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**Megan's Law:
A Review of State and Federal Legislation
EXECUTIVE SUMMARY**

The group of laws called “Megan’s Law,” or community notification, authorizes the public release of identifying information about registered sex offenders when necessary to protect public safety. This report analyzes the 47 states with community notification laws. The laws vary in the focus of notification, with three major categories:

- **Broad community notification:** 18 states authorize broad dissemination of sex offender information to the public.
- **Notification to individuals and organizations at risk:** 14 states disseminate information based on the need to protect an individual or organization vulnerable to a specific offender.
- **Access to registration information:** 15 states allow access by citizens or organizations to sex offender information through local law enforcement.

Almost 70 percent of the states that authorize notification have enacted guidelines and procedures into law regarding how and when notification shall occur. An additional 20 percent require advisory groups or criminal justice agencies to establish such procedures. The remaining states allow public officials to exercise broad discretion in these decisions.

Notification laws have been subject to legal challenges on constitutional grounds in at least 16 states. Most frequently, these challenges have argued that notification represents additional punishment for the offender and is thus unconstitutional. No court has found these laws to be unconstitutional in substance; however, procedural provisions such as scope of application, have been reversed in a few states. The U.S. Circuit Court of Appeals has upheld the constitutionality of Megan’s Law in three states—New Jersey, New York, and Washington.

Community notification programs have also been implemented in Canada and Great Britain. In Australia, recommendations for such a program have been proposed. These laws resemble U.S. notification laws in terms of applicability, decision-making, and approach.

An analysis of state statutes in the United States reveals the following:

RISK ASSESSMENT

- Generally, notification is reserved for those offenders *assessed as high risk* for reoffense or those *convicted of offenses against children*.

- Ten states assign offenders to one of *three tiers of risk* for the purpose of community notification. In these states, offenders assessed as moderate or high risk (Tier II or III) are subject to notification.
- Many states use *risk assessment instruments* to determine risk of reoffense and assess whether an offender should be subject to notification.

METHODS OF NOTIFICATION

- *Approaches and methods* of notification to the general public vary, including the use of press releases, flyers, and newspaper announcements. Several states are providing notification through interactive computerized access.
- A notification *typically includes* the offender's name, description and/or photograph, address or approximate address, description of the crime, and the age of the victim.

DECISION-MAKING

- State organizations often develop *rules and procedures* for carrying out community notification, with local law enforcement agencies generally responsible for the actual notification.
- Many states create *advisory bodies* to develop guidelines and procedures for the notification process.
- A few states place decision-making with *district or sentencing courts*.