



RM 253 Recorded 1-28-23
Chemical Castration and Legislative Process

Announcer 00:00

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Andy 00:18

Recording live from FYP Studios, east and west, transmitting across the internet. This is episode 253 of Registry Matters. Good evening. Happy Saturday night to you, sir.

Larry 00:29

Well, happy Saturday night to you, thank you people, somebody forgot to correct the notes. It says 250.

Andy 00:37

I noticed that as well. And so now it is now corrected. But I was able to self-edit and make it all go through because that's the level of professionalism that I bring to this program.

Larry 00:48

That is correct. This is a brilliant, brilliant podcast, well, the highest quality team that could ever be assembled.

Andy 00:57

I think that that's pretty close. I don't think there's anybody that can compete with you for this job.

Larry 01:03

Well, I appreciate that.

Andy 01:05

Make sure that you everyone head over to the YouTube place and make sure you click the like and the subscribe button and get notified and you know all those things to do to help Google know that you liked this content and to share it across all the land. And with that said, Hey, what are we doing tonight?

Larry 01:23

A little bit of this and a little bit of that.

Andy 01:26

All right, then well, I guess we'll dive right in. Hmm.

Larry 01:29

So well, we've got a question from a patron. And then we've got a big meaty event that's going to take hours and

hours, we're going to be talking about a legislative proposal that's captivated the nation and originates in the state of New Mexico. And it deals with PFRs and chemical castration.

Andy 01:51

Really, chemical castration. Is that a thing?

Larry 01:56

That is a thing that's sweeping the land?

Andy 01:59

Oh, my God. All right. Let's see here. So I guess we'll dive right into this question that was presented from Dustin. Dustin says, I timed out for Megan's Law last year in Pennsylvania, but I had to have a passport with the marking on it for international Megan's Law. Does anyone happen to know if there is a process to get a new passport without the marking? Could be an interesting topic. I've emailed the dhsintermeganslaw@ice.dhs.gov twice now in the last month with no response. Curious if there's anyone out there who has successfully done this. I might have to just report lost and hope a new one comes without a marker. Let me know what you think.

Andy 02:25

That's an interesting strategy. I lost my passport, though, I think that you may end up with one with the with the marker on it again.

Larry 02:59

This is such a great question. And unlike political junkies, particularly once they're elected to office, they will pretend that they know the answer, even though they don't. And they will invent stuff to hear themselves ramble. I'll tell you upfront, I don't know the answer. But I'll tell you some things that might happen here. But I truly don't know the answer. And I don't know that anyone else does. That's why you haven't received a response from the DHS plus the two that I have.

Andy 03:32

That's it. He's just screwed?

Larry 03:37

Well, there are some questions we don't know an answer to. If you literally interpret the law as it was written, there is no sunset that I can see that would provide that you would no longer have that marking, just because your registration time ended, because your registration time varies from state to state. And this marking is a federal requirement. So looking facial at the law, I don't see a provision that would

alter the fact that you have a marking just because you've timed out the registry. That doesn't change the fact that you have one of those target offenses that the notice says that the person has been convicted of one of those. The language is broad, but it basically describes the target offense against a minor. So what would that change if you got off the registry? I don't think so. You still are convicted of that offense. Right?

Andy 04:31

Yeah. I mean, cuz it's just stating that there's a conviction not that you're on the registry. Is that correct?

Larry 04:39

That is correct. Which leads me to say that you wouldn't necessarily get an unmarked passport. But having said that, I have been told by people who've put far more energy into this than I've been able to put into it, because I don't travel internationally. So it's not a high priority. I've been told that their research has revealed that only people who are actually registered get the marking. So that raises a brand-new question. If you've already been marked and you're in their data system as a marked passport, would they be doing new research if you applied for, for a new passport, for example, if your passport had to be renewed or if you lost it--people do, I've been told, lose passports periodically. Would they go with the existing marking? Or would they do the brand-new research to see if you're actively currently registered? I don't know the answer to that either. And I don't think anyone else does.

Andy 05:45

So presumably, since I have been removed from the registry, that I could get my passport and not have it marked.

Larry 05:53

People who have done more research than I've done have said that they've been able to independently verify that, but I don't know that I want to go out that far in the limb. Because whether or not you've gotten off the registry, you were originally--if you were ever registered-- you were in the NCIC system as a registrant. And that doesn't go away is my understanding. It just goes to a lower level of, it's not an act of notification, it's kind of like a warrant. It's been executed and you've been served and detained and released. That record of the warrant is still in NCIC. It is just not an actively outstanding war. But it's an inactive warrant. I understand that the registration history is the same. So if they're pulling from NCIC, I'm really confused. One thing I've gotten pushback from, as I've told the people over and over again, there's a process called freedom of information requests. And one thing you can do is submit one of those and ask them for their protocols and their procedures and their policies. You can ask those things in a FOIA request, as

it's known. Why is it that those requests don't get submitted by people? Perhaps they don't know how to compose the request. Perhaps they don't know how to locate where to send it to. But that's the way we can find out possibly some of these things by doing a FOIA saying, how do you determine who gets a marked passport. Just be aware, when you do that, depending on where that request ends up, it may trigger a whole bunch of rattling of the furniture. And people may say, well, we haven't even thought of that. You may create I have problems.

Andy 07:36

I've been considering taking the slow route, not trying to emergency rush anything but getting a passport, just in case I want to try to venture off the coast someplace. I would be petrified to give it a shot. If I didn't have an easy way back, I'm not going to like try to go to some super exotic faraway, 12 hour plane ride thing, but maybe just start traveling down into the Caribbean or something like that, to see how things go and follow what registered travel action group says as far as examples, like they say, we can go to Barbados, I would be a fan of going into the go into Barbados. So I might try to pull that one off at some point in time in the halfway near future.

Larry 08:21

Well, if the passport is lost, and this person has lost their passport it certainly would be worthwhile to apply for a new one if one anticipates traveling. And we will find out, and that would be helpful to the audience to find out. We would have a real live test result. We would have someone who had timed out and someone who either got a new marked passport, or an unmarked passport. This would be very useful information. But in terms of doing a segment, I'd love to do a segment, but who would we invite on that would tell us the answer? I don't know who we would invite.

Andy 09:01

I'm with you. I think we've tried to invite the particular Registered Travel Action Group guy and he made some kind of unrealistic demands or something like that. I don't remember, but it was a long time ago.

Larry 09:15

I don't remember the particulars, but he does tend to want to give advice that I'm very uncomfortable with. I never want to advise anyone openly to disregard any obligation because the penalties can be significant. I don't tell people to try to escape the requirements. I just tell people, please don't invent requirements that are not there. If it's not specifically there, and you can read it in black and white, please don't go out and invent imaginary requirements. But I suggest that people abide by what's clearly specified that you need to do if it says you shall provide these identifiers,

even though I disagree with them. I tell people provide them. I tell people to provide everything that's required by law. Just don't impose additional requirements on yourself. Because you have a wild imagination.

Andy 10:11
Absolutely. Shall we move along, sir?

Larry 10:15
I think I've done the best I can do unless you have any more questions about this. But truthfully, we don't know.

Andy 10:22
I got nothing else on this one. But so if we gotta roll, if we're gonna roll into this main event here, we're going to cover this New Mexico thing that has the whole internet abuzz, and it's this New Mexico bill that would require chemical castration for our PFR type people. And the bill is House Bill 128 in New Mexico, which requires chemical castration of those convicted of, of sexual offences against a minor. And I thought you liberal do gooders don't invent or don't enact any such draconian laws? And so what's up with that? And do you have any idea like, what's the chance of this thing making it through there? [None.] So that is your official position on it?

Larry 11:16
As it's currently drafted, that is my official position. That bill has absolutely zero chance of passing away as drafted.

Andy 11:27
I have been told by other people before, Larry, that maybe you come across as a little bit arrogant. How can you be quite so confident about this one?

Larry 11:38
Well, because I know our legislative process here. I know the key people who will be making the decisions in terms of how this bill moves or doesn't move. I know plenty of things that are constitutionally informed about it. But let me just go back to where I had originally put the question. Where it says offenses against a minor. I need to correct that. That is not what the bill says. There's no specification or just people commit crimes against a minor. So it's anybody who commits within a universal specified sex offenses before we move on.

Andy 12:14
So the one that you provided a PDF with that list I have for the screen. Is that an accurate list?

Larry 12:22
The list of sexual offense? Let me go look at what you have up on the screen. Okay, now, just to make sure. Now, that's

just that's just a list of our serious violent offenses that you have there. Okay.

Andy 12:35
All right. So then that's nothing I will redact from the universe of things. Well, do me a favor, Larry, can you give me the name, address, telephone number, shoe size where they go shopping? Who are those key people?

Larry 12:53
Well, I'd prefer to say that I'm not able to give the names. But I can tell you I have deep and long-standing relationships with many lawmakers in Santa Fe. And they generally like and trust me.

Andy 13:10
Wait, who likes and trusts you? Maybe they trust you? But they like you? Actually, who would like you?

Larry 13:19
Well, it's difficult to conceive, isn't it? [laughter] But a lot of people in the legislature and the analyst and staffers like me, and that is strange.

Andy 13:32
I think so. In pre-show chat you indicated this bill is likely to make its way across the country. How many states in some form or fashion have enabled something akin to chemical castration?

Larry 13:46
I didn't do the research, but the communications director in NARSOL Sandy did it. We think it's around eight.

Andy 13:54
Good grief. All right. Before we go any further, I have a roughly almost 90 second video clip that was broadcast on KRQE 13 in Albuquerque. You indicated that are several misstatements in the video, and can we discuss those after I play the video?

Larry 14:13
Sounds good.

Announcer 14:17
House bill 128 would give convicted sex offenders the option to get chemical castration if they want to be released from prison early. The state lawmaker behind the bill hopes it stops them from striking again.

Representative Lord 14:29
There's no cure for pedophiles. There is no treatment plan, and 44.3% of them will reoffend and that's a very high number.

Announcer 14:38

Republicans Stefani Lord and John Block have introduced HB 128, which would include Depo Provera injections as a condition for their parole. The hormone shots reduced sex drive by lowering testosterone and increase estrogen. The injections must begin within one month of release and continue through their parole. It only applies to sex offenders released early, not those who served their whole prison term. Nine states have similar laws with Alabama being the most recent. Representative Lord says a study out of Oregon shows the treatment drastically reduces sex crime, recidivism.

Representative Lord 15:14

The groups of people who got the Depo Provera shots in a five year follow up did not reoffend. And the people that did not get this chemical castration, the Depo Provera shots, 60% of them re-offended. And it was sex crimes.

Announcer 15:32

If a sex offender intentionally stops the treatment, they would be guilty of a fourth-degree felony. You can read more about this story on our website.

Andy 15:41

Oh, so you have issues from the very beginning. That KRQE account. It's really hard to say those letters together. KRQE says that the person will be able to get out of prison early if they agreed to this treatment. Is that not true?

Larry 16:01

It's a blatant falsehood. There's no getting out of prison early in New Mexico. Our system is almost identical to the federal system. And that is an offender serves their entire sentence less good time, before they can be released. Good time can be as little as 15% or as much as 50%. Depending on the offense, a serious violent offense is only eligible for 15% meritorious good release time. There's a list that describes what a serious violent offense is.

Andy 16:27

Ah, I see. I see. Okay, and then. So let's figure out why KRQE in particular, would they present it that way? If the bill does not exactly actually provide for early release?

Larry 16:40

Well, you'd probably need to propose the question to KRQE Media. If I would have to guess, my guess is they don't know. Or it's intentional to get more ratings.

Andy 16:52

Wait a minute, not ratings. Really? There you go again. Why do You People have to make excuses for to justify false reporting? And how wouldn't they know that. I mean, the bill is like, what, two and a half pages? And it doesn't

mention anything about early release? So where did they come up with that poppycock?

Larry 17:13

I'm not really making excuses. I'm simply stating the fact they either don't know, or they're doing it intentionally. What is your solution to false reporting? Do you want the big bad government to move in and regulate the content that a for-profit entity's allowed to put on the air? I'm really confused. Those on the right criticize social media platforms for trying to weed out false content from their sites. And now you're suggesting that the big bad government shouldn't be in the content regulation business. You people are too much.

Andy 17:48

You have issues with some of the other statements as well. Can you elaborate please on what's up with that?

Larry 17:55

Well, Sandy and I both agreed that the representatives Lord and Block, the sponsors of the bill, seem to understand the legislation either. And Lord said, quote, "since pedophiles are eligible for early release into Mexico, for that privilege, they will need to agree to chemical castration as a condition of their parole. If they don't agree to these terms, they can stay in prison away from society and do their entire sentence." Her error, aside from being incorrect and inflammatory usage of the word pedophiles is just totally incorrect because they already served their entire selves. They're not eligible for early release. This will end up holding them beyond the completion of their sentence, which already happens. So what you do here is you get your 15% of a serious violent offense. All sexual offenses are not serious, violent offenses. You get 50% off. You get 30 days per month, you for good time. So your sentence if it's 10 years and you get 50% good time, no forfeitures. It's a five-year sentence. You've exhausted the five years and its totality the 10 years by serving five, you're then deemed parole eligible, but you've earned it because your sentence is exhausted. Then the parole board comes in and hands you a list of conditions including where you can live and all the things you have to do for your parole period. But you've served your prison sentence already. In its entirety. It's not like an indeterminate period like Georgia and Texas where they give you two to 20. And after a period of time, you're eligible to be released and you'll serve the remainder that prison sentence on parole. So they're just factually wrong. It's just not the way it works here. Then representative Block said quote, "with clear science and support from the experts in favor of chemical castration of pedophiles. This is the most common-sense legislation to ensure the threat of these criminals is dramatically reduced." As I have recently noted, there's very little support from science and experts most support the opposite. And this is just, this is just

inflammatory either deliberately, or because these people are ignorant.

Andy 20:18

As they said in the clip, Representative Lord stated that 44 and a third of the ones attracted to the young ones will reoffend. And that number for recidivism is like, that's, 10 times higher than anything that I've seen. And do you plan to challenge that assertion? Do you? Are you going to go march into her office and be like, hey, get your shit straight.

Larry 20:46

Not particular. Don't plan spend a lot of time and be present a lot in Block's office. But it's interesting that if they were really focusing on the word that they use the loosely, that they would have narrowly tailored this legislation. This applies to a full universe of sexual offences. Regardless of whether there was anybody that would fit in that category, or if it starts with an internet or computer moment.

Andy 21:15

Oh go on. Please continue.

Larry 21:20

They just, they just don't know what they're talking about, or they're being misleading. This would get the 20-year-old college student, because we have a four year protection plan here on our law. So a 20-year-old college student who has sexual activity of a consensual nature with a 16 year old is just five days shy of being 16. And he's two years away two days above his 20th birthday, there was a seven total of seven days, outside that for your protection zone, he would be required to do this. But that was be a totally normal behavior, to have consensual sex with a consenting party. I don't understand how it is that Representative Lord and Representative Block can't understand this. But they never seem to narrowly tailor anything. They just go with a broad brush, because this was handed to them by the advocates for the victims who want to have their problem problems secured by legislation. And this thing is going to roll around the country like wildfire. And this is just junk. It really is. And it has zero chance of passing as it's written right now. And I don't intend to focus on this recidivism because I'm not a big fan. I don't have that obsession with it. But I could try, and I'll say it's wrong. But I'll move on quickly off of that, because you can't win the argument. You just can't.

Andy 22:55

Because it's more than zero.

Larry 22:58

That is correct.

Andy 23:00

Um, do you think this argument would work with the people on that side of the aisle with that particular representative? Which argument? The talking about the recidivism rate, and all like all of these enhancements to those coming out of prison? So do you think that that should work with conservatives?

Larry 23:21

It should, but it won't.

Andy 23:25

Okay, um, can you tell me tell me what kind of arguments you would use against this whole thing?

Larry 23:30

So what are my brilliant arguments that I have in mind? [Yes, please.] So with these particular lawmakers--Block is brand new. And it's too early to tell what he's amenable to, to be receptive. But he's already told us enough by what he did by carrying a piece of junk like this without reaching out to anybody. It tells us already that he's not a very deep thinker. He's a follower. And that's a dangerous thing in this business that he is. And I've already had experienced enough through the time that Stefani has been in the house to know that you're not gonna get anywhere. It's just not a productive use of your time. But my brilliant arguments? There are several which are far more compelling than trying to focus on recidivism. First, there'll be an enormous cost to the state for additional incarceration that this will apply to. What they're going to do is say it has to start a month before you released. They're going to add this to the list of things you must do to be paroled, and you will not be able to do it because you ain't got no money. You know, ain't got. How's that for good grammar? Our transcriptionist is going to love that since he's an English teacher. Ain't got no money. And they're going to be sitting there trying to demonstrate the alternate, which isn't spelled out what the alternate was, it's not fully spelled out. But we're already holding people beyond their release date because we don't approve of their address that they would like to live it. So we've got numerous issue that are going to drive up costs. Now that should be a persuasive argument to conservatives. But unfortunately, it isn't. When it comes to crime, magically, they throw their conservative principles out the window. And as I stated earlier, in the podcast, our system works like the federal system. And it requires that the full sentence be served before the person can be released dead, they must undergo this post prison term of parole, as it really should be called supervised release. And the biggest difference is the Feds when you reach that milestone they release you, then Mexico does not. And I will focus on the identified unquantifiable cost. To begin with, that's one of the things I'll focus on.

Andy 25:50

And you think the money side will work with the conservatives?

Larry 25:55

Well, it would if they were intellectually honest, no, it will not. But that doesn't stop me from doing it. Because it's the right thing to do. You watch them squirm, and you watch them roll their eyes, and you do that kind of things. But no, it's not going to work. You can look across the country, Arkansas, Alabama, places like that, when you start making these arguments, they just laugh at you. They roll their eyes, and they go forward, they say it's the right thing to do to protect the public. And we'll worry about the cost later. So no, it won't work. But it's an enjoyable thing to do. Because it helps you build the opposition. And I'm trying to build opposition. I'm not going to get any opposition on any rational basis with those. Rational is not coming out these two sponsors. So I'm not even targeted them. They're the last thing on my mind. I've tried to build opposition.

Andy 26:41

And you also mentioned in pre-show that you have in your argument to the conservatives, you have another argument for them?

Larry 26:48

Oh, yes, I will remind them that that that they spent nearly three years claiming that the big bad government should not require people to be injected with a vaccine. Of course, the big bad government didn't require people to be injected, but I will remind them of that. And I'll ask them to hold true to that position. Government should not require injections. And having said that, there could be a way to do this. And I gotta tell them that you can't require that. But after I say that, I'll say there is a way that this could be constitutionally done with the consent of the offender. The state would need to offer a benefit in exchange for the forced treatment. For example, that the offender might actually be released from prison early, or the offender might be diverted at the very beginning, from prison, by agreeing to this sort of, of non-traditional treatment, if they agreed, undergo this, that would be a choice in a free society. But you know, there'll be another flip flop that they will do. They've pontificated for three years that the government shouldn't tell you what to put in your body, but amazingly we'll find a whole lot of conservative support for this opposition. I'll tell you that right now, from 35 years' experience, all this has got to go down.

Andy 28:04

And so are you suggesting that if those of your demands were met, you would go along with this?

Larry 28:12

I could envision it will take us a significant amount of time more than we have in this session. But I could see that there would be a way that you could design such a program, with a big voluntary with benefits, yes, I would be amenable to go along with a lot of things, if they would actually approach me and say, Hey, we've got this novel idea. How can we do this? Constitutionally, what would it take to keep you from being in opposition?

Andy 28:38

But there is a sort of quote unquote "provision: in there that you can refuse it, Larry, you are not required to take it. It just happens to then cause you to have a class four felony is that like murder, or is that like jaywalking?

Larry 28:53

That would be the lowest level felony that we have here. But let's see, you've already earned your release, though. That's why that's a meaningless provision. You have already served your time.

Andy 29:06

This is sort of along the lines of the extra punishment of the registry, and not just having some sort of mailing card that you send in but all the extra baggage. So this is on top of that you just completed your 5-10-15 year sentence that you would get to go to the Health Department on a whatever two-week basis to get an injection. This is on top of that you've already done your time.

Larry 29:30

That is correct. If you are being allowed to stay in prison. Rather than being granted early release, my opposition level would decline somewhat because I've always said to you in our private conversations that if you don't like the conditions of a true parole when you're being released early, you can always tell them I don't like these conditions. You can stuff them, and they have another program for you. It's called continuation of your sentence. But in this case, you've all already served your sentence. You have a second sentence following you like the federal system. And we call it parole. And it's this named, but it's identical to what they do in Illinois with what they call mandatory supervised release. And this is a whole different comparison. But if it were truly, if you were depriving a benefit of early release, I would have a lot less opposition.

Andy 30:29

Do you have any other brilliant strategies?

Larry 30:33

I will hammer on the unconstitutionality of the bill as currently drafted. This bill is unconstitutional on several aspects. It's not constitutional to force people to undergo

such a procedure, especially when they receive nothing in return. In addition, the bill proposes to create a new felony offense for failing to undergo the treatment. That cannot be. A condition imposed on a person for their supervision cannot become a new offense in and of itself. At most it would send the person back to prison for the remainder of the previous sentence which in New Mexico could be a very long time because our parole period (supervised release) for PFRs is indeterminate. But they can't hit you with a new felony for a technical violation. This would be a technical violation. So this is just riddled with problems. I mean, it's overly broad. It includes all the universe of contact offenses. It does not include offenses like indecent exposure. It does not include electronic solicitation of a minor, because you haven't actually done the completed act. It doesn't include video voyeurism, and that does include CP related offenses. But it includes all the universe of contract offenses, and that whole section of our sexual offense statutory scheme.

Announcer 31:54

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Andy 32:42

And New Mexico is not unique and proposing this strategy. You said earlier that we think it's eight. So a handful of states already have it. I did read the Alabama law. And like it seems almost word for word that you could compare them side by side. And they're identical. Thank you, Sandy, who does the research stuff at NARSOL. She's the communications director. And I'm not going to read the list, but it will be available. This is the list that you're talking about that is not necessarily so accurate. Is that right? Or a different list?

Larry 33:14

It's the list below where it says list of states.

Andy 33:17

Oh, I see that list. Okay. Oh, yeah, so that'll be in the show notes and at the end of the transcript for those using our printed copies. According to NARSOL, "It is bad public policy wherever it exists, and for a variety of reasons. The positive benefits are far below what might conceivably justify its usage, and the negative effects are medically serious, being associated with various side effects, including osteoporosis,

cardiovascular disease, impaired glucose and lipid metabolism, depression, hot flashes, infertility, and anemia. The vast majority of the population on whom it is coerced and forced, through more acceptable forms of therapy and self-motivation, will not reoffend sexually. The moral and constitutional objections are universal and compelling. From a moral and human rights perspective, the general consensus is that it is barbaric and reminiscent of our nation's earlier and darker forays into eugenics. As one study puts it, '... chemical castration under the current laws is vaguely positioned between punishment and treatment due to lack of informed consent by the recipient. . .'"

Larry 34:19

That was sweet what Sandy said in her posting today, and that is beautiful. And we do have the list of states and I'd like to just have an impromptu discussion a little bit about the legislative process here. So people will understand how this is going to go down without giving you a lot of details. So if you have anything else on the on the main body, then we'll get into the legislative process, which is going to be freeform.

Andy 34:45

Oh, let's see here. Well, somebody asked what groups publish stats about PFR is having higher recidivism rates like she said. I'm unaware people have looked for these and they can't find anybody that has any sort of credible things. As far as I know, Larry is going to reel back and go, I don't care about recidivism.

Larry 35:06

That is what Larry's gonna say he doesn't care about.

Andy 35:10

Remind me again, can you give me your 30 second elevator pitch on why you don't care about recidivism.

Larry 35:16

You're going down a path, and it's a distraction and a distortion. Because if you choose to engage in that discussion, you have the discussion on the topics that I just articulated earlier about where I'm going to focus, you go down a rabbit hole that you can't win, because recidivism does happen. So I tell people just like, if we could learn anything from the guns, rights people, those who advocate for unlimited restrictions on gun ownership, the recidivism rate, and the offense rate is pretty high, with people who misuse guns. Can we agree on that? A lot of people use guns, and they get caught using them over and over again. And they do sure a lot of bad things with guns. But the people who advocate for them will advocate for unlimited gun rights and say that it's a precious Second Amendment. And they hang their hat on the Constitution. And they seem

to be successful. So I tend to like to model my behavior after successful people, not failing people. I mean, I just have this bizarre notion that you should follow success. So, therefore, I'm going to gravitate to the Constitution because it works. And you can go down the fantasy path of arguing recidivism, and you can come up with your binders full of stuff if you want to. I've never seen it work. So therefore, I choose not to do it.

Andy 36:50

I've had up on the screen for a few minutes, the miscellaneous states, and if it was available, the statute. So there's California, Florida, Louisiana, Texas, Wisconsin, Iowa, Alabama, and there may be another one in here. This is just roughly what we could put together kind of quickly from the FYP vast array of research staff, staffers, and pages. These would be pages, wouldn't they? Larry, we have pages.

Larry 37:13

We do? We have the best research staff that has ever been assembled in the history of any podcast or newscast.

Andy 37:26

Yeah, so please, you said you were gonna go into the legislative process. I believe there are some people that are asking questions, and I'll hold them until we get closer to the end.

Larry 37:35

Sure. Okay. So the legislative process here's a little bit different than most states. This bill is the House bill, as you can tell by HB that means House bill. That means that it's originating in the House of Representatives. Since we run a bicameral system, it has to be passed by the Senate as well. And some states double file the same bill. They'll introduce one on the Senate side. But we don't do that here. It just clogs the system, and we don't have enough time. So if something's not gonna get traction, it's not going to get traction. This bill I'm hoping that I can wreck early on. I don't know if I can wreck it as early as I'd like, to wreck it immediately. But after a house bill is introduced and also for a Senate Bill, after it has been read twice by title by the Speaker of the House, then it's assigned to committees. So after the introduction and after the sponsor, has turned it in to the Clerk of the House, and it's been read twice by title. And the speaker assigns it to committees. In this case, this bill has been assigned to the Health and Human Services Committee. And it's been assigned to the House Judiciary Committee. It has to clear both of those committees before it ever sees the day in the Senate. Well, my goal is I don't want I don't want it to go to the Senate. Now. If it does go to the Senate. I'll have to deal with the Senate. But when it when it gets to its first committee, which is scheduled for Monday, my goal is I'd like to see this thing die on Monday.

And that would be accomplished by tabling motion. Now since we have an overwhelming Democratic legislature here, this is a 10. member committee. It's 7 to 3. So clearly, the Republicans can't pass it without some Democrat support. But can we agree with that arithmetic, you've got to have a due pass recommendation that has a majority. So we need six of them to get a do pass to keep us moving. So that means at least three members of the Democrat Party have to vote do pass.

Andy 39:42

So far, I'm with you on your math.

Larry 39:45

So far, so good. Well, if it's five, it doesn't get out. And if that's going to happen, as at the end of the presentation, by Representative Florida representative block, there's couldn't be the chair of the committee, who's Liz Thompson, she's gonna say What's the pleasure of the Committee. And the Republicans will likely say move do pass. Remember, the Democrat party is going to stay at a booth to table and a tabling motion takes priority over a do pass motion, because the table motion is not debatable. So the substitute motion to table will be made in all likelihood. Now, again, I'm not a member of the House, I'm only a long-term advocate. But that would be the process, a vote and then clerk will call the roll. And if there's enough people to table, that would be it in this bill for now. And if it if the tabling motion fails, then I'll proceed back to the do pass motion, which is debatable. Then after further debate, they'll take a vote to pass it. And if it receives a do pass, then it has to go through some machinations to get to the next committee. It doesn't just go to the next committee. It has to be reported out of committee by the chair of the Committee on the floor. And it has to be the motion. That do pass motion has to be approved by the body, which is just a routine thing. You know, the committee report is "Mr. Speaker, you are chair of the Health and Human Services Committee Reports. After carefully considering House Bill 128, we recommend it to pass." And then the committee reports are adopted and it will be referred on over to the Judiciary Committee, which it's already been assigned to. And then it has to go back and get another hearing. And repeat that process again, which gives me another wrecking attempt in the judiciary. And if it gets out of the Judiciary Committee with a do pass and goes to the floor, then the whole body of the house has to vote on it. If it gets that far, the body will approve it. Very few things were voted down on the floor. Very seldom does something does that happen. But if it makes it to the floor of the house is gonna get passed and all likelihood that's only one half of this process. Do you have any questions before we move to the other half of the process?

Andy 42:14

No, no, no, I'm with you. I was just telling people in chat that we normally have at least roughly a guideline of what we're going to say. But you're doing all of this off the cuff.

Larry 42:24

That is correct. Now when it passes the House on final vote, there are some wrecking procedures that can be utilized. So, for example, if the chair of either committee has not fallen to the legislation, and the members of that committee vote to pass, under our rules, they don't have to report it out the very next day to the to the floor for adoption of the committee report. They're allowed to sit on the committee report for three days, as well. But you have a 60 day or 30-day session, which we alternate between. If, for example, some committee chair was not fond of the legislation and held the report up for three days before they reported it out to the floor for adoption. As you can imagine, what can be done on those precious days are ticking away. [Right.] That's one of the techniques that happens. If a chair of a committee is not happy with the final legislation, they can take their time, up to three days to get it out to the floor for the adoption committee report. So they saw the House votes, we have a 70-member house. So it would require everybody to be present and vote is going to require 36 to pass. So it passes the House, that it goes to be introduced into the Senate. And it gets assigned to brand new committees in a Senate all over again. It is going to be assigned to the Senate Public chair. It used to be Senate Public Affairs now I think it's called Senate Health and Public Affairs, but it will be assigned to the Senate Public Affairs equivalent committee, and it's also going to be assigned to the Senate Judiciary Committee. And we get to start the opposition all over again. We get to come forward with our analysis. If we have new data, we do testimony. We got to go through public hearings and the Senate Public Affairs Committee. We get to go through public testimony and the Senate Judiciary Committee. So we've got two more wreck attempts to derail the legislation. And if all else fails, and it makes it through those processes, and gets to the Senate for a final vote. You have a slightly better chance in the Senate of killing it, not much but slightly better. The Senators are elected every four years and are not as vulnerable to angry mob mentality. So they can debate things more carefully. They don't have debate limits of three hours like it's in the House of Representatives. The Senate could go on and possibly voted down. Not likely, but they could. If it gets that far, they're likely to approve it and send it to the governor, and the governor would be hard pressed to veto it. Our job and your job, if you want to be an advocate is to make sure you never let things get to the floor. Because they're going to pass if you let them get on the floor. You got to make sure you do the same on the second half of the process, because if this gets to the governor, the governor has very little

political capital to veto something like this. With the notoriety we're getting around the state, even around the country, not just around the state, it would be politically very unlikely that at governor would veto such legislation. This is an example of what you need to be thinking about when you get mad at Obama for signing the international Megan's Law. Basically, they don't get mad at Bush for signing that Adam Walsh Act. But you know, that's a discussion for another day. They're all quiet and silent about that. But Bush would have had, he would have been in the same position that Obama was in. It got to him with almost unanimous approval. He was not told there was anything wrong with it. And all the talking heads were saying, Mr. Bush sign. This is great for children. All the victims' advocate, law enforcement apparatus, and most of law enforcement apparatus, are going to be saying, if this makes it to the governor's desk, she's going to be told that she needs to sign this. So our job is to make sure the governor is never given that choice. Because if we wreck the train, the governor can't sign it.

Andy 46:33

Okay, so I have one super awesome, solid question after I ask you a few of my own. Unless there's anything else that you would like to do first.

Larry 46:43

I think I've pontificated enough about that.

Andy 46:47

I believe so. Alright. So again, this bill is super short, and I have it up on the screen rotating around on whatever, whatever paragraph B would be a person required to undergo chemical castration treatment shall begin treatment not less than one month prior to the person's release from custody of the Corrections Department. And this is what I want to ask you about the end shall continue receiving treatment until the court determines the treatment is no longer necessary. What would be the determining factor when treatment would end? Like how would you determine what's the court going to do to determine that treatment is no longer necessary?

Larry 47:21

That is a great question. And it would be like many other things that we have particularly indeterminate period of parole and probation here for PFRs. It'd be one of those things for the courts would be we don't want this decision making. This is actually a parole condition. So the Administrative Office of the Courts and the judges' associations, they're likely to put in opposition to this because they don't want this job of making this determination. But there no guidance provided. This is one of the many things that's wrong with this bill. There's no guidance telling them how they would make such a

determination. But it's there. This is an example of sloppy drafting and careless legislating by two people who really don't care that much about being good legislators. They care about apparently getting a lot of publicity. They've succeeded.

Andy 48:10

And I mean, you dug more into it. You answered a question before I was able to ask it. Is this inexperienced lawmaking? Is this grandstanding? I mean, are they just trying to puff themselves up to get more press than maybe then they deserve by drafting some knee jerk legislation that's going to get them votes or something?

Larry 48:33

Well, of course, they didn't draft it. It was handed to them. They agreed to sponsor it. That's what they do when they get these model bills. It may be any number of sources that they get. It may be from a law enforcement apparatus. It may be from the District Attorney's Association, or it may be from whoever. But he didn't draft this. You pointed out how much it looks like Alabama's, and Alabama's was handed to them. This is sure some advocacy that wants this to become the law of the land, because it's going to save people from being re-victimized because of recidivism. But in terms of your question, I don't know if they're grandstanding, or they're stupid, but they're one or the other.

Andy 49:15

And so, if I recall correctly, there, there's an advocacy group that's pushing Marsy's Law. And so they have something of a cookie cutter that they go through and try to find a state legislator that will sponsor it to try and move it through that local state. And that's how that has moved around all the different states. Could this be similar that there's some advocacy groups like the pro-chemical castration lobby or something like that?

Larry 49:44

There's no doubt there is an advocacy group. I just don't know yet. It has not manifested itself. We don't know who's pushing this. But it's making its way around the country, and there's such interest in it. Clearly there's some background noise that's driving this, and I don't know what it is. But I'm hoping we can put it to sleep this week and put it on the table where it belongs and in the trash heap of history until they want to draft a sensible piece of legislation.

Andy 50:11

And from my side, I'm super interested--perhaps if it worked, then the arguments would change. But if it doesn't, does that conversation come up at all? Or does that not matter in Larry's universe?

Larry 50:31

It'll be mentioned that there's doubts about its efficacy. But I'm not convinced that's going to be the strongest argument whether something works or not. We have the registry. Does it work?

Andy 50:46

Well, I know, you can't prove the negative? Has it stopped somebody from doing something more after they got to the prison? The answer is probably yes, it prevented someone from reoffending in some form or fashion. Like cognitive behavioral therapy, did it make them rethink their processes. Maybe their supervision stuff prevented them from doing it. It would be hard to say that it is completely ineffective and has zero benefit. But, on the other side, does that outweigh the benefits of trashing the Constitution, all of your other freedoms that go along with that.

Larry 51:22

And therefore I'm going to focus my best effort on the Constitution. And particularly I'm going to focus on the unidentified cost of what this would run up. And there's so many identified costs. This treatment is very expensive. From the limited research I've done, it can be hundreds of dollars.

Andy 51:38

And you have to do this every couple of weeks.

Larry 51:43

So it's a hugely expensive thing. And it would really need to be very narrowly tailored for certain offenses, and for certain offender types, not for the whole universe of sexual offenses. This is just an example of, I'll say it again, stupidity.

Andy 52:01

Can we dig in there for just a second? If it is super expensive, and somebody that's employed is doing halfway well, and now has a new car payment level of, quote, unquote, "treatment." And they are unable to pay, and it puts them into the poorhouse. Does that eventually become something like a debtor's prison?

Larry 52:24

It does. And it also clogs the courts, because there's a provision in there that says that there's a judicial process, which they don't spell out, to determine indigency. And that would be a time-consuming process as well, that would cost money. The courts really don't want all these responsibilities. They have jam caseloads already, and they don't want this job.

Andy 52:46

So I saved the best for last from a familiar person to you and a good friend of mine named Fred asked this question. Ron DeSantis is calling for the death penalty for some PFR type offenses in Florida. He knows that SCOTUS, the Supreme Court ruled that capital punishment can only be used in murder in cases of murder. DeSantis is convinced that will be reversed when challengers to his new law come up. Does Larry think that this is likely to happen with our current conservative majority in the Supreme Court?

Larry 53:19

If he had asked me this five years ago, last administration, I would have said no. But I turned out to be wrong about the sweeping ruling overturning Roe vs. Wade that was far more sweeping than what it really needed to be to address the question. So I would be hesitant to say that anything's beyond a possibility with this bunch we have up there now. I'm fairly confident with my arrogance about being able to kill this bill. But I'm not. I'm not nearly as confident. I don't want anything going to the Supreme Court. I really don't know anything that would benefit the PFR population because I'm not confident that anything good is gonna come from them.

Andy 54:02

Very well. And we, if you want to vamp for 10 seconds while we ask chat if they have any other questions. Let me ask you, what groups publish stats about PFR is having higher recidivism rates like she said? Are you familiar with anybody?

Larry 54:19

I don't, but that's a good question for Sandy because she's the recidivism guru at NARSOL. And she has a wealth of recidivism information, which I put in a circular file when people send that stuff to me.

Andy 54:33

It is fair. So we probably haven't covered this in such a long time about the Gatling gun on one side of the football field and you put in 97 Blank rounds and three real ones. Are you willing to stand on the other side and get shot at? That's your 3% recidivism?

Larry 54:48

That's the analogy I make when you like it. I think it's fair when you concede that you're willing to consider an encroachment on the Constitution because of recidivism. Have you shifted the debate to an unwinnable debate? Because you've now acquiesced to the notion that if it's a worthy outcome, it's worthy of consideration. Have you sold them how much recidivism is too much? No elected official can stand before their voters and say, well, the recidivism is fairly low, and you know, it is a heinous crime

and people suffer lifetime ramifications from the crime. It's not going to happen that often. So if you happen to be one of the ones that happens to you, it's just too bad. That's just not a sustainable political position. If you understand politics, therefore, it's a discussion you do not want to have because you cannot win it. You have to bring the conversation to something that's more grounded, which is the Constitution. And so I always pivot back to it. If they say, Larry, what about recidivism? I say, well, those numbers are all over the map. But the credible numbers tend to be very low. But that's not the issue here. The issue here is, we can't punish people in this manner, we cannot force people to be castrated medically. We just can't do that in a constitutional fashion. We just can't do that. We could possibly figure out a way to do it voluntarily. But we cannot impose that as part of the punishment. So let's focus on the real issue here. You get away from that recidivism in a hurry. But I guarantee you there's not too many people with a three to 5% recidivism argument that would allow me to shoot 100 bullets at them with only three of them being active and 97 being blank. You would not allow me to fire that at you. And that's what you're asking the public to do. Well, recidivism is not that bad. Says it's only 3%. Go ahead. You just can't win that debate. Keep having it if you like, but you won't win it. But if that's what you feel compelled to do, go ahead and do it.

Andy 56:59

Oh, so would you like to formally invite Stefani Lord as a guest on the podcast to debate this?

Larry 57:09

I don't think I would like to do that.

Andy 57:14

All right, we are just a handful of seconds shy of an hour. Anything else do? Do you want to shut it down and call it quits? Anything else you want to do? Before we get out?

Larry 57:25

I actually think that we'd had a great program. And what should the title be? It's should be a simple title because there's nothing competing for a title.

Andy 57:32

That's true. That's true. Very true. You know, so just to fill that out the weekly program called On the Media. We are structured similar to them. They've been on the air for 20 years. So we can't say they were modeled after us, where they have a feature segment and then they have a bunch of other news stories that they cover in their side of their hour. So I mean, then they come up with a single title, Stefan, get on that one title, not confusing titles. Right?

Larry 58:00

That's correct. And Stefan, if you can't handle it, you just let us know.

Andy 58:06

All right, so you can find all of the show notes over at registry matters.co. Phone number is 747-227-4477. I know I say that stuff really fast, but I've said it like 200 times--you can find it and replay it, slow it down and all that stuff. But everything you need is at registrymatters.co and fypeducation.org. Oh, before we go, we have one particular supporter who constantly does support us. And thank you so very much, Justin. You are a very generous individual. And I thank you very much. And to all of our patrons. Thank you so very much. Happy New Year. I hope you have a prosperous and happy year. And thank you for all the support that you guys and gals give us and continue to. So thank you.

Larry 58:56

Yes, we're getting a new print subscriber. You passed it on to me this this afternoon, and I'm going to fire up the subscription right away because I have great confidence that we will be compensated once I send the bill.

Andy 59:11

Very good. Perfect. Well, everyone, have a great night and have a great rest of your weekend. Stay warm, dry and whatever that is like some arctic blast coming your way or some rain or something. I hope you are a comfy person this weekend, and we will talk to you in a week. Have a great night, Larry.

Larry 59:29

Sounds good. See you next week.

Announcer 59:39

You've been listening to F.Y.P.

List of States

California and Florida are cited as being states that mandate its use. The language in California law, Section 645 (1996) states that with a victim under thirteen, the injections "may" be requested by an offender after the first offense, and that after a second like offense, he "shall undergo" the treatment.

Florida's statute 794.0235 (1997) likewise says it may be requested after a first conviction of any form of sexual battery (794.011) and "shall" be used after a second offense. Unlike California, Florida does not attach an age limit to the prerequisite.

Louisiana's law (14:43.6) reads very similar to that of Florida with the exception of specifying a victim age of less than thirteen.

501.061, **Texas Penal Code**, allows the procedure upon request after the 2nd offense of a child under fourteen and has a laundry list of conditions that must be met by anyone requesting it. According to information from Texas Voices, it is virtually never used.

Wisconsin's NARSOL state contact reports that while statute 302.11(1)(b)2 states it may be a requirement of the DOC or Parole under certain circumstances, DOC says the controversial treatment is currently offered but never required.

Iowa has language in its laws that allow its usage under certain circumstances, and Georgia and Oregon have allowed the practice in the past if not currently.

Alabama's requirement is that all those whose victim was a child under 13 receive the very costly treatment as a condition of release after a first offense and that the cost is borne by the offender, making the Alabama law more stringent than any of the others and with the major features of this proposed New Mexico law.

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