't tough enough. And so the states were

encouraged to adopt more rigid guidelines in terms of what qualified as a sex offender that the amount of times they have to have the amount of times per year that they have to check in and the duration of registration. All those things were recommended to be being increased. And many states have dutifully followed suit and some had already gone beyond it like our state already had standards tougher than the edibles act. When the animal shack passed. We had already surpassed that. We've got offenses that are required to be registered under our lawful lifetime. And the Adam Walsh Act doesn't even recommend that.

Andy 1:10:05

Okay, is this kind of like going to a buffet and you get to the states so the the Fed set up a template and then the states go and check out the buffet and they want some pineapple and some lettuce and they want some ham and whatever, and they just get to pick and choose what they want to put in place. And if they achieve some level, then they get maximum funding and then less as they go back.

Larry 1:10:28

That is correct. It's it's a these are these are recommendations for minimum standards for what they deemed to be substantially compliant. And substantial compliance is not absolute compliance. So if you look at the federal SMART Office, the Sex offender management apprehension registration tracking website, if you're looking at the SMART website, they have these these compliance packages of what they recommend you do and to be substantially compliant. There'll be states who have not adhered to the letter of it or some things that they've done are not Exactly what the the AWA standards would would prefer, but they don't substantially disserve the purpose. So they go ahead and leave that state substantially compliant. But you can go beyond that. And that's where so many people get confused. They say, Well, my crime under AWA standards is only a tier

one. I say that is correct, but the state of Florida made it lifetime, but they're violating federal law. No, they're not they they have received a recommendation from the feds, that if you want to be deemed substantially compliant, you need to have these offenses in this small universe has to be a lifetime. But they've chosen to broaden the universe to include more offenses lifetime, that's not a violation of federal law. That is, they've merely exceeded federal law, but there's no violation

Andy 1:11:47

to bring it back to the civil regulatory scheme, and you're going to fill in some gaps for me that so I'm assuming the federal transportation highway, whatever the people that make like the Federal Highway rules, they They say that you can have your highways have a 70 mile an hour speed limit. But I think like in the 90s, or 2000, Utah may have like said, well, we're not going to have a speed limit on these pathways or these interstates between these two areas, would that have then made them not substantially compliant? And they would have had less funding come from the federal government for the roads?

Larry 1:12:20

That would be correct. And that's exactly what happened and the older listeners we have when when we had the Arab oil oil embargo in the early 70s '73, I believe would be very early '74. When the embargo hit, the National speed limit was recommended to be 55 because the clunkers that we drove in those days, supposedly ran more efficiently at 55 than they did at 75. Because people were driving those eight cylinder muscle cars in those days

Andy 1:12:49

12 cylinders man

Larry 1:12:51

And the states that chose not to do it risked forfeiture of their highway funds because the feds really could not regulate with inside the state

What what the speed limits were but it's a strong encouragement if you have to build and maintain your own roads. And that's what happens with all this stuff. The federal government has the power of the purse, because as we're learning in this pandemic, if we didn't already know it. You can print 24/7. And now since we don't even print 24/7, we just create electronic entries for cash. The feds can run budget deficits that apparently no one cares about. But the states don't have those unlimited options. So therefore, states are very dependent upon all the federal money or at least they perceive they are. So a lot of things that states adopt if you were to be a part of your legislative process, you would see time after time, whether it be for something for children or whether it be domestic violence, they'll say well, because federal guidelines. With schools, that we have to just because to comply with federal guidelines, we're going to we're going to lose money for special ed if we don't do this, and that's just the reality of what happens. Now, you can always say we're going to suck it up and we're going to pay higher taxes and we're going to tell the feds to go you know what. You can do that. K through 12 education, typically most school administrators tell me that that the Federal portion amounts to somewhere between 8% and 10% of the budget. But usually that money is earmarked for particularly needy children with with special needs and it would decimate those programs. But you could say Well, sorry, we just don't like the rules that you've applied and we're gonna take care of ourselves and you can, you can shove your funds and then the feds have no more say about it cuz it's their funding that that gives them the control

Andy 1:14:34

because we have 50 Well, it's 50 plus territories plus other things and other entities but we have 50 states that are like 50 individual little countries with this federal umbrella. It's a really hard concept to like grasp i think but Georgia is not Florida is not Mississippi is not Alabama is not New Mexico like they are their own entities and

your governor is the president of your of your little country.

Larry 1:14:59

That is That is correct. And the federal government has gotten larger than what I think the founders would have been visualized. But the founders could not see out 200 something years in terms of how society would evolve, but but in those days, I think if you could resurrect those people, they would be very shocked at how much the federal government is intertwined in daily life now, but that's the reality of life. We're not going to turn that clock back.

Andy 1:15:22

Okay. And we just covered so what the punishment is for them is that they would receive less funding by not being substantially compliant. Can we move over to the tier structure that I know that Georgia has a tier structure that kind of doesn't really exist? Like if you're one of the high-risk ones you count, but if you're a level one or two, I don't know what the difference is. Other than that, you can get off the registry if you're level one. Like that's the only difference that I actually know of. But a bunch of states don't even have tiers, I think.

Larry 1:15:52

Well, and there therein lies the confusion because prior to the Adam Walsh Act, states, more states had risk-based models meaning that regardless of your underlying offense, was that how you were treated on the registry had to do with an individualized risk assessment. In Ohio, for example, they did it in the courts and other states. They did it through a process. Arkansas still has a process. Oklahoma had a process a number of states had processes that that assigned a person an individualized analysis was the the AdamWalsh Act said, we really don't want that we want an offense based system. So when you hear the term tier, you confuse it often if you've lived in or if you do live in a state where they do a risk based system you associate that

with risk but that's not the Adam Walsh Act. It has no intention of conveying anything to you about the offender other than their length of registration. That's all a tier is okay. It's not a risk-based thing. And so when you hear when you hear tier, don't think of risk because they're two separate things. The basic structure of the Adam Walsh Act is crimes or misdemeanors or carry a punishment of a year or less, are tier one. Unless the target victim is a minor. crimes that are felony level offenses carrying a year or more, that don't involve a victim under 12, or 11. I always get this year mixed up. And they don't involve violence. And they define violence. It's not just because you name it violence, but if it's if it's a victim or violent, it can, it can trigger a tier three designation. But otherwise, that's a tier two. A tier one, under the federal standards is a recommendation of 15 years, which five years can be reduced. If you don't pick up any offenses of a felony level that carry more than a year and you complete treatment and probation. You do not have to file a petition. Contrary to the folks in California that created this elaborate get rich scheme for the lawyers. You do not have to under the Adam Walsh Act to file a petition, you just simply time out. Tier two offenses are 25 years, there's no early petition. After 25 years, you simply time out. Tier three is lifetime. And tier three, you do not timeout until you die. And then you do timeout, they do not require you to register anymore. Once you die, you're relieved of all reporting obligations and updating at that point. And tier three is recommended four times a year in-person visits to your tier two is recommended twice a year and tier one is recommended once a year, you can require all the offenders to come in four times a year in some states have done that, because you've at least met the minimum. If you've got everybody required to come in four times a year. People say well, Larry, don't you understand? I'm a tier one. And I have to go in four times here and I said, sure I understand it completely. And that was your state's prerogative. They're breaking the federal law. No, they're not. They just simply

adopted standards more rigid than what the feds recommended.

Andy 1:19:08

I pulled this one out just because it seems super interesting to me, especially in light of the Oklahoma Supreme Court decision that sort of orbits around PFR. But suppose you are in a Native American tribe, tribal land, and that spans multiple states. How would the various states impact you how all this would apply to you? Does only the tribal thing applies, so like, you're just under the tribal law, like a federal law kind of thing or two? Like how do you split the difference between the two states?

Larry 1:19:42

Well, it's a good question. And the answer is more simple than than what you'd imagine. If they it, but it is, it is a good question. So the the tribes are independent nations. Okay, so, so their territory for SORNA purposes. So we'll assume for a moment that you never left the reservation. Okay, you would be subject to its laws and the State of New Mexico would have no control over you. Because, yes, we have Indian territory in the state, but we don't have any jurisdiction.

Andy 1:20:12

Sort of like Puerto Rico. (Larry: yes) you could plot Puerto Rico in the middle of Texas, Puerto Rico's is it's own thing.

Larry 1:20:18

And so the so what if you if you stayed exclusively on the reservation, if they have a registry and I think by now they all do, you would you would be subject to their loss. Now, if you cross jurisdictional lines, for example, says there's so much unemployment, a lot of people who live on on Indian reservations end up working off the reservation. So if you were to do something off the reservation, where you were actually in a state and becoming employed to carry on a vocation or going to school or you know, things that trigger so you could find yourself having to

register in the state of New Mexico and having to register with the Indian nation because they both have jurisdiction. But if you stayed entirely on Indian Land, you wouldn't be subject to anything other than Indian law because they're their sole sovereign.

Andy 1:21:07

And I think another way to word This is going in the inverse direction. If you commit a crime on a military base, you're now crimes are now federal, even though you're still sitting it you know, you just stepped on base. I sat on a jury trial with a woman that shoplifted at the exchange. And I was like, she shoplifted a \$20 video, and it's a federal offense, because it was on federal land.

Larry 1:21:28

And it's tragic because the penalties were so much more harsh.

Andy 1:21:32

Yeah, we're not that at that part. But I bet she got she got messed up from that one. Let's move over to the internet side of this whole thing, because because to me personally Larry like this is the worst. Like, you know what I was talking with someone in chat while we were recording. And he was talking about, well, I used to have to go in every three months, but it's the internet that messes everybody up. I you know, going in and visiting the police every year like it's a pain in the ass, but it's not that bad. It's the internet thing that now all your neighbors Everything that you did, what is required versus not required versus prohibited, like so I helped compile somewhat of a list that we can bat around. Some places have your employer's address some places just, like full on, like they have all the tattoos and all that stuff. Can you help us decipher what is required on the website versus what's not?

Larry 1:22:24

Well, that would be the best place to go would be to the to the, to the SMART Office website, because I don't I don't have all that memory at

my at my fingertips. But the, for the AWS compliance states, they do want to see the employer address listed. And, and that's one of the requirements. In fact, that's one of the shortcomings in Nebraska. They don't do that they went so hard in 2009 to become AWA compliant. And they were sold a bill of goods by the by the law enforcement industrial complex, telling them that as long as they did substantial compliance that'd it'd be close enough. That was one thing they didn't want to do, because businesses had presented themselves and said we don't want to have our locations listed. So they respond to that. And also there's a great concern around the country regarding juvenile registration. So the Nebraska assembly didn't want to register juveniles. So they, they screwed the adults and they went to the 15, 25 and life program that they also had a risk basis. Another state that used to do risk based. And, and they went the offense-based system, but they didn't get their prized possession, which was a wi compliance. Okay. And, but but in terms of what's required on the internet, there's far too much required In terms of disclosure. It's way more than what it's related to the conviction. It's it's, it's for where you where you work, where you live, the vehicles you drive. All that stuff is required. The, the the statutory text of what your offense was, they're at least supposed to link to it so the person can find out what you did. The persons will read the the offense under the code and say, well gee, that person is really creepy because they did this. Those are the basics but it's far too expensive. And they can go beyond that the only things that are really prohibited to be disclosed are victim's identity and social security numbers. And I think that's about it for the offender there's a very narrow list of stuff they cannot disclose.

Andy 1:24:24

Yeah, victim's name your social, non-conviction arrests, and passport info.

Larry 1:24:30

Yep. So it's, it's, it's not much.

Andy 1:24:33

What I found super funny is in there. It says, Well, what about email addresses and phone numbers, posting phone numbers and email addresses of PFRs on public websites, in the same manner as other information is problematic. And I was like, Yes, they thought hard about this one, and they're saving us. It says the public availability of this type of information could allow PFRs to network with one another. Seriously? That's what we're going to do? We're going to set up the biggest trip trafficking ring that we could come up with we're gonna get all like, no. Oh my god that is so ass backwards in there thinking, I don't understand this one.

Larry 1:25:10

Well, I think I've read that before it would allow for networking. But first of all, if they had actually bothered to, to invade and exploit the knowledge they can find about sex offenders do not tend to network very much. That's why we're fighting the battle we are after all these years with the membership roles and the income level what it is because there's there's a hesitancy to network and I'm not able to explain that. But but there's a whole lot of reasons why you wouldn't want to post people's phone numbers I mean the same reason you wouldn't want post anybody else's phone numbers for for, for marketers, and unscrupulous people to exploit these people and somehow or another they get their numbers anyway because people get phone calls all the time. being threatened with arrest. Matter of fact, I got a call just this past week, from one of our more intelligent people. That really is on the ball here. And he took off in a panic because he said that that, that he wasn't gonna go pay the money that they wanted him to pay. And that they said they're on their way. And he said just to be on the safe side, he went to a safe location and called me I said you could go back to where you were, they're not coming to arrest you. But

but the testing that that's the downside of how it see rather than networking. Instead, it would set people up for exploitation

Andy 1:26:26

that exposes the other angle of those scam calls of that has to be somebody that has access to those records in bulk. Like they're looking them up and dumping them out to get them because they're calling everybody in every state. They're making hundreds and hundreds of phone calls per week to entrap these people.

Larry 1:26:46

Well, that's puzzled me because it's it's puzzled me because since we've largely got past the landline being the primary communication, which was published unless you paid money not to have it and I'm not as savvy as somebody In terms of getting information, but but people are apparently able to figure out who the registrants are, and they're able to convert that to a phone number. Now, there may be, that may be easier done than I realized. But I think I'm pretty savvy and I have a hard time trying to convert trying to trying to find cell phone numbers. So how are they doing that? How are they calling? How are they doing that? I'd like to know.

Andy 1:27:24

I can only come up with it with an inside job on that one.

Larry 1:27:30

Now, you are, you're suggesting that someone in the law enforcement community being as dedicated and as honest as they are, that someone be it a sworn officer or civilian support person would actually engage in a transaction to allow this to happen? you're suggesting that?

Andy 1:27:56

I'm afraid so because I really because I have been called and my number does not show up anywhere that I have tried to scope out so I don't

know how they would have gotten my number if not for having some sort of inside connection.

Larry 1:28:11
Well, that's very troubling.

Andy 1:28:12
Yep. Um, what about when they say you have X number of days upon arrival on the within the domicile like Ohio's listing is so vague that like by the time you have such and such amount of time from the time that you set up temporary domiciled, like, Oh my god, where did these requirements come from?

Larry 1:28:33
From the from the state?

Andy 1:28:35
But what about the SORNA side of it?

Larry 1:28:40
Well, I don't recollect that there's that there's a particular amount of time that you I mean, the general rule in SORNA is three days on everything they're trying they're trying to get, they're wanting to shorten the windows to three days for initial registration, and for changes of information. And therein lies the problem. Because when you when you're When you're temporarily in a state, you may not be doing anything that would trigger a SORNA duty to register. The duty to register is triggered by an attachment to the state by occupation, or by becoming a resident or becoming a student, if you'd looked at the guidelines and being temporarily present, it's not something that's necessarily covered per se. But the states, as time has gone by, have they've they've adapted, adopted these practices of, well, we should have something that covers these. So if they if there's nothing in their statutory scheme, that's clear, administratively they create it and invent it.

Andy 1:29:37
where I'm going with that one is like Florida, it's 48 hours. I think it might be the county but I thought it was like crossing the state line, you had 40 hours or you have to be then out before the 48 hours before you'd have to register. But the SORNA document says that you have three days from you know, three days to register from a change of address or anything like that, where you before you'd have to register.

Larry 1:29:59
Well, but see you You haven't clarified what you're doing in Florida, are you going to the if you're going to Florida for the purpose of establishing a connection by employment or by residence, or by school, then you're going to come within a zone of SORNA enforcement, you're going to have to have a Florida duty a register of just simply navigating through the state doesn't necessarily trigger a duty to register. In many states. In some states. It does, but not in all.

Andy 1:30:24
I mean, like when you because to make it to Key West, you need you need 12 hours to get from the top to the bottom, and then another handful of hours to get to Key West.

Larry 1:30:33
So well, let's just take a look, for example, at the Colorado skim because I pulled it in Dropbox and we're going to send it to that questioner but but Colorado has a provision that's very clear, in terms of big, big physically present 14 days or more in terms of what triggers a duty to register. So since I got to scroll through 59 pages, you can keep you can keep talking while I'm finding

Andy 1:31:01
Yeah. But again, I'm just trying to highlight so that we have the ala carte method of the SORNA statute from the wonderful federal government. And the states have decided to pick and pick and choose of what they want to then apply. And

that's where you would get a Florida 48 hours or you get Georgia is either seven or 14 days. I never am quite clear on which one is which. And, you know, it may be in Vermont, you can be there for like six or nine months or something and you don't have to register because they're there. You know, it's basically no registry up there. And I'm saying that tongue in cheek don't don't send me hate mail. I'm just being silly.

Larry 1:31:36

You're going to get hate mail from because they if you've only registered in Vermont it's awful as far as you're concerned. I know. Because Because you haven't registered in the states where it really is awful. So as far as they're concerned. (Andy: Did you find what you were looking for? I'm still praying about it.

Andy 1:31:55

Okay, um, can you answer this question while you're still navigating is SORNA retroactive?

Larry 1:32:04

Well, in the when you say SORNA we're still talking about federal right?

Andy 1:32:08

I yes. For this, we're talking about federal.

Larry 1:32:12

Okay. It did not, it did not proclaim itself one way or the other. Congress did not say whether it was retroactive or not. They left the power to the Attorney General of the United States at the time, which was Alberto Gonzalez. And he decided that it was retroactive because Congress said it's too complicated for us to figure out all the states have different constitutional frameworks. And if you can apply it retrospectively, we would like to see people have to follow these elevated standards. So therefore, when you say was it retroactive? No, it wasn't initially. But the US Attorney General said yes, it's retroactive to the extent it can be. But within the AWA within the sauna itself, there's a provision that says that if

The state's highest tribunal rules that, that they can comply with a particular portion, then they will not be held to be punished, they will not be penalized for their noncompliance. So, so you've got that escape hatch that you don't lose any of your precious money if the state's highest tribunal says you can't comply.

Andy 1:33:19

Okay. It said in the document says it. Yes, it is retroactive. SORNA applies to all registrants including those convicted of the registration offenses prior to the enactment blah, blah, blah, all those years before and all that.

Larry 1:33:34

I just want to say that the attorney general did say that to the extent it can be applied retroactively. I'm telling the state's, Go ahead. Because you you can you can do it until you can't. So therefore, what is so funny about that? (Andy: I just picked up on that because he could do it until they're told to stop.) They can do it, as far as we're concerned since it's still a civil regulatory scheme, I'm decreeing there's no problem with increasing the frequency and duration of registration. And then that set forth machinery to challenge and some states have said no our constitution, Maryland would be an example. They said we have a Declaration of Rights and there can't be any disadvantages imposed retroactively. So therefore, Maryland is not able to comply so they don't lose any of their their precious dollars because they can't comply. their state's High Court won't let them comply with with apply these elevated standards to people whose crimes predated that, but now people act as if somehow that created the registry. Remember this passed in '06. Every state every state had registries way before '06, which means you still had a registration obligation. It's not as if this created a registration obligation for most people, most people whose crimes predated the AWA already had a registration obligation. So, so even if they. So even if they can apply the enhanced version, that doesn't stop them from,

from applying the previous version, that that was enforced at the time that you committed your crime. So that doesn't give you a walk away, get out of jail free card. And that's what people misunderstand. And what it what it what it does did do was it created a federal crime if you if you travel the interstate commerce, and the way they enforced it initially was that they went out and looked for all the people who were missing and they prosecuted them federally, and that was deemed unconstitutional, because that could not be applied retroactively. It was not a crime to have traveled in interstate commerce at the time you traveled, and we've had a plethora of decisions on that issue. So the travel the way the language of the statute reads, who a person who travels in interstate commerce, it does did say traveled or has traveled it said travels. So after this became effective, and after the after the Attorney General pronounced that it was retroactive, all the travel that took place from that from that rule forward is subject to prosecution. But if you previously traveled, the feds couldn't prosecute you. And that has caused a lot of consternation because people who had traveled although the feds couldn't prosecute them, they still had a duty when they traveled from Georgia to Maryland, Georgia had a registry and so did Maryland. So that didn't preclude Maryland from prosecuting them under under state law so that we I think we even talked about a case like that where the person I think Maryland was even involved there. But that's not to get out of jail free card itself, because you can be prosecuted under state law even though the feds couldn't prosecute you under their fancy tool.

Andy 1:36:46

I'm thinking it's Gundy isn't it?

Larry 1:36:49

No, I don't think maybe it was. Maybe it was okay, but Colorado, temporary resident. So temporary resident means a person who is a resident of another state but in Colorado temporarily because the person is employed into

state on a full time or part time basis with or without compensation for more than 14 consecutive business days, or an aggregate period of more than 30 days in a calendar year or enrolled at a type of educational institution of the state on a full part time basis, or present in Colorado for more than 14 consecutive business days, or for an aggregate period of more than 30 days in a calendar year for any purpose, including but not limited to vacation travel or retirement. Now, if we were going to hold a conference in Colorado, this would be one of those where we could actually point to the statute and say you're being overly paranoid because it says clearly that unless we're going to have a 15 day conference that you're not covered. So Colorado, here we come.

Andy 1:37:49

Very good. Is there anything else that you would like to tack on on that I did not come up with a question for you regarding SORNA

Larry 1:37:57

I think you did a fantastic job.

Andy 1:38:00

Go me and I'm gonna I'm gonna stress out my shoulder from patting myself on the back for the next 20 minutes. But you know what we can pat ourselves on the back for Larry we got two new patrons this week. We got a Tom and Jake. And I can't thank you guys enough bottom of my heart all the way if you want to come in and listen to the live stream you now have those privileges and you're going to get Patreon extras and all that so thank you very much.

Larry 1:38:25

Well, we also had some increases in patronage.

Andy 1:38:29

We did we also had a Brent increase his so that he can get the the transcription service which were you're going to talk about for a moment. The what's the transcription service?

Larry 1:38:39

The transcription service is that we've received so many inquiries about prisoners saying that that every time they asked their Warden, if they could listen to the podcast, they're denied. (Andy: I'm sure that that happens all the time.) And I can't understand why a warden would deny you access to listen to this podcast, but Cuz I think we're very generous to the to the, to the prisons in terms of what a difficult job but I think I've been complimentary to warden on various occasions. But anyway, we tried to devise a way to get the podcast to people. So we're going to offer the podcast of people who patron whose patrons support is \$15 a month or more. And we will mail a printed transcript to them. Hopefully every Friday, which will run about a week late before they get it, they'll they'll receive it on Monday or Tuesday, which will be about a week after it actually released. And we sent out our first batch of five this past yesterday. As a matter of fact, we sent out five and one of them was for standard the others for people that have come about because they have been requested through the program. So if you want that if you're already at that level, you've got to get the word to us. We won't assume that you just because you're at \$15 or more a month that you have someone that you want to receive it. You have to tell us and you have, give us their address and inmate number is if you're writing to them, and then we can put them on the list. (Andy: Yep.) But right now, right now, we don't know until you tell us you'd like for someone to receive the transcript

Andy 1:40:11

indubitably. I think that about wraps everything up Larry.

Larry 1:40:16

I love my picture of this week.

Andy 1:40:19

Oh, yeah. What's the same one I used last week. It's that it's that picture of you when you were in office looking all regal with your Lincoln guy.

Larry 1:40:27

You know, that was that was back about a long time ago. That was back in the 1860s.

Andy 1:40:30

You were still a young man, then?

Larry 1:40:33

Well, I want to challenge, I want to issue a challenge. If someone can tell me who that is. If I haven't already said it on the podcast. I want to find out. Find out what people know about history. If anybody can figure out who that picture is. And you should be able to do it. There's a well I'm not gonna tell you how to do it. They'd do it even faster. But there should be a way to figure out who the picture is. (Andy: I gave enough clues just now.) Yeah. So all right. We'll see who gets it first.

Andy 1:41:02

All right, and are you going to give them a prize?

Larry 1:41:05

I'll think of something.

Andy 1:41:07

Okay. Well, Larry, we record the show usually live on Saturday night 7pm. Eastern, you can join the discord server if you're a patron. But if you can't listen live, you can always do so on demand, which is the whole point anyway, to listen on demand. We want to make this available to you at your convenience. If you would do me a favor and subscribe and doing this is a favor to you in your favorite podcast app like Google or Apple or Stitcher or pocket casts or overcast or whatever. And even on YouTube, by subscribing, you do two things: you make sure you'll get you'll get the episode, the minute we post it, it'll come right down to you on your device. And you'll have

plenty of time to listen to it on your Tuesday morning commute, which probably is kind of pointless to say now because nobody's commuting anywhere. But you'll send a signal to those apps that they should, they should recommend that to other people that may have a similar profile. And you're telling them that other people listen to the show and that maybe they can discover it But also over at registrymatters. co you can find the show notes, you can find transcriptions and it gets every um, and and that's in there, and it's just like reading it, but you're listening. And you can find it over registermatters.co that's where you can find the show notes and voicemail. You can find it (747)227-4477. Larry, what's the email address? Quick, quick, quick, quick,

Larry 1:42:22
very carefully. registrymatterscast@gmail.com.

Andy 1:42:26
And like the other two people plus the increase, they supported us on Patreon. How can they How can they find us on Patreon?

Larry 1:42:35
Oh, that's patreon.com/registrymatters. (Andy: Beautiful) and since there is a phase two of the stimulus checks coming out as soon as the political process comes to an agreement but they've agreed on that component. every adult is going to get 1200 dollars we will make that option available. Have you got a 1200-dollar option up on there yet?

Andy 1:42:56
I should probably put that but you know, you could just you could even put it as \$1 And then you could just increase the bid to 12.

Larry. 1:43:03
Could Do what?

Andy 1:43:04
You could just come in at \$1. But you can adjust the amount you can pick the level and then you can change the amount of money.

Larry 1:43:11
I see. All right.

Andy 1:43:12
Well, you could say that you want to be a \$1 person, which would get you most of the benefits. And then you could just change the number to 1200 bucks.

Larry 1:43:19
Yep so I'm looking forward to some of those with the second round of staples payments are released.

Andy 1:43:25
When are we getting that money? I have some shopping to do.

Larry 1:43:28
Well, it's hard to say for sure. But the treasury department should be very much better equipped to do it now that they've done the first Direct Payments we've had in a long time and they should be they should have people's current information. So once it's approved and signed by the president, it should be pretty quickly but then I think the bulk of people have within 30 days.

Andy 1:43:49
Okay. I mean, are we getting that in August? Do you think or is it like September?

Larry 1:43:55
Well, if if the if the if the resolution comes in August, they could probably start making payments in September, if they come to agreement. But the House and the Senate have significantly different versions. So there's a lot of negotiation to do because of the differences

between what what has been put forward in the Heels act versus the Heroes Act.

Andy 1:44:18
those names those names are crazy. Larry, thank you. As always, thank you to everybody in chat. And I hope that you all have a fantastic rest of your weekend. And I will talk to you soon Larry.

Larry 1:44:30
Thank you. Good night.

Andy 1:44:31
Good night.
I had the password for registrymatters@gmail.com and I lost it. Did I ever tell you that?

Larry 1:22:03
Well, why don't you do a reset?

Andy 1:22:05
I tried it like, Hey, what's the most recent password and I didn't set up enough recovery stuff, so it's just

gone. So that's how it's registry matters cast because I'm an idiot. So

Larry 1:22:15
the best way to support us if you are so inclined is patreon.com/registrymatters or just patreon.com. And you can search for all your favorite podcasts, including Registry Matters.

Andy 1:22:27
There's only one podcast that matters at Patreon. And that's Registry Matters that I can assure you. Larry That is all I have on this fine Saturday night. Anything else before we head out?

Larry 1:22:39
I'm done.

Andy 1:22:41
All right, man. Well, have a great night and I will talk to you soon. Take care everybody. Good night.

Larry 1:22:45
Good night, everybody.

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