



## Registry Matters Podcast

Episode 162

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Andy 00:00

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Larry 00:27

It's always an amazing time to be alive. When people relish and look back to the good ol' days. I tell him we are living the good ol' days.

Andy 00:36

I was having conversations like that just recently, and someone was being very nostalgic about like, like the 50s and how great it was. And I was like, do you mean as a woman coming from a time of when women typically stayed home from you know, and then went off to work and your whole life revolved around cooking and cleaning and rearing children? You mean those good ol' days? Sure. Well, I guess if you put it that way, maybe not so much. And I'm not trying to bag on that and bash on that if that is what you want to do, more power to you, we need moms staying at home like that. And I think that's awesome. But if you didn't want to do that, then you had a very low glass ceiling that you would have to try to get up to.

Larry 01:13

So well that's that's one aspect of life in the 50s. But the other aspect that people forget about when they watch Leave it to Beaver or something and they have this imaginary invention in their mind of what the time was like. What you need to also look at it is it was a one car family. Yeah, a one car garage. The car would kill you, it was an instant death trap. The most polluted most, belching out the most pollution you could ever imagine. And those heavy cars were very deadly, you know, the, you know, the safety features that they didn't have back then that we have.

Andy 01:49

Yeah you know without the collapsible steering column it would just impale you in the chest.

Larry 01:54

The automatic washing machine, as it was called what it was when it was marketed was in its infancy in the 1950s. So people were washing their clothes on a ringer machine or even on a scrub board if they were poor. But if they were lucky enough to have an electric ring or washing machine and running it. If you want to think about those good old days has been so wonderful. Yes, they were they were you know, one black telephone that you might have shared with a party, with with one or two. Sometimes you have a memory of the past that is not actually anything like what the past was and and people spent a greater percentage of their of their disposable income on food in those days. But we didn't have the mass agricultural production, the very efficient farming we have today. So yeah, go ahead wish for the past.

Andy 02:47

I'm with you. What do we have going on tonight there, Mr. Larry?

Larry 02:51

Well, we have several questions. And hopefully we can get to them all. We're going to talk about a particular piece of legislation in my state, House Bill 56. And we've got some articles, we may or may not get to the articles, because we're going to try to do these questions. And we're going to do... part of what we're doing on the Registry Matters podcast is helping people become more informed about how to be effective advocates, and how this maze of rules and regulations impact them. So these questions are going to take priority and the legislative stuff that we're going to talk about. So, we may we may get to some articles you never know.

Andy 03:27

Excellent. All right. Well, the first one is it says:

### *Listener Question*

If you don't mind, I would like to circle back on Interstate compacts situation I've heard you too, you people talk about on previous episodes. On the one hand, I've heard that it says a person has the right to be treated equally when moving from one state to another. Yet on the other hand, I've heard you say that the state that imposed the sentence controls when you're in the new state, could you please clarify? Because Larry this still always trips me up?

Larry 03:54

Well, and and there, that's actually a good question. And it was taken out of a very long letter. So I didn't feel like putting the letter up here. But the essence of the question is, I'm confusing people when I say that the state imposes sentence controls, and they do on the punishment. And I mean, as I've, as I've said, flippantly, wouldn't it be great if you could be having a punishment imposed on you in one state and all you had to do was go to another state to escape that punishment. So therefore, the punishment... (Andy: That makes perfect sense.) The punishment will be controlled by the state that imposed that punishment. And if you're granted the privilege of going and serving that punishment in another state, the length of that punishment will not change. The conditions of that punishment will not change unless there has been a court ruling in that state that you've moved to that they cannot enforce a particular provision of that punishment, but those things will go with you. If you went from Mississippi and they imposed a \$3,000 fine on you. That \$3,000 fine doesn't disappear when you go to a state that doesn't believe in imposing fines because they realize that it's actually detrimental to your success, but But the punishment will go with you. So the Equal Protection Clause does not come into play there because you're being punished for what you did in one sovereign. And that punishment has to be honored. But when you get beyond the punishment, when we talk about the registry, which is a civil regulatory scheme, that's where the state that you move to controls, and you do have the right to be treated equally. And that's why we talked about the Seventh Circuit case recently, because in Indiana, they were going to impose the obligations of a previous state simply because you had to register there. And that's

where it gets dicey. Because you have the right to be equally protected by the Constitution of Indiana.

Andy 05:39

Okay, and then what about probation stuff, it would stay behind for the most part?

Larry 05:45

What do you mean, it would stay behind? It would follow you.

Andy 05:48

The probation stuff would follow you?

Larry 05:50

Yes, the probation stuff, the conditions of your supervision until you end that supervision, until that state either grant zero termination or till you timeout, those conditions follow you to the new state.

Andy 06:03

Okay. Are there special conditions, what about something like your probation officer imposing a curfew?

Larry 06:09

Well, if it's the probation officer in the new state, and if you didn't have a curfew in the old state, they're permitted to do that provided that that's a typical condition they would impose on an offender convicted there of a similar offense, they're granted that prerogative to supervise you consistently. But that doesn't change the length of your probation. It just means that you have some technical terms to comply with the originating state didn't impose.

Andy 06:36

We'll flip that over, suppose you had a curfew with the originating state and you go someplace where they don't do that does that, that would go away?

Larry 06:43

No, it does not go away that was condition imposed in your probation. Now, if, for some reason they've had a court ruling in that state that they can't have curfews, unless they're individually tailored, they might, they might notify the state that we can't do that here unless there has been an individual here in process. But that that is a condition that will follow you and and how aggressively they'll enforce it if they don't believe in curfews, that's another matter, but but it is technically a part of your terms of supervision in the receiving state.

Andy 07:12

We're gonna have to do this one again, I just can never, I can never quite get the matrix. It's like a teacher like they have the the test and then they put the key over it with the bubbles. And I just always will, we'll cover this again another time. And maybe I'll get it right on the 40th time that we've covered.

Larry 07:29

It comes up regularly though in mail that we receive. So it apparently it is very confusing.

Andy 07:35

Yes. And then question number two, my PO is a real arse. It almost seems that they are determined to make me lose my job. I'm on a random column requirement for drug testing, which means I have no idea when I will be tested. Sometimes they simply show up and demand a specimen or a call giving me one hour to get to their office to be tested. It really messes me up on the job because I work in a restaurant, when I'm forced to leave, now they're shorthanded while I'm going down to take the test. I need to work and it's a violation of probation to not work. What can I do to keep my \$9 an hour job? This is a crap situation where like you're damned if you do damned if you don't. You go fyp and say I'm not doing your drug test because I can't get off work. And they go Okay, fine. Well, we'll just revoke you, and you won't have to worry about it anymore.

Larry 08:22

Well, let's start by this, this letter didn't have enough information. And they never will have enough because they don't know what I want to know. And so please don't send me longer letters because of what I just said. But what what we would need to know is if we're talking about probation, literal probation, not parole, because they have different, they have different privileges when imposing conditions of parole, but when you're on probation, that is supervised by a court. So one thing you could do... now, I'm not going to we, don't give advice here at Registry Matters. But one thing that you could do is you could ask the judge to consider modifying your terms of probation, where it says that you will take a submit to a drug test on on request, which is a pretty standard common condition of probation. And I don't, I'm not saying a judge would grant that, I think they would have a great deal of hesitancy to grant such a request. But if you've had no drug usage ever, in your past, and they're constantly drug testing you, I can see where he would come up with that conclusion. And, and he didn't say whether he had any drug usage issues in the past if these tests are reasonable. Remember, there has to be a reasonableness to the... when you have conditions of supervision, they have to be reasonably related to the offender and to their offense. So if you're on probation for making obscene telephone calls, and you've never had any drug issues, and they just impose a blanket policy of drug testing, everybody and you have to you have to be subject to that randomness. There could be an area for some litigation there. And you would need to talk to a legal professional in your jurisdiction. But it is problematic because everything he says it's true. You tell the boss, yeah, I gotta leave enough times, and they're in the middle of rush hour, it's not gonna be too long, the boss is gonna say, well, maybe you should just stay gone this time. Because when we need you here.

Andy 10:24

Will just posted a picture with a guy putting up saying that they're number one. I think when you describe these scenarios Larry, like we're not giving legal advice. What would you do, Larry? That's, that's, that's how we should preface this because then it's just what would you do? Or what would you tell me to do as as my friend and just giving me like, uncle's-like type advice?

Larry 10:46

Well, I would, I would try having a conversation with a PO not expecting it to have a good chance of working, of being successful, but I would say, look, now you, you do understand that, that I am

trying my best to be compliant, they love that compliance. I want to be compliant with everything you tell me to do, including the drug test, but also want to be compliant with holding a steady job, providing you paycheck stubs and meeting my financial obligations. And if I lose this job, which was so hard to find, it's going to make it very difficult. Is there anything that you can think of that might lessen the frequency of these drug tests being that that's not an issue for me? I mean, I've passed every one of them, and I'll continue to pass them because I don't use drugs. They may just look at you roll their eyes back in their head and say it's policy. There's nothing I can do about it. And at that point, you need to talk to an attorney.

Andy 11:36

should you go in guns blazing, saying you effin' people?

Larry 11:40

I don't think that's going to serve you well to do that.

Andy 11:45

Got to ask, I just got to ask. All right. And then this is in relation to what we covered last week, where I brought up traveling to a new state and someone sent a voicemail, and this is from Chris

Chris (Voicemail) 11:59

I'd like to revisit last week's question or comment about the 21-day notice about traveling from state to state. You know, I'm planning to go out of state here soon. And I just want to make sure everything's good. Now speaking with my attorney, he's saying that I need to inform the sheriff's office here locally that I'm leaving. In talking with them, I'm just really, really confused on this whole matter. I would like some understanding and clearance on this. Thank you.

Andy 12:33

And I presented that to you because the way that it was worded, Larry was that it was saying you have to provide the three week's notice if you're doing Interstate, intrastate, I forget which way it is if you're traveling from state to state. He's in Georgia, and he's going to go visit Mississippi or Alabama or something like that, does he have to do like the angel watch three week notice garbage?

Larry 12:54

that's a that's a misunderstanding that that 21 days is in the Adam Walsh Act, in the federal legislation, and it is designed for international travelers Now, having said that, there are states because there is a component of the Adam Walsh Act that says that the states should incorporate a provision that if you're going to be absent from your primary address for like seven days, I think the AWA has a seven day window, that they should, that they should capture that information and pass it on to the state that you're going to be in during your absence. But not knowing what state he's in, I can't take a look at that state's law and see what he's required to do. But the 21 days is focused on international travel when you're going to leave the shores of the United States. And if you don't do it, bad things can happen to you because it is in federal law. And the key to it is going to be "Have you been notified?" Has you're registering agency either decided to just go ahead and incorporate it into the paperwork you signed, which they've done in New Mexico. Some of the sheriff's offices, and

maybe even all of them have gotten that in there that you realize you have to do it, even though it's not in our statutory scheme. So my my belief would be as a non-attorney, but as a legal professional, that that would be satisfactory notice that you're aware that there's a federal law. So if they can produce a document that you've signed, saying that you know you need to notify of international travel, they may have a good case, but it it presents a problem because who do you file the notice with? If your jurisdiction won't accept it, if they haven't put it in your statutory scheme of how to file the notice, where would you file the notice at? You know, yeah, I know people...

Andy 14:40

You know for clarity... go ahead.

Larry 14:44

I know people that have gone to Pennsylvania from Georgia, and they've tried to file notice with Pennsylvania, they're there and they will not receive that notice.

Andy 14:56

If you're not there longer than the time that they want you to be there to register they're like, I'm not signing that.

Larry 15:02

Yeah. So so that's what I'm saying if if your state has not mandated by statute, even though a sheriff may have incorporated it into the paperwork, and done it by administrative fiat, if there's, if there's no place to report it to file the notice, now your Sheriff if they put that they probably they're willing to accept the report and pass it on to the marshal service, who passes on to Interpol. But how would you comply? If you're, if no one, even though it's a federal requirement? If no one will collect information, how would you file it?

Andy 15:33

Yeah, and so he's going to, I forget, Mississippi or Alabama for work. And I helped him look up how long he could be there before you'd have to register. And he's going to be there less than that seven days that you were just talking about. And I was like, and he went this is this probably the deeper question asked is, he actually then called his attorney, he recently just got out he had his sentence terminated. And so he's just on the registry. He's no longer under supervision. And he went to that same attorney and asked him the conditions. And the attorney says, you know, the way that I read this is you have to give 21 day's notice of travel.

Larry 16:11

Oh, well, what state is he residing in? (Andy: Georgia.) Because I don't see that in Georgia's statute to my recollection, just simply traveling. I don't recall that. So we'll have to, we'll have to circle back on this next week. But I don't recall that being in Georgia statute.

Andy 16:29

All right. And then I need you to put your stock hat on Larry, and we need to get some financial advice. And Will has a question for the PFRs of the universe.

Will (Voicemail) 16:40

Good afternoon, Andy. This is Will from Tennessee. And I have a question for you and Larry. You know, we've had a lot of discussions about why PFRs are not able to get on Facebook, and it has to do with Facebook being a private entity? Would it change the legal landscape for us any if PFRs that could afford it started buying stock in Facebook, since it's a publicly traded company, and buying quantities that gets them seats at the shareholders meetings? And would it change the legal landscape if people who had part ownership in the platform were not even allowed to use it? So, I'd appreciate if you guys could bat that one around at some point in the future. But to all you people who think this registry is such a wonderful thing. You're such friendly, young people. So thank you for what you do and have a good evening.

Andy 17:37

It's an interesting question. And we talked about it pre-show. And I guess we worked out some numbers, do you want to try and like re-rehash those from memory?

Larry 17:47

It's actually, it's actually a very rational question in terms of it. And it's very logical. If you do have an ownership position in a publicly traded company, you're going to be invited to shareholder meetings. Now, since I don't have, but just a couple of companies that I own small number of shares that anymore, mine's all in mutual funds, in investments where I don't receive the annual report and the invitation, the proxy, and that sort of thing. I don't know if they even had any annual meetings in person in 2020. But, but you would have that invitation to come to an annual meeting. But having attended annual meetings, they're not what you think. They're very scripted. They don't have a lot of dialogue, a company with a large number of shareholders, you try to let each one of them talk, you're not going to get very far, you would never get through the day. So so the shareholder meetings are very scripted. But if you could acquire enough shares in Facebook, and enough would be an awful lot because of this company, the last report, the last company profile showed them having 2.8 billion shares outstanding. And I think the Securities and Exchange Commission requires a filing of disclosure when you reach a 5% threshold. And 5% threshold of 2,850,000,000 shares would take quite an accumulation and the average small investor purchases in 100 share lots although you can purchase in smaller or larger lots, but but you're talking about something that would barely register. So the management would not feel the need to change their policies because someone owned 100 shares in Facebook and they didn't, they didn't like the exclusion policy. So I'm not sure that that's going to be the best approach but it could get a dialogue because if you write to the executives and you say I am an owner, I'm a shareholder. You typically will get an answer from some level of management, it might not be the CEO but you will get something from the from the management of the company. And particularly, if, if they're convinced you're a shareholder, anybody can say their a shareholder and if you own it in street name, it's very hard to identify. A street name means that you don't actually take delivery of the shares certificate, you just have a book entry in your account, saying you have X number of shares. Well the company itself doesn't really know how many people hold their stock in street name. And, but but if you have something that convinces them that you are a shareholder, and not just throwing

that term around, you'll probably get a response. So I mean, I wouldn't poopoo it, but I wouldn't expect miracles either.

Andy 20:30

Is, if you the private citizen, Larry, if you were to go out and go buy enough, if you were able to get enough shares, you have untold fortunes, and all that stuff, and you're able to get some, like, 5%, I don't know what this number would be, could you then go sit in on a board meeting and go pressure them in some form or fashion to get them to consider allowing us peoples on their site.

Larry 20:54

The 5% doesn't guarantee you a board seat. You know, you you you, the more shares you have, the more likely you're going to be invited on the board. Because the more shares you have, the more they're going to be concerned about what your interests are, and they're going to want, they're going to want to hear from you. But 5%, if the founder of the company still has controlling interest, and when I say that I mean voting shares. Sometimes you have super, you have Class A, Class B different class shares, and and the the super shares will carry 10 votes per share or 20 votes or some some rather than... So if they founder still has controlling interest, they would not be as likely to be worried about you being able to take control of the company. But if no one in management has a significant number of shares, and you start reaching 5%, they're gonna want to know what you're up to. They're gonna wanna know, if you're happy with their management, because they'd like to stay a part of the company. So yeah, that'd be, that could be significant unless you have unless you have management concentration of ownership. And with Facebook, I'm guessing, I didn't do the research, but I'm guessing Zuckerberg has a significant amount of the stock, I don't know at what level he is, but I can, I can imagine that the founder would have a significant stake in Facebook.

Andy 22:17

I can tell you this, that when they did the IPO, I have no idea what they did, I just heard them talking about the impact of it, that they structured it in such a way that, as I understand it, is that he can never be removed, there can never be a takeover, where he loses control over the company, something to that effect.

Larry 22:36

That that is that is very typical. And so therefore, therefore with a company that this is controlled by the founders... I mean, they'd be interested in you. The more shares you have, the more they're gonna be interested in what you're up to, but, but if they have a significant level of control they're not gonna trip on their boots, someone's got 5% if management controls 70% already.

Andy 22:58

Okay.

Andy 23:01

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buddies that 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 I guess we can then move on to the House Bill that we were, we started covering it last week. And let's pick up where we left off on this House Bill 56 in New Mexico and God Larry, it's 31 pages and I didn't really understand much of it. So what are we talking about?

Larry 24:11

So I think you're supposed to ask me do I expect you to understand all this gibberish

President Roosevelt (MacArthur Movie Clip) 24:15

That is why I am here.

Andy 24:18

I reworded it.

Larry 24:22

so well that's good general, President Roosevelt. That is why I'm here. So I'm going to try to explain this bill. I actually have read it. I have not read the non-SORNA portions as diligently as I will and should before the before we move into the debate on the bill as it moves through the legislative process. But tonight for for this show, we're gonna concentrate on the sex offender registration notification act or the SORNA portion of it.

Andy 24:55

All right, and you've mentioned on many occasions that there hasn't been a SORNA bill approved, I've heard this, I think you guys have like an announcement on the NARSOL shows that there hasn't been anything in 10 years in New Mexico. So will House Bill 56 break that string of success for you?

Larry 25:12

I certainly hope not, but it does present some unique challenges. For us. It's a comprehensive bill, it's going to be difficult for legislators to oppose it. And the fact that the Capitol building is closed, it's going to make it more challenging for us to do what we normally do, which is we're in the building when we need to be.

Andy 25:33

Tell me why is, why is a person in chat keep saying it's poorly written? Is that something you'd go into?

Larry 25:40

On? Well, yeah, all this legislation is always poorly written. Who's the person in chat saying that? Is it someone from New Mexico? (Andy: It is. Someone you know.) It's, it's, it's poorly, it's poorly written. And it's going to need a lot of work. It, it's a relaunch of a previous session, which is what they do. When these people are trying to pass legislation and it fails, they don't say, Well, I guess we learned that you know, that this is bad public policy. They do not do that. They bring it back again. And again. And sometimes they bring it back worse than what it was. And that's what they did. This is actually worse than the last version.

Andy 26:24

Okay, and it sounds like you're suggesting that the the PFRs and the advocates need to be present. And I guess COVID is, is making that somewhat of a challenge.

Larry 26:34

Well, being present is very important if you have relationships, if you're at the level where being present is significant. If you don't know much about the process and you don't know anybody, you don't have any relationships, being present is not as significant. You can sit behind your keyboard, you can fire off an email that probably won't be read. And, and you can say I've done the best I can. But for us, since we are connected with a number of lawmakers, and we do have a long track record of being in the building, and they are used to hearing from us and our perspective, it's going to really, really change how we're able to convey our messages because we're not going to be there. And we realized, I have a direct pipeline to the volume of email because I see it and I know that that you just can't keep up, you know. Keep in mind, we were a part time legislature that means 60 days, one year and 30 days, the next and they try to consider 1000 bills in a long session. And, and the volume of mail coming in is tremendous. And you don't have a lot of staff. You have, if you're lucky, if you're senator, you have a secretary. And if your house member you share a secretarial pool, and you don't have a lot of experts to rely on to guide you on this. So what substitutes as experts would be the lobbyist. But it's important that the lobbyists be fair and formed, and they shoot straight and are trustworthy. And when you burn a lawmaker, when you burn them by giving them misinformation, you've just shot your credibility, and they're not going to use you again as a resource. So I try, I think people can, that listen to the podcast, can hear and me being devil's advocate. And I try to look at something and I try to look at what would be good about it, what would be bad about it. What would be constitutional, how you could do something they want to do and make it constitutional? Because sometimes they ask me, Larry, I want to I want to do this, but I want to do it constitutionally. Tell me how. What are you supposed to do when they make when they make that request of you, we want to do this constitutionally? Do you tell them fyp? Or do you try to tell them how to do it in a constitutional way?

Andy 28:45

I want to circle back just for one quick second and clarify why we're covering this. I don't really care specifically like the specifics of 56 other than the specifics of it, that matter of angles that I'm trying to extract from you how we're attacking these things, because it's the legislative season, and things that you're looking at on how to trip it up, angles to take of maybe terminology that makes things funky and that's what I'm trying to do with this particular segment is I don't really give a shit about 56. But we're using this as a template of things to look at as far as how the legislative process goes. And as you always say, we're in the train wrecking business.

Larry 29:26

That is correct. And so, you start with is this good or bad public policy? When I looked at this bill, it is not good public policy. Now there can be there can be something that is good public policy, you may not agree with it. But this is not good public policy for a number of reasons. But yet, you have to, once you decide whether something's good public policy or not, then you have to ask yourself with an objective mind. Where is the public going to be on this matter? Because that is going to drive the discussion and the votes. Where will the public be on this? Not where would you

like them to be in an ideal world? But where are they going to be on this bill? Well, I already know the answer to that.

Andy 30:15

Right and this one, you pointed out that there's human trafficking. And then Jeffrey Epstein, which everyone is super pissed off at Jeffrey Epstein, and we are very much against human trafficking.

Larry 30:27

That is correct. So what makes this so difficult to vote against, even though it's bad public policy is because it contains hot button issues such as human trafficking, and closing the so called Jeffrey Epstein loophole, and combating human trafficking has become one of the most dominant themes of legislatures across the country. And this bill addresses that. So that puts a lot of pressure on those lawmakers, because you can't come out and say, Human trafficking is a figment of your imagination, because it's not. It's not a figment of your imagination, it does happen in the good old US of A. But what we have to be careful about is we don't turn a lot of things that are already against the law, and call them human trafficking, and elevate the penalty of something that is already against the law. So but, so that's going to make it difficult. And then who can turn down the opportunity to attack Jeffrey Epstein. I mean, they painted him to be the boogeyman of all boogeymans. And he had property here in New Mexico, and he didn't have to register. And that is, as far as a public policy perspective, how could you have a boogeyman like Jeffrey Epstein, and he's not required to register? Why do you even have a sex offender registry? Why do you even bother? If he can find a loophole, then who are we registering if that kind of monster doesn't have to register? So that so that puts a lot of pressure on them? How did he not have to register? Well, it's very simple. His crime was not equivalent to one of ours. Some states have broader lists of offenses than we do, and he didn't have an equivalent offense. And so that's what this loophole is gonna try to do. They're trying to do two different ways to cover that, to close the Epstein loophole. He owned the property that he was periodically, in, in the state. So they're going to say, if you own property in New Mexico, you have to register. And then they're going to say that, they propose to say, if you have to register anywhere, you have to register here. And if your crime is not equivalent, then a court may release you upon petition. But that is a very unknown process of how you would do that. What would the standard be? Who would bear the burden of proving that? So this is difficult for the lawmakers because the emails and phone calls they're going to be getting are not in favor of blocking this. The emails and phone calls. I can personally vouch for this having a direct connection. The emails and phone calls are, are significantly weighted in favor of not having the Epstein loophole, and being tougher on human trafficking. So what are they supposed to be what are they supposed to do? An fyp?

Andy 33:19

I think they should. Is this what is called a feel-good legislation then?

Larry 33:24

In my mind it is feel good legislation because it appeals to the masses. And it vindicates the masses belief that they are good people, and they are good people. And good people, one of their duties of being a being a good person is to protect the vulnerable

and people that are being exploited. I mean, if there are people out there being human trafficked, and we can have a discussion about what constitutes human trafficking, but what kind of good person would want that to happen? I don't think there's a PFR listening that would want that to happen. So so so this, this makes them feel good, because they can call up and say, What what are you people thinking? Of course, you need to pass this human trafficking legislation.

Andy 34:11

Okay, and so Okay, so I can agree with that. And, look, we should certainly be interested in protecting the vulnerable people, and I have a kid. And so you're saying that I shouldn't support this legislation, even though like it would be right up the alley of protecting my, my young little lad?

Larry 34:28

The way is currently written, no, you should not. The net effect of these policy changes, they're not beneficial. And let's just focus on two points. First, it broadens the definition of a conviction to include those who receive a conditional discharge, which under current law means the person doesn't have to register. Well, there are weak cases for example, to get pled out because the person has no criminal history. If it went to trial, it could easily result in an acquittal, but the person can be persuaded to plead and get treatment because the state is saying all we want you to do is to get treatment. And therefore, we'll let you be a non-convicted person. Well, a conditional discharge is totally useless if you have to register because where does the registry put you? So even though you don't have a criminal conviction, what would be the effect of being on the registry if you don't have a criminal conviction?

Andy 35:26

Well, we repealed judge Persky for getting such a light sentence because the kid was going to end up on the registry, he felt that that was punishment enough.

Larry 35:35

But if you get a conditional discharge, which technically means you don't have a conviction, so you can answer to your employer, I do not have a conviction on an application. And the public has not, does not have access, theoretically, to that conviction, because it didn't happen to that a criminality. If you put them on the sex offender registry, wouldn't that neuter that? Wouldn't the fact that you're on the registry indicate that you've had some trouble with the law?

Andy 36:01

Oh, totally. Totally, totally. Okay. All the other baggage that goes with it, but yes, totally.

Larry 36:06

Okay. So therefore, is it good public policy, to have more people roll the dice on weak cases and go to trial, and not have an opportunity for rehabilitation and reintegration into society if we eliminate the conditional discharge from something from from the statute, so that you don't have to register? It makes you feel awfully good to say, Oh, we got those people now. They thought they got away with it. Well, they didn't get away with it, they got prosecuted, they got put on probation, they got urine tested, they

were required to get treatment, they had to pay supervision cost, they did all these things. But at the end of it, despite the fact that you think they got away with it, they didn't get away with it, they took advantage and got rehabilitated. And they're able to move on with their life and pay taxes into the system that you have your paw out for, or will have your paw out to later to get money from. That is better for society than it is for your hard heart to say that we need to punish these people for the rest of their life for the one criminal act that they committed and that we just can be very unforgiving. And they have to suffer for the rest of our life. Which is a better public policy? But try sound biting that, try sound biting that tell me how that works out for you.

Andy 37:27

Yeah, but okay, so the people that have committed their crimes, and isn't it in the interest of public safety that these people be identified for things that put them on the registry to begin with? Why should anybody get off scott free when they've committed a heinous crime?

Larry 37:43

Well, they haven't gotten off scot free. I just said, see you're falling into the argument that that people make, which is why so hard to fight this type of proposal, because that's what the victims' advocates would say, is that we're shielding these people, they're getting away with all these heinous things. And they're not getting away with it. They got arrested, they got jailed, they had to pay bond, they had to go into a courtroom and admit that they did this. They had to undergo rigorous supervision. They had to, they had to be held accountable for a period of usually at least five years, three to five years for a conditional discharge. And they have to perform flawlessly or they will likely lose that conditional discharge. And they're very hard to even get a judge to consider giving you a conditional discharge for a sexual offense because they realize that they're exempting you from registration. So it's very difficult to get. They're not easily granted. But you didn't get off scot free. Where do you get the idea you got off scot free?

Andy 38:45

Well, the conditional discharge is what you were just describing. So I mean, like that says that I didn't have to serve anything. But this, this puts you in the sights of the New Mexico registry or the new yeah, the New Mexico registry that you didn't even get that far down the process. But now you still end up under the crosshairs of New Mexico.

Larry 39:07

If they succeed in eliminating the conditional discharge as the only exemption we have from registration other than if you didn't commit something that's on our list. A judge can't order you, some states allow, if there's a sexual motivation, you can be ordered. We don't have that provision. We have actually, we have case law to the contrary, you cannot order a person to register unless they committed a registerable sex offense. The exception: if you did commit a registerable sex offense and get conditional discharge. But that doesn't... when you get a conditional discharge, you don't just walk in and they say, Oh, well, you got a conditional discharge, go away. You have to fulfill years of obligations before that before that conditional discharge. It's like, people don't understand that's why we're spending so much time on it. That's why you can't soundbite this. The average person has a very short attention

span. And they know that they have heard that people have committed sexual offences, and they're not required to register in the state. And that isn't right, because it's jeopardizing public safety. That's what they know. That's the soundbites they've heard.

Andy 40:17

And if someone were to end up going down that path, and they have a mug shot and an arrest record, would you people, the New Mexico people, would they be doing those kinds of searches to then say, even though there was a conditional discharge, that well you were arrested for it, and we have a mug shot of you, so you must have done something? So we're gonna put you under the register here also. Would that fit?

Larry 40:40

No, that wouldn't fit. The conditional discharge, there has to be an admission to get a conditional discharge, you have to stipulate to the factual, the factual allegations. So if you were arrested, and then there were no actual adjudication of some fashion of the underlying facts, if the prosecution decided to not move forward, or if the victim died, or something that made the case not, then you would not end up on the registry. So, the conditional discharge only comes in, when you stood before a judge. You said, Yes, I did do these things.

Andy 41:16

Okay. Let's move over to the Jeffrey Epstein side of the house. So he owned property in New Mexico, excuse me, but he wasn't required to register. And the victims of his crimes deserve to know, don't they? Don't they have a right to know that that he owns property in your state?

Larry 41:31

I don't think so. I mean, I think the question is whether they deserve to know that he has a sexual offense, because he didn't have to register the state magically actually came up with the correct decision that his offense did not translate from Florida to anything that we have here. But since it didn't translate to anything, he didn't have to register. So no, you did not. I'm not sure you have the right to know to begin with. But certainly, in a case where a person where there crime does not translate into a law that required them to register, you don't have the right to know that. I mean, you could theoretically find out who owns property, because I think those are all public records. So you could go search the property rolls if you know somebody that you think might have a sexual offense, if you have nothing but free time on your hands. You can do a lot of that online nowadays, you could, you can search databases and see if they own property. But the whole thing is ridiculous. The fact that he that he paid his debt in full in Florida, he acquired some real estate in the state. And he did not have a registration obligation. And that bothers people for some reason. It didn't translate to anything that's equivalent here.

Andy 42:41

And I'll kill two birds with one stone of what the fyp of our little moniker here means is that you don't have a right to know who lives in the house next door or across town, whatever. And here we are with Jeffrey Epstein. You didn't have a right to know that he owned a property there. I suppose if he won't... I guess even still, if you're doing the translation part, even if he moved there

and stayed there 365 days a year, he still wouldn't have had to register? Is that correct? Under these specific circumstances?

Larry 43:07

That is correct. Well, under this proposal, it would not be. But under an under law as it existed, he didn't have to register because he didn't commit an equivalent offense here. And our list is not as broad as many states, including most southern states, you know, the southerners have this thing about they love to be punitive. And they can't help themselves. They impose laws, they imprison more people. They impose longer sentences. And they provide scarce, if anything in the way of rehabilitation and reintegration services. I mean, I don't, I can't explain it since I don't live there anymore. But that that's just a reality of the South. Florida is one of those states where I mean, Florida, Texas take great pride and satisfaction that they don't air condition their prisons.

Andy 43:54

And so this proposal would require anyone that is required, anyone that owns property in New Mexico to register. And so what is the big deal with that, though?

Larry 44:08

Well, the biggest thing is it's unconstitutional.

Andy 44:11

Does that matter at all?

Larry 44:12

Well it does to me. I mean, when I put my hand on the Bible, and I talk about the Constitution, it means something to me.

Andy 44:24

Everyone in chat now has to take a shot because you said Bible. Just saying.

Larry 44:26

Shouldn't it mean something?

Andy 44:30

Well continue on please.

Larry 44:35

So the proposed languages, quote, does not have an established residence in New Mexico, now listen carefully, but owns a residential property in New Mexico. Okay, all right. First of all, we're not going to know. This will be totally unenforceable, unconstitutional, because there would be no way to determine if a person registered in another state owns property here. What what would be the apparatus that would determine who's registered in another state that owns property here. But theoretically, let's say that the computers, the eye in the sky is so wonderful that we can link the dates of birth. And we can figure out that someone owns property here, and that they are registered in another state. So you have to register that address here, even though you have no connection to New Mexico. So simply owning the property in New Mexico does not connect you to the state in any manner. It doesn't say that. I mean, I'm a textual here, it doesn't say, owns property and periodically resides in the property, it says, owns a residential property. Now, if you're

textualist judge, you're gonna say, well, you are a person, aren't you? Yes. You do own property to Mexico, don't you? Yes. Okay, well, you're covered. It says you have to register, but simply owning the property with no other connection, which is what this allows for, which is part of your analysis of a bill, you have to look at the text and come up with what it is and the worst case scenario that can happen. So the worst case scenario is, first of all, you never could figure out who these people are. Second of all, there's no nexus, there's no connection. So So simply owning property does not in any way, create a public safety issue for New Mexico, because you may have never set foot on the property, you could be an investor, you could like the prospects for property ownership.

Andy 46:22

I was just about to ask that. Because you know, you have friend here and you don't, like, would you end up with 10 addresses listed if you own 10 properties?

Larry 46:31

Theoretically, so if you look at this from a technical perspective, that's what it says. And but then on a constitutional challenge, you know, the least restrictive test is the rational basis test. I'm struggling to think that this would even pass the rational basis test, because you're going to deprive a person of their fundamental right to property. I mean, that's what this country is built on is a fundamental right to own property. Yeah. And you, so you want to deprive them of a property, right. Because I think we'd all agree that if you have to have your, this address on the registry, then it's probably not going to add to the value of your property.

Andy 47:10

Yes. I was just about to ask, would you agree with that? No, I mean, I've heard I've heard stories of around like 10%, or something drops the property value of the property. And like the neighbors, also, I'm sure they love that.

Larry 47:20

Okay, but now try to try to imagine you're a renter, because you are. Try to imagine you didn't have to register and try to imagine how fond you would be of that property if you googled it, after you find it on realtor.com. Or if you go looking for rental properties these days, and you saw it on the sex offender registry, would you be anxious to rent that property?

Andy 47:38

I might have some negotiation position to say, hey, that's not me. And it's not my thing. So I guess you're gonna have to give it to me at a discounted rate. It's tarnished and tainted.

Larry 47:47

Now wouldn't a conservative who believes so much about the right of property, wouldn't a conservative logically oppose this?

Andy 48:00

okay? I'm with you on where you're going.

Larry 48:02

Okay, that's where I'm going. So those of our audience, which tend to be about 70, 80% of the people that listen to us are conservative, you need to go to your conservative representatives

senators in your state, and you need to remind them how much they believe in private property rights. And how much what an abomination it is when the government does something that diminishes the value of private property, you need to remind them. That's an argument that theoretically appeals to conservatives. Now, oftentimes, people twist themselves into contortions. And they magically don't believe in what they say they believe in. And they have situational ethics, but you could at least put them on the spot and ask them how they can square this. So if I'm visiting with a conservative lawmaker, this is exactly what I'm going to ask him or her is, what what are you going to do about the diminished property value, assuming you can get past all the other obstacles that I've described in terms of we're not gonna know who the people are. But, but I mean, this is, this is the most ridiculous proposal I've ever seen. It makes people feel good, that the Jeffrey Epstein's are being, are being held accountable, but it does absolutely nothing. There's no way in the world they're gonna be able to enforce this. It'd be unconstitutional if they tried.

Andy 49:17

But you always say that when a law is signed, it is presumed to be constitutional. And you're right out of the gate saying it's not constitutional, yada, yada, yada. And somebody in chat is saying how difficult it would be to implement, you're saying they wouldn't be able to implement it. But yet here it's coming. Are these things that you take to lawmakers, do you try and lay out, Like, Hey, how are you actually going to implement this? Yeah, you guys can make a law but how are the people that are going to be dealing with this on a day-to-day basis? How are they actually going to do the job? You know, upholding the law that you guys are writing into place? And I mean, you guys and gals. Forgive me for not being inclusive.

Larry 49:53

But you're correct. It would be presumed constitutional if it passed, every legislative enactment passed once its signed would be presumed constitutional. A challenger would have to step forward. In some way they'd have to have standing. So so it would, it would it would require the right situation for someone to challenge it. But my belief is there would be ample grounds to challenge this. And I think that you would likely gain some traction. But But I don't want it to come to that. I want to kill it.

Andy 50:20

Yeah. So you, you'll go have these conversations and describe that scenario of the constitutionality, would you also then bring up the administrative level of challenges?

Larry 50:32

It would depend on who I'm talking to, you know, legislators are just like regular mortals. And some of them have a depth of understanding. And you can have a conversation on a higher level and some cannot. So it depends on who I'm talking to. And if I felt they could understand it, remember, you've got three to five minutes. And you got to figure out what you can, what kind of case you can make in three to five minutes, while you're talking to them. And you have to be particularly special, if you're going to get more time than that. You know, they have to really respect you, if they're gonna sit down and give you a half an hour, an hour of conversation time. Because what happens when you do that is you end up with all these hypotheticals for people that just, they

just want to chew the fat. And when you get to three to five minutes, they want to know, what's wrong with this bill? Why is it bad public policy? And what can we do to make it constitutional, because I will say it's unconstitutional. I think I'm going to be asked what can we do to make it constitutional? In this case, nothing on this particular provision, nothing, there's nothing you can do to make this constitution. And look, now, if you wanted to actually require that the person owns property, living here on some regularity, that might make it more constitutional. But I still don't think that would get you to the finish line. But that's the type of conversation you have when you when you when you know the people and you have a relationship. But when you go in to talk to them, if you're coming in fresh, your three minutes is going to be focused on something very important about the legislation that they haven't picked up on. And if you don't know them, you don't what their capabilities are, in terms of what you know how deep how deep of a thinker they are, believe me, they're not all deep thinkers. You have this imagination that they're all deep thinkers, and they're not.

Andy 52:14

Yeah, I guess I've gotten a taste of that watching the recent things that have happened. I won't go into them. I'm like, so how about you said, like, three minutes is what the time limit that you would have. And if you speak something of 200 words per minute, so you've got to construct your elevator pitch to the lawmaker, that is something of 500 words long, which is actually in total of about one page of total ideas, if you would like to make it all the way go through? Like, how do you how do you do make them bullets? And you just rapid fire like, this thing? This thing? This thing, this thing? And do you just like beat him over the head with it? How do you present it to them in a way that's coherent?

Larry 52:57

Volume is not necessarily your key to success. If you've got two good points, you don't have to you don't have to... people go in with binders and stuff, you really don't have to do that. You know, I've got committee chairs that even though they like me, and even though they will give me time, they will shut me down and say, Look, I don't need that. I need two points. What are your strongest arguments against this legislation? And that's what they want to hear. And and when you when you give them what they don't want, you're not likely to be invited back. So remember, you're in their house, you're playing by their rules. So you don't get to dictate how they relate to you. I know they work for you. I've heard all this before. But they have 900 bills, 900 pieces of legislation, and they are stopping from 900 pieces of legislation to talk to you about this one bill, you've got a very limited amount of time to tell them what's wrong or what's right with it. I mean, it may be you're going in because they're opposed to it. And you think it's good public policy, you're not always going there because you oppose something, you may be going to try to sway them to support something.

Andy 54:04

Sure, sure, sure. But Teresa says three minutes unless you're in PA the public isn't permitted to speak at legislative public meetings. Like I've realized I'm moving way off the the path of New Mexico. But this is something that you have to go determine for your different things

Larry 54:21

Now I'm talking about two different things here. I'm talking about if you have a relationship where they will meet with you privately. You're talking about two different issues, Teresa's comment. There's the issue of when you speak in a committee hearing, what the rules are for that. And there are the private meetings, which is what I'm talking about, even though I'm well liked, I don't get unlimited time. I'm going to get something approximating three to five minutes, because they're moving from... when you're trying to grab a lawmaker, you have to know where to grab them, when to grab what their schedule is. You have to know where they're headed next. So for example, when they adjourn from a floor session and they go into committee sessions, they generally have the floor sessions early in the day, and then they go into committees in the afternoon. They've got like a half hour break between, when you look at the committee schedules, it'll say, committees convene half hour after floor session, they've got half an hour to eat, and talk to all the people that want to talk to them and grab their ear. Well, if they give Larry the half hour, that means they don't eat, and they don't talk to anybody else. So when they're making their way from the House floor and I'm, I'm sitting down on a strategic port where I'm going to pounce. I've got two minutes as I walk with them, to tell them what's wrong with something that I want to talk to them about, and I might be able to get a meeting later. But in terms of public speaking, some states have very regimented rules. I don't know any state that doesn't allow any public comment in committees. I mean, a guy said that in Tennessee and I proved him wrong. You don't get to speak in floor session, but in committees, there's usually a process for public comment. You may have to sign up a day in advance, you may have to give them your script. But in terms of speaking I don't know if a state legislative process where there's no public involvement, so that would be a new one for me.

Andy 56:08

All right, and I guess I've seen it like on news channels where they snatch a legislator as they're moving about the building. You're talking about something like this like Hey, Mister, mister so and so can I have a word with you as you move about? Like, you're able to get something with them even like that quick.

Larry 56:24

That's exactly what, that's the way it works all the time. That's the most common way it's gonna work.

Andy 56:29

Teresa's like standing her ground, not in PA please prove me wrong. And I'm not trying to like get you guys to go to battle. I'm just she she is adamantly saying that they don't have that option in PA, which I don't know how to verify that just pointing out that she's saying that's the deal.

Larry 56:46

Well I, I don't I don't work there. So I don't know. But I know I've gone to Maryland, I've gone to the Nebraska, I've gone to Colorado, I've gone to all these places. And I've called places where they said they didn't have that and found out they did. There's, just like in Tennessee, you had to do an advance, you couldn't just show up on the day. And Maryland, for example, you show up on the day, you put your name on the signup sheet. Now I don't know how they're gonna do it now that they have the

virtual session without public participation. But but a state that has no public input, that would be a novelty. It could be that way. I'm not going to dispute it. Because I've never done any work in PA.

Andy 57:23

Interesting. Is there anything else on this stuff? I mean, we've done like 45 minutes on this topic. Is there anything else that we should talk about before we get out of here? Since my internet keeps dropping? I don't want to spend too much time and tempt fate.

Larry 57:38

So well, we were just going to get into it to what the process is. And that was the last series of questions. And so we could skip over that.

Andy 57:49

Okay, um, gosh, this is complicated as I'll get out. And I would like to keep, I would like to continue to delve into the subjects through the process because I'm sure there's garbage legislation going on on all of the 59 - how many states isn't now? I forget - that we can keep coming up with ideas on how to challenge bills. I think I was saying something that I realized that there is we're sort of like specifically talking about House Bill 56. There's got to be other crazy batsh- nutjob legislation that goes around the country that maybe we could get into if somebody would send something that we could get into, like ideas of strategy of how to fight stuff, since it is the legislative season.

Larry 58:39

I might be happy to do that. The person needs to not just dump it and say figure it out. They need to tell us what they what they think they see it and some backdrop in terms of what we're what we're seeing. I know why this is happening. I know why this is happening. It's happening because of Epstein. And because of the the push, there's a push for the victims' advocates on on human trafficking and repeal the statute of limitations. That's what's driving all this stuff. And that that's probably going to be the case all over the country unless they've already repealed or amended the statute limitations. There's, there's a point where you have to do something to get the victims' advocates off your butt, because they don't give up, they don't go away.

Andy 59:22

Larry, you know what's driving that bus? Finish that thought.

Larry 59:29

When you know what's driving the legislation, it helps you to relate to the position they're in. They've got model legislation being pumped out from a variety of sources in terms of statute limitations adjustment, you know, they want to take the age to like 50 for civil, you have to be 50 years old to bring a civil lawsuit against your perpetrator. They have these talking points that they pop out that justice shouldn't have an expiration date. So therefore they should repeal the statute of limitations. And they bring in people, they have them cry about how, you know, they are are now 57 years old, and this happened when I was 14. And it ruined my life, I would have been a NASA scientist, but for this thing, and and it's hard. They're in a position where it's hard to say, Well, too bad, so sad. And then they say, well, Justice, after

they finish your testimony, and they say, I implore you to change the law, because justice shouldn't have an expiration date. What do you say on that?

Andy 1:00:31

Yeah, that would be a hard one to try and push back against.

Larry 1:00:36

Well, I know what I would say. But I would have a hard time staying in office, I'd say justice doesn't necessarily have an expiration date. But I'll tell you what does. And that's called a fair trial. A fair trial does have an expiration date. Because the the people and evidence that would assist this person, remember, our system is designed to be fair to you and the person on the other side, it's not just about you. And in fact, it's better for a guilty person to go and unpunished than for us to convict an innocent person. And my answer to you is that I'm really sorry about this, but 42 years later, we cannot give that person a fair trial. So therefore, although justice doesn't have an official expiration date, the ability to give the person a fair trial, does.

Andy 1:01:23

I gotcha. Larry, I am having like super massive internet problems, we even took like a 10 minute break. I don't know that we, is there any one of these articles that you really felt that we had to cover? It seems like my cell phone is covering me for the meantime, but I don't want to like noodle around here for too long. Is there anything that you specifically wanted to head into? (Larry: We can carry we can carry them over and I'll look at them again for next episode.) All right. Um, what I really, really, really want to do is I want to make sure that I gave a quick little shout out to Chris, the one that left voicemail earlier. Since he's off of probation, Larry, he has an extra like 40 bucks a month. So he increased his Patreon contribution with us. And I wanted to make sure that we gave a proper thanks to Chris. And that's the end of that. But otherwise...

Larry 1:02:15

Did we get the entire 40 that he was paying in probation?

Andy 1:02:22

No, we did not. I was like, Oh, so you gave us like, just a small little snippet of it? I was like, okay, man whatever. That's how that went.

Larry 1:02:31

Don't take us serious with this. We're playing you know, any patronage is just greatly appreciated. But it's fun to have, what's like the stimulus, the \$1400 that is being proposed, which of course it's never gonna pass. But what I'd like to get to \$1400 from someone as well.

Andy 1:02:50

Very good. Hey, I want to I want to like, trigger you and talk about YouTube real quick. You want to give you a little a quick little, what do they have to do with YouTube?

Larry 1:03:02

What about YouTube?

Andy 1:03:03

What do we want them to do when they go?

Larry 1:03:05

They gotta hit the like button. Alright. Yeah. Yeah, that should be. That should be at the beginning.

Andy 1:03:13

Oh, okay. maybe I'll lay that over the beginning, too. So, yeah, we need them to like, like, share, and subscribe.

Larry 1:03:17

When you're listening to Registry Matters. Hit subscribe and hit like, we don't get enough likes. There's some metric out there. And I can't begin to explain it. But I've heard people try to explain it to me that that that that helps you. So Andy, how does it helps you?

Andy 1:03:36

It just feeds the algorithm. It just like, hey, if you want to end up down like conspiracy theory stuff, start watching those videos. But if you tell them that you actively have not just watched it, but if you've then liked it. And then gotten the notification thing turned on by hitting the bell and you'll get notified in the app when a new video comes out, then yeah, you're sending signals to the to the monster, they're at the Google's to tell them that you like this content. Yeah, totally helps other people discover. So it's really what it comes down to not just that you get notified, but it helps other people that they've profiled to be like you that they then would send possible recommendations to come check out Registry Matters.

Larry 1:04:16

So all righty, well, how do they how do they contact us?

Andy 1:04:20

We will just do this real quick. Find all of the information that you need over at registrymatters.co and you'll find all the links to show notes and leave voicemail message and email and of course, support us on Patreon over at patreon.com/registrymatters. That is all of the information that I can offer for the evening Larry.

Larry 1:04:39

It was a pleasure being with you again.

Andy 1:04:42

Always man, I appreciate it so very much. I hope you have a great weekend.

Larry 1:04:46

Good night, everyone.

Andy 1:04:48

Good night.

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