

**Sex Offender Registration Law Update #15**  
**September 4, 2008**

**1. Gautier v. Jones, 2008 U.S. Dist. LEXIS 66425 (W.D. Okla. Aug. 29, 2008)**

- **42 USC §1983—Standing**

Plaintiff was convicted of a sexual offense that required him to register in Oklahoma for a period of 10 years. While he was still under that registration obligation, Oklahoma amended its statute to require him to register for life. Plaintiff did establish standing to sue, based on the recent Supreme Court case of Davis v. Federal Election Comm'n, 128 S.Ct. 2759 (2008).

**2. Clark v. State, 2008 Del. Lexis 375 (Del. Aug. 26, 2008)**

- **Juvenile Registration**
- **Best Interests of the Child**

Plaintiff, a juvenile adjudicated delinquent of a sex offense and required to register under Delaware law, challenged that lifetime registration requirement on the grounds that it conflicts with other statutory provisions in Delaware that require the juvenile court to take the “best interests of the child” in to consideration when fashioning a disposition. This argument was rejected, as was the argument regarding any privacy concerns.

**3. State v. Arthur H., 2008 Conn. LEXIS 310 (Aug. 26, 2008)**

- **Due Process—Hearing**

Defendant argued that he should have been entitled to an adversarial evidentiary hearing before being ordered to register as a sex offender. Connecticut allows a court to order registration when it makes a finding that a “felony was committed for a sexual purpose”. Relying on settled sentencing case law, Williams v. New York, 337 U.S. 241 (1949), and others, the court concluded that he had received all of the process which he was due in the proceeding, and was not entitled to an adversarial evidentiary hearing.

**4. Woe v. Spitzer, 2008 U.S. Dist. LEXIS 59881 (E.D. N.Y. Aug. 5, 2008)**

- **Extension of Duration of Registration Requirement**

Plaintiff is a sex offender originally required to register for a period of ten years. Three days before those ten years expired, the statute was amended to extend his registration requirements to twenty years. The court held that there was no protected liberty interest with regards to the length of the registration period standing alone, and that he was not entitled to further ‘due process’ safeguards upon the extension of his registration period.

The Department of Justice makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this update, and expressly disclaims liability for errors and omissions in the contents of this update. The information appearing in this update is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing in this update.