

**Sex Offender Registration Law Update #16
September 18, 2008**

1. Nevada: Federal Judge Blocks new Sex Offender Laws (Sept. 12, 2008)

- **Retroactivity**

The opinion has not yet been issued, but the court conclude that new sex offender registration legislation passed by Nevada in 2007 cannot be applied retroactively. Once the opinion is available, it will be posted here. For more details about the case, go to: <http://news.rgi.com/apps/pbcs.dll/article?AID=/20080912/NEWS01/809120528>.

2. Commonwealth v. Bolling, 2008 Mass. App. LEXIS 932 (Sept. 12, 2008)

- **Homeless Sex Offender**

Where the defendant was homeless and occasionally spent the night in the homes of friends, doing so without notifying registration officials of a change of address was not a violation of the failure to register statute.

3. People v. Hernandez, 2008 Cal. App. LEXIS 1383 (Aug. 25, 2008)

- **Victim Age: Equal Protection**

Defendant (22 at the time of the offense) was convicted of oral copulation with a 14 year old and ordered to register as a sex offender. Based on the decisions in People v. Hofsheier, 129 P.3d 29 (2006) and People v. Garcia, 161 Cal. App.4th 475 (2008), the court held that there was no “rational reason” to treat the defendant differently because the victim was 14, as opposed to 16, or 18. The mandatory registration provision was lifted.