

DIGITALLY BRANDED: THE DEVELOPMENTAL CATASTROPHE OF JUVENILE SEX OFFENDER REGISTRIES

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ABSTRACT

Juvenile sex offender registration was never a natural fit for the youth justice system, but in the digital age, it has become deeply harmful. What began as a paper-based precaution has evolved into a sprawling digital regime that permanently brands adolescents at the most formative stage of life. This Article examines how technological change has turned registration into a publicly searchable network of stigma—amplified by data aggregators, search engines, neighborhood apps, and real estate platforms—that makes youthful misbehavior both permanent and inescapable.

Drawing on insights from developmental neuroscience and criminology, the Article explains why adolescent sexual misconduct is often impulsive, peer-driven, and rarely predictive of future offending. Yet federal mandates like the Sex Offender Registration and Notification Act (SORNA) continue to impose offense-based registration on youth as young as fourteen, ignoring evidence about adolescent development and undermining the juvenile justice system's rehabilitative aims.

The modern registry's reach imposes novel harms that traditional legal frameworks have not fully addressed. Public access fuels ongoing exclusion, identity foreclosure, and algorithmic discrimination, locking youth into stigmatized identities and exacerbating racial and socioeconomic disparities. These harms ripple outward to destabilize families and communities.

Empirical research confirms that juvenile sexual recidivism is rare and that registration fails to improve public safety. Instead, it

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misallocates resources and inflicts long-term damage. This Article urges a rethinking of juvenile registration policies, calling for reforms grounded in developmental science, technological awareness, and evidence-based alternatives such as confidential monitoring, risk-based assessments, and therapeutic intervention.

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INTRODUCTION

At fourteen, Noah entered the juvenile justice system and accepted a plea bargain. Despite completing court-ordered treatment and being designated low-risk, he remains on the public sex offender registry a decade later. Though Noah earned his GED and has never reoffended, he cannot enroll in college, find housing, or secure employment. His registry information, once limited to a government list, has proliferated across the digital landscape—embedded in real estate listings, neighborhood apps, and dozens of registry-aggregating websites. Efforts to remove his photo and address have failed; new websites continually republish the data. Third-party platforms demand payment for removal, only for the information to reappear elsewhere, creating a cycle of digital branding that is virtually impossible to escape. The stigma follows him everywhere—both offline and online.

Noah's story, though fictional, reflects a broader reality. It is the predictable outcome of a policy framework that treats adolescent sexual misconduct as a permanent threat to public safety, even when evidence suggests otherwise. Juvenile sex offender registration laws, particularly in the digital age, impose lasting legal, developmental, and technological consequences for behavior that is often transient, context-dependent, and unlikely to recur. Originally created to monitor high-risk adult offenders, registration systems have been extended to youth without adequate attention to developmental science, constitutional principles, or empirical evidence.

This Article argues that juvenile sex offender registration, especially when paired with public notification, creates a developmental catastrophe by converting temporary adolescent mistakes into persistent, inescapable digital identities that obstruct rehabilitation, education, and healthy identity formation. Rather than enhancing safety, these policies impose lifelong consequences on youth who are still in the process of maturing, learning, and forming identities. The expansion of digital technologies has intensified these harms, making it virtually impossible for youth to move beyond past mistakes, even as their risk declines to negligible levels. This Article complements earlier legal critiques of juvenile registration—many of which focus on proportionality, procedural due process, or constitutional classification—by foregrounding the

developmental and digital dynamics that those frameworks often overlook.

The discussion begins in Part I, which traces the historical development of juvenile registration laws, including how federal mandates and policy drift extended adult registration frameworks to youth. Part II turns to the developmental science of adolescence, showing why juvenile behavior is often impulsive, situational, and unlikely to persist into adulthood. Part III examines how digital technologies have transformed the consequences of registration, creating permanent stigma, algorithmic exclusion, and identity foreclosure. Part IV explores constitutional and legal challenges to juvenile registration, with a particular focus on proportionality, due process, and the evolving recognition of diminished culpability in Supreme Court doctrine. Part V outlines the often-overlooked collateral consequences of registration, including its effects on families, housing, education, and mental health. Part VI analyzes the legislative rationales underlying juvenile registration laws and highlights the gap between public assumptions and empirical realities. Part VII presents the empirical evidence on deterrence, recidivism, and victimization patterns—demonstrating that juvenile registration fails to achieve its intended goals. Finally, Part VIII proposes a set of evidence-based alternatives, including individualized risk assessment, time-limited registration with removal pathways, specialized treatment, and prevention-based strategies that better align with developmental science and public safety.

I. THE DIGITAL RECORD THAT WON'T DISAPPEAR: FROM PAPER TO ONLINE REGISTRATION

Sex offender registration originated as a limited scope, paper-based, closed system of internal recordkeeping accessible only to law enforcement.¹ But over the course of three decades, that system has undergone a radical transformation. Driven by high-profile crimes, political pressure, and expanding federal mandates, registries evolved from discrete state databases into publicly searchable, nationally networked, and digitally persistent records.

1. ELIZABETH J. LETOURNEAU, JILL S. LEVENSON, DIPANKAR BANDYOPADHYAY, DEBAJYOTI SINHA & KEVIN S. ARMSTRONG, EVALUATING THE EFFECTIVENESS OF SEX OFFENDER REGISTRATION AND NOTIFICATION POLICIES FOR REDUCING SEXUAL VIOLENCE AGAINST WOMEN 5–6 (2010) [hereinafter LETOURNEAU ET AL., EVALUATING THE EFFECTIVENESS OF SORN POLICIES].

What began as a mechanism for monitoring risk quietly became a mechanism for branding individuals, especially youth, with a lasting digital identity. This section traces how registration policies hardened over time, how early concerns about overreach were largely ignored, and how the migration from paper to online platforms fundamentally changed the purpose and impact of registration itself.

A. *Origins and Early Criticisms of Sex Offender Registries*

Sex offender registries initially emerged as a targeted law enforcement tool, but quickly faced resistance from the very officials tasked with implementing them.² Law enforcement and corrections officials recognized early on that registries were inefficient, resource-intensive, and ultimately ineffective at their stated purpose.³ As early as 1947, California's Director of Corrections Richard McGee warned that requiring citizens to register with police outside of probation or parole represented a dangerous departure from American practice.⁴ Law enforcement consistently identified the central paradox of registration: that it "would be evaded by the very ones we would like to have recorded" while capturing many non-dangerous individuals.⁵ The Sacramento County Sheriff directly questioned whether even a perfectly implemented registry could effectively combat sex crimes, highlighting the absence of evidence supporting its effectiveness.⁶ Moreover, the Los Angeles City Attorney described the state's registry as dysfunctional, noting that it failed to help law enforcement locate even high-profile offenders.⁷ These criticisms from criminal justice professionals preceded the dramatic expansion of registration and community notification, revealing that sex offender registration was built on a foundation that experienced practitioners recognized as deeply problematic from its inception.

2. Wayne A. Logan, *Origins and Evolution, in* SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION 6–7 (Wayne Logan & J.J. Prescott eds., 2021).

3. *Id.*

4. *Id.* at 6 (describing concerns McGee outlined in a letter to Governor Earl Warren).

5. *Id.* at 7 (quoting an anonymous corrections worker).

6. *Id.* at 8 ("And the question is, how much is gained? . . . We don't know how many crimes we would solve, or prevent.").

7. *Id.* at 7 (noting that in 1983 the state registry was "of no use" in the effort to locate the Hillside Strangler because it included many nonserious sex offenders).

Despite these warnings, policymakers disregarded professional skepticism and pursued increasingly expansive registration laws in response to high-profile crimes. Washington State's 1990 Community Protection Act marked the revolutionary transformation of sex offender management from confidential law enforcement tracking to public exposure—the world's first community notification system.⁸ This shift fundamentally altered the purpose of registries, expanding their scope without empirical justification. Lawmakers justified the release of sex offender information as a measure to enhance public safety and accountability.⁹ They further asserted that public safety concerns outweighed any diminished expectation of privacy for registered individuals, provided that only relevant and necessary information was disclosed to the public when deemed essential for protection.¹⁰ Legislators assumed that sex offenders posed an exceptionally high risk of reoffending, that strangers were the primary threat to public safety, and that public notification would prevent future offenses.¹¹

B. *Constructing A National System: Federal Laws and the Standardization of Sex Offender Registries*

1. Congressional Response to High-Profile Cases: The Wetterling Act and Megan's Law

Congress rapidly institutionalized Washington's approach through the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act in 1994 (the "Wetterling Act").¹² Enacted in honor of Jacob Wetterling, an eleven-year-old boy from Minnesota who was kidnapped in 1989 and remained missing until his remains were discovered nearly twenty-seven years later, the law created baseline requirements for all fifty

8. *Id.* at 8–9 (describing Washington state's Community Protection Act of 1990).

9. *Id.* at 9 (noting legislative findings "that sex offenders often pose a high risk of reoffense, and that law enforcement's efforts . . . are impaired by the lack of information available").

10. *Id.* (quoting the legislature's conclusion that individuals who have committed a sex offense have a reduced expectation of privacy).

11. Richard Tewksbury & Wesley G. Jennings, *Assessing the Impact of Sex Offender Registration and Community Notification on Sex-Offending Trajectories*, 37 CRIM. JUST. & BEHAV. 570, 570 (2010).

12. Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, § 170101, 108 Stat. 1796, 2038.

states to track convicted sex offenders for at least ten years.¹³ The Wetterling Act also authorized the release of registration information to law enforcement agencies in jurisdictions where a released offender intended to reside.¹⁴ As originally enacted, the Wetterling Act permitted, but did not require community notification.¹⁵ However, in 1996, Congress amended the Wetterling Act through Megan's Law, which made community notification mandatory.¹⁶

Federal notification mandates produced a chaotic patchwork of state systems by failing to establish specific standards for implementation.¹⁷ Federal statutes did not specify when public disclosure was necessary for public protection, leaving states to establish their own criteria.¹⁸ As a result, state registration systems varied widely in key areas, including which sex offenders were subject to notification, the type of information disclosed, the duration of registration (ranging from ten years to life), and the extent of public access to registry information.¹⁹ This fragmentation undermined any claim that registration systems represented a coherent, evidence-based approach to public safety, instead creating a national landscape where punishments depended more on state boundaries than actual risk or behavior.

2. SORNA: Federalizing and Intensifying Registration Consequences

a. The Push for Uniformity: Addressing Variability in State Systems

The Sex Offender Registration and Notification Act ("SORNA") represents the most sweeping federal expansion of sex offender registration, intensifying the punitive reach of registries and

13. Logan, *supra* note 2, at 10; § 170101, 108 Stat. at 2038, 2041.

14. § 20417(5)(b), 108 Stat. at 1833.

15. Logan, *supra* note 2, at 12; John C. Navarro & Christina L. Shellabarger, *A Content Analysis of Sex Offender Registries: The Influence of the Sex Offender Registration and Notification Act (SORNA) on Registry Information*, 34 CRIM. JUST. POL'Y REV. 488, 490 (2023).

16. Logan, *supra* note 2, at 12 (quoting President Clinton who stated, "[f]rom now on, every State in the country will be required by law to tell a community when a dangerous sexual predator enters its midst"); Megan's Law, Pub. L. No. 104-145, 110 Stat. 1345 (1996).

17. See Grant Duwe & William Donnay, *The Impact of Megan's Law on Sex Offender Recidivism: The Minnesota Experience*, 46 CRIMINOLOGY 411, 412 (2008).

18. Lisa C. Trivits & N. Dickon Reppucci, *Application of Megan's Law to Juveniles*, 57 AM. PSYCH. 690, 691 (2002).

19. *Id.* at 691.

cementing their role as a mechanism of public surveillance.²⁰ Congress enacted SORNA in 2006 as Title I of the Adam Walsh Child Protection and Safety Act, responding to inconsistencies in state registration laws with a mandate for national uniformity.²¹ Rather than tailoring registration to risk, SORNA imposed strict offense-based registration requirements, broadened public disclosure through online databases, and strengthened enforcement measures.²² This federal intervention consolidated previously fragmented state registry systems into a centralized regime of mass public exposure, disregarding longstanding concerns about their effectiveness and collateral consequences.²³

SORNA fundamentally transformed the structure of sex offender registries by federalizing their infrastructure and converting a patchwork of state systems into a nationally integrated framework for monitoring and information-sharing.²⁴ Prior to its enactment, registration laws were administered independently by states, with limited coordination or capacity for cross-jurisdictional tracking.²⁵ To implement this transformation, the Department of Justice established the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART”) Office, tasked with issuing compliance guidelines and distributing federal grants.²⁶ These institutional developments cemented a centralized regime of oversight and expanded the reach of registration by making offender data more visible, durable, and mobile across state lines.

SORNA imposed uniform federal requirements, created centralized databases, and mandated real-time information sharing between jurisdictions, effectively recasting registration as a

20. See 152 CONG. REC. 8012 (2006) (noting the purpose of the Act is “to sew together the patch-work quilt of 50 different State [registry systems]”); see generally Sex Offender Registration and Notification Act, Pub. L. No. 109-248, 120 Stat. 590 (2006).

21. See 152 CONG. REC. 8012 (2006); Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, §§ 101–155, 120 Stat. 587, 590–611.

22. Logan, *supra* note 2, at 13; LETOURNEAU et al., EVALUATING THE EFFECTIVENESS OF SORN POLICIES, *supra* note 1, at 6–7 (noting that “registration and notification requirements are to be based solely on conviction offenses and these requirements cannot be amended based on mitigating factors or empirical risk assessment scores”).

23. See Navarro & Shellabarger, *supra* note 15, at 489.

24. See Logan, *supra* note 2, at 13–14.

25. See Hayley M. D. Cleary & Cynthia J. Najdowski, *Awareness of Sex Offender Registration Policies and Self-Reported Sexual Offending in a Community Sample of Adolescents*, 17 SEXUALITY RSCH. & SOC. POL'Y 486, 487 (2020).

26. § 146, 120 Stat. at 607.

mechanism of nationwide public surveillance.²⁷ This shift ensured that registry status would travel with individuals wherever they moved, entrenching the permanence of their designation and severely constraining opportunities for rehabilitation or reintegration.²⁸

b. Retroactivity and the Long-Term Reach of Juvenile Registration

Beyond its immediate impact, SORNA's reach extends across time as well as geography. Its retroactive provisions ensure that past offenses can trigger registration requirements years or even decades later, regardless of when they occurred.

SORNA applies retroactively, requiring individuals convicted of sex offenses before its enactment to register if they were already subject to registration, under supervision, or incarcerated when the law passed.²⁹ Notably, this retroactive application extends even to individuals whose current conviction is for a non-sexual felony offense.³⁰ This means that someone with a decades-old sex offense who commits an unrelated felony could suddenly find themselves required to register as a sex offender.³¹ These provisions apply to juveniles as well; a person adjudicated delinquent for a sexual offense in their youth who later commits a non-sexual felony as an adult can be required to register as a sex offender despite having no new sexual offenses.³²

This issue was central in *United States v. W.B.H.*, a case before the Eleventh Circuit Court of Appeals.³³ The defendant, W.B.H., was convicted of first-degree rape in 1987 at age seventeen and sentenced to three years of probation under Alabama's Youthful Offender Act, which sealed his records.³⁴ More than twenty years

27. See, e.g., Tanja C. Link, Melanie Holland & Joey Villemez, *Crossing the Line: A Comprehensive Analysis of Jurisdictional Variations in SORNA Statutes*, 30 PSYCH. PUB. POL'Y & L. 159, 159–60 (2024) (noting the establishment of federal government mandates and the nature of public surveillance).

28. See *id.*

29. 28 C.F.R. § 72.3 (2024).

30. *Id.* § 72.5(b) (noting registration for subsequent criminal convictions).

31. Patrick H. Tolan, Tammi Walker & N. Dickon Reppucci, *Applying Developmental Criminology to Law: Reconsidering Juvenile Sex Offenses*, 14 JUST. RSCH. & POL'Y 117, 123 (2012).

32. *Id.*

33. *Id.*; *United States v. W.B.H.*, 664 F.3d 848, 850–52 (11th Cir. 2011).

34. *W.B.H.*, 664 F.3d at 851 (citing ALA. CODE § 15-19-1 et seq. (2011)).

later, in 2008, W.B.H. pled guilty to a federal drug distribution offense.³⁵ At sentencing, the district court had ruled that he was required to register as a sex offender as a condition of his supervised release, despite the fact that his original conviction had occurred decades earlier.³⁶ W.B.H. challenged this requirement, arguing that his youthful offender status and the passage of time should exempt him. The Eleventh Circuit rejected this argument, holding that SORNA's retroactive application meant he was still subject to registration and community notification.³⁷

This case illustrates the lasting reach of SORNA's registration requirements, which can resurrect decades-old adjudications regardless of the passage of time or subsequent rehabilitation. By allowing past offenses to trigger new registration obligations years later, these retroactive provisions effectively eliminate the possibility of leaving juvenile mistakes behind.³⁸ The *W.B.H.* ruling demonstrates how federal policy has fundamentally altered the temporal boundaries of legal consequences, creating a system where past conduct, even from adolescence, can suddenly resurface with full force despite years of law-abiding behavior.

3. Extending Registration and Notification to Juvenile Offenders

SORNA radically expanded federal authority by mandating the registration of certain juveniles, marking a significant shift in the scope and philosophy of sex offender policy. While earlier federal and state laws largely preserved judicial discretion in juvenile cases, the 2006 legislation required states to register youth as young as fourteen if adjudicated for offenses comparable to certain federal crimes.³⁹ This move represented a sharp departure from longstanding principles of the juvenile justice system, which emphasized individualized assessment, confidentiality, and rehabilitation over public exposure and punishment.⁴⁰

35. *Id.*

36. *Id.* at 850–51.

37. *See id.* at 851, 859–60.

38. Tolan et al., *supra* note 31, at 123.

39. Sex Offender Registration and Notification, Pub. L. No. 109-248, § 111(8), 120 Stat. 590, 593 (2006).

40. *See* Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Kevin S. Armstrong & Debajyoti Sinha, *Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes?*, 37 CRIM. JUST. & BEHAV. 553, 554 (2010); *see generally* Elizabeth J. Letourneau, Kevin S. Armstrong, Dipankar Bandyopadhyay & Debajyoti Sinha, *Sex Offender*

Before SORNA's enactment, thirty-six states already required some juveniles to register as sex offenders, but these policies varied significantly in scope and implementation.⁴¹ Many states limited registration to juveniles tried in adult criminal court, while others allowed registration only in exceptional juvenile cases, such as for specific offenses or based on judicial discretion.⁴² In most instances, juveniles adjudicated delinquent remained within the rehabilitative framework of the juvenile system and were not publicly listed or treated as criminally convicted.⁴³ States also retained discretion over whether juvenile registration information was made publicly accessible.⁴⁴ SORNA sharply curtailed this flexibility by imposing standardized federal criteria and minimum registration requirements, effectively reducing states' ability to tailor policies to the developmental and legal distinctions that had traditionally guided juvenile justice.

As part of this standardization, SORNA implemented a three-tiered classification system based on conviction type which dictates registration duration, verification frequency, and notification requirements.⁴⁵ Unlike some state systems that incorporate individualized risk assessments, SORNA's framework strictly relies on conviction type rather than an evaluation of an individual's likelihood to reoffend.⁴⁶ Tier I offenders must register for fifteen years (though they may be eligible for removal after ten years with a

Registration and Notification Policy Increases Juvenile Plea Bargains, 25 SEXUAL ABUSE 189, 203 (2013) [hereinafter Letourneau et al., *SORN Policy Increases Juvenile Plea Bargains*].

41. Andrew J. Harris & Scott M. Walfield, *Variations in the Structure and Operations of SORN Systems*, in SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION 17, 25 (Wayne Logan & J.J. Prescott eds., 2021).

42. *Id.*

43. See Cleary & Najdowski, *supra* note 25, at 487; see also Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Debajyoti Sinha & Kevin Armstrong, *Effects of Sex Offender Registration Policies on Juvenile Justice Decision Making*, 21 SEXUAL ABUSE 149, 151 (2009) [hereinafter Letourneau et al., *Effects of SORN on Decision Making*].

44. See Harris & Walfield, *supra* note 41, at 25.

45. Sex Offender Registration and Notification, Pub. L. No. 109-248, §§ 111, 115–17, 120 Stat. 590, 591, 595–96 (2006); Harris & Walfield, *supra* note 41, at 28.

Tier I . . . includes those convicted of misdemeanors or sexual-related offenses that carry a penalty of less than 1 year in prison. Tier II . . . includes those convicted of offenses involving sexual abuse or exploitation involving minors. Tier III . . . applies to individuals convicted of aggravated sexual assault, contact offenses against children younger than 13 years, kidnapping of minors (unless committed by a parent or guardian), and attempts or conspiracies associated with any of these crimes.

Id.

46. See *id.*

clean record); Tier II offenders must register for twenty-five years; and Tier III offenders face lifetime registration, with juveniles adjudicated delinquent for Tier III offenses eligible for removal after twenty-five years if they maintain a clean record.⁴⁷ This inflexible framework severely restricts judicial discretion and fails to account for the significant developmental differences between juveniles and adults.

The decision to include juveniles in registries was driven by anecdotal cases rather than comprehensive data on juvenile offending and recidivism.⁴⁸ Supporters cited instances such as testimony from Amie Zyla, a victim of an offender whose identity as a sex offender was not known to the public because he was a juvenile.⁴⁹ While such cases highlight real concerns about community safety, they obscure the broader reality that research consistently finds that juvenile sex offenders have among the lowest recidivism rates of any category of offenders.⁵⁰ Evidence suggests that early interventions, rather than registration, are the most effective means of reducing future harm.⁵¹ Yet broad offense-based registration requirements often fail to distinguish between high-risk and low-risk individuals, imposing lifelong consequences on many youth without clear public safety benefits.⁵²

Although SORNA imposed national standards, some states maintained even stricter policies that exceeded federal requirements.⁵³ Delaware and South Carolina, for example, imposed no minimum age for sex offender registration, resulting in the placement of children as young as nine on public registries.⁵⁴ A 2013 Human Rights Watch report found 55 children under the age of twelve listed on Delaware's registry, while Michigan registered 3,563 juveniles who had been adjudicated delinquent in juvenile court rather than convicted as adults, with the youngest registrant

47. § 115, 120 Stat. at 595.

48. See Tolan et al., *supra* note 31, at 122–23.

49. See *Protecting Our Nation's Children from Sexual Predators and Violent Criminals: What Needs to Be Done?: Hearing Before the Subcomm. on Crime, Terrorism, & Homeland Sec. of the H. Comm. on the Judiciary*, 109th Cong. 19–20 (2005) (statement of Amie Zyla, Student).

50. See *infra* Section VII.E.

51. See *infra* Section VIII.E.

52. See *infra* Section VI.E.

53. Harris & Walfield, *supra* note 41, at 25.

54. DEL. CODE ANN. tit. 11, § 4121(a)(3)(b)(4) (2025) (defining sex offender with no minimum age); S.C. CODE ANN. § 23-3-430(A) (2024) (noting registry conditions apply “regardless of age”).

being nine years old.⁵⁵ These policies significantly extend the reach of registration laws in ways that raise serious questions about proportionality and developmental appropriateness.

Despite concerns raised by states, juvenile justice experts, and members of Congress, in 2008, the SMART Office issued its initial guidelines for SORNA's implementation, taking a rigid approach to juvenile registration.⁵⁶ Under these guidelines, youth aged fourteen or older who were adjudicated delinquent in juvenile court for offenses equivalent to rape or attempted rape were subject to mandatory registration and community notification via web posting.⁵⁷ However, juveniles adjudicated delinquent for lesser sexual assaults or nonviolent sexual conduct offenses were not included in the mandatory registration requirement.⁵⁸

C. Challenges in Implementing SORNA: State Resistance and the Evolution of Registration Requirements

SORNA's inflexible structure led to widespread noncompliance, as states struggled to reconcile SORNA's tiered requirements with their own classification methods, judicial discretion standards, and statutory definitions.⁵⁹

1. Offense-Based Mandates Replace Risk-Based Systems

A key consequence of SORNA's rigid framework is its expansion of registration requirements without regard for an individual's actual risk of reoffending. Unlike risk-based systems that assess factors such as prior offenses, victim characteristics, age at time of offense, and psychological indicators, SORNA mandates a tiered classification system based solely on the offense of conviction.⁶⁰ This approach strips away discretion and requires the registration

55. NICOLE PITTMAN & ALLISON PARKER, HUM. RTS. WATCH, RAISED ON THE REGISTRY: THE IRREPARABLE HARM OF PLACING CHILDREN ON SEX OFFENDER REGISTRIES IN THE U.S. 33 (2013), <https://www.hrw.org/report/2013/05/01/raised-registry/irreparable-harm-placing-children-sex-offender-registries-us> [<https://perma.cc/Y2PD-QX2T>].

56. National Guidelines for Sex Offender Registration and Notification, 73 Fed. Reg. 38030, 38030 (July 2, 2008); Harris & Walfield, *supra* note 41, at 25.

57. National Guidelines for Sex Offender Registration and Notification, 73 Fed. Reg. at 38030.

58. *Id.*

59. Logan, *supra* note 2, at 12–13.

60. *Id.* at 13.

of juveniles and low-level adult offenders—regardless of rehabilitation progress, developmental status, or public safety threat.

Texas offers a clear example of the disruption this caused. Before SORNA, Texas used a risk-based system that allowed officials to classify individuals based on empirically grounded assessments.⁶¹ State policymakers argued that this model was more effective in differentiating between high-risk and low-risk offenders, especially in juvenile cases.⁶² Under SORNA, however, such individualized determinations were replaced by mandatory tiers tied to offense categories, leaving no room to account for mitigating factors or expert evaluations.

Ohio demonstrates how this offense-based expansion played out in practice. Following SORNA's reclassification mandates, 14.9% of previously unregistered adults (3,689 individuals) and 25.8% of previously unregistered juveniles (271 individuals) became subject to registration.⁶³ Of those newly required to register, 59.4% of adults and 45% of juveniles were placed in Tier III—the most severe category, which imposes lifetime registration.⁶⁴ Even individuals previously classified as “sexually oriented offenders,” Ohio's least restrictive category, were reassigned: 42% of adults and 32.4% of juveniles were moved to Tier II, and another 40.7% of adults and 42.9% of juveniles were elevated to Tier III.⁶⁵

These figures illustrate SORNA's fundamental departure from evidence-based classification. By mandating long-term or lifetime registration based on offense labels alone, SORNA not only ignores an individual's potential for rehabilitation but also sweeps in large numbers of people—particularly adolescents—who pose minimal risk to public safety. The result is a federal system that prioritizes uniformity over effectiveness, and severity over individualized justice.

61. Tolan et al., *supra* note 31, at 124.

62. *Id.*

63. Andrew J. Harris, Christopher Lobanov-Rostovsky & Jill S. Levenson, *Widening the Net: The Effects of Transitioning to the Adam Walsh Act's Federally Mandated Sex Offender Classification System*, 37 CRIM. JUST. & BEHAV. 503, 511 (2010).

64. *Id.* at 506, 510.

65. *Id.* at 507, 511.

2. State Pushback and the Limits of Federal Control

From the beginning, many states resisted SORNA's juvenile registration mandates not simply because of administrative burden, but because the statute conflicted with core legal and developmental principles. For states grounded in a rehabilitative model of juvenile justice, SORNA's public registration requirements for youth represented a sharp departure from long-established commitments to confidentiality, individualized treatment, and second chances.

In a 2009 compliance survey, at least twenty-three states identified juvenile registration as a barrier to implementation, making it the most common source of resistance.⁶⁶ Nineteen states objected to the registration of juveniles in principle, citing conflicts with their statutes, constitutional protections, or developmental policies.⁶⁷ California, Colorado, and New Mexico raised concerns about privacy and the public exposure of youth.⁶⁸ Maine, Wisconsin, and Wyoming opposed placing juveniles on public websites, warning that doing so would undermine rehabilitation.⁶⁹ New Jersey and Texas defended their discretionary, risk-based approaches to juvenile registration, rejecting SORNA's mandatory, offense-based tiers.⁷⁰

Other states flagged the practical and legal risks of compliance. Ohio, Oregon, and Maryland argued that automatic juvenile registration lacked scientific justification and posed unnecessary harm to low-risk youth.⁷¹ South Dakota and Wyoming cited state court rulings or statutes that explicitly protected juvenile confidentiality and would need to be overturned.⁷² Illinois, Georgia, and Virginia noted that SORNA would require reversing state reforms that had intentionally scaled back juvenile registration.⁷³

Despite the threat of a ten percent reduction in federal criminal justice funding for noncompliance as per the Adam Walsh Act,

66. NAT'L CONSORTIUM FOR JUST. INFO. & STATS., SEARCH SURVEY ON STATE COMPLIANCE WITH THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) 1–9 (2009), <https://www.search.org/files/pdf/SORNA-StateComplianceSurvey2009.pdf> [<https://perma.cc/9TQA-H6YS>].

67. *Id.* at 2–9.

68. *Id.*

69. *Id.* at 31, 63–64.

70. *Id.* at 42, 56.

71. *Id.* at 32, 47, 49.

72. *Id.* at 54, 64.

73. *Id.* at 4, 9.

many states concluded that the financial, legal, developmental, and ethical costs outweighed the benefits.⁷⁴ Some, like Kansas and Louisiana, sought more time to weigh the consequences.⁷⁵ Others, including New York, declined to implement SORNA's juvenile provisions altogether, citing irreconcilable differences with their justice systems.⁷⁶

By 2010, more than half of U.S. states had either rejected or declined to fully implement SORNA's juvenile provisions, citing concerns about developmental appropriateness and legal conflicts.⁷⁷ This widespread resistance, rooted in a shared commitment to youth rehabilitation, ultimately forced the federal government to recalibrate. As the next section explains, SORNA's 2011 and 2016 revisions were not acts of reform, but concessions to coordinated state-level opposition grounded in law and developmental science.

3. Limited Federal Reforms and Persistent Noncompliance

In response to persistent opposition from states, the federal government implemented two rounds of policy revisions aimed at easing—but not eliminating—SORNA's juvenile registration requirements. These adjustments, made through supplemental guidelines issued by the SMART Office in 2011 and 2016, offered limited procedural flexibility in an attempt to salvage compliance without revising the statute's core structure.

The 2011 supplemental guidelines permitted jurisdictions to exclude adjudicated juveniles from public website listings and offered a narrow exemption from in-person registration requirements in situations where such juveniles might interact with adult registrants.⁷⁸ These changes were minimal, aimed at reducing the visibility and logistical burdens of registration without altering its fundamental requirements. Crucially, they preserved the mandate that juveniles adjudicated for qualifying offenses be included in state and federal registries.⁷⁹

74. *Id.* at 1; see Harris & Walfield, *supra* note 41, at 20–21, 48, 52–53.

75. See NAT'L CONSORTIUM FOR JUST. INFO. & STATS., *supra* note 66, at 27, 29.

76. See *id.* at 44.

77. See *id.* at 1–2; Harris & Walfield, *supra* note 41, at 20, 25.

78. Supplemental Guidelines for Sex Offender Registration and Notification, 76 Fed. Reg. 1630, 1633, 1636 (Jan. 11, 2011).

79. *Id.* at 1636–37.

When these minor concessions failed to resolve widespread non-compliance, the SMART Office introduced a more flexible framework in its 2016 supplemental guidelines.⁸⁰ Rather than demanding exact adherence to SORNA's tier structure, the revised approach allowed jurisdictions to demonstrate "substantial implementation" through alternative practices.⁸¹ States could, for example, track juveniles internally without public disclosure, register only youth tried in adult court, or employ local tools to identify and monitor youth adjudicated delinquent for serious sexual offenses.⁸²

This revised framework reflected a pragmatic retreat from the rigidity of the original statute. It acknowledged that juvenile registration provisions conflicted with longstanding principles of confidentiality, proportionality, and rehabilitation but stopped short of reconciling those conflicts in law.⁸³

Even with these concessions, widespread noncompliance persisted. As of September 30, 2024, the SMART Office's State and Territory Implementation Progress Check reported that only thirty-six jurisdictions had met SORNA's minimum juvenile registration requirements.⁸⁴ An additional twenty jurisdictions failed to meet those minimum requirements, while eleven jurisdictions—Alaska, Connecticut, the District of Columbia, Georgia, Hawaii, Maine, New York, Oregon, Puerto Rico, Vermont, and West Virginia—did not meet any of SORNA's juvenile registration provisions.⁸⁵ Many of these states cited longstanding objections: irreconcilable conflicts with state juvenile codes, constitutional constraints on public disclosure, and fundamental disagreement with the law's approach to adolescent offending.⁸⁶

The persistence of this noncompliance, despite two rounds of federal revisions, underscores the structural incompatibility between SORNA and contemporary juvenile justice. The 2011 and 2016 reforms did not reflect a reconsideration of developmental science or

80. See Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act, 81 Fed. Reg. 50552, 50552 (Aug. 1, 2016).

81. *Id.*

82. *Id.* at 50553–54.

83. See *id.* at 50553.

84. OFF. SEX OFFENDER SENT'G, MONITORING, APPREHENDING, REGISTERING & TRACKING, U.S. DEPT JUST., SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA): STATE AND TERRITORY IMPLEMENTATION PROGRESS CHECK (2024), <https://smart.ojp.gov/sorna/progress-check> [<https://perma.cc/5NT8-EWMU>].

85. *Id.*

86. NAT'L CONSORTIUM FOR JUST. INFO. & STATS., *supra* note 66, at 1–2.

empirical evidence. Rather, they were administrative accommodations designed to mitigate political and legal resistance. In effect, the federal government shifted from enforcing a uniform national standard to accommodating state resistance, progressively loosening the definition of “substantial compliance” to maintain the facade of widespread implementation.⁸⁷

Ultimately, a policy that requires this level of improvisation and continues to alienate a significant share of states is not simply flawed in practice. It is fundamentally misaligned with the principles of rehabilitation, proportionality, and individualized justice that define a legitimate juvenile justice system.

II. THE DEVELOPMENTAL SCIENCE OF ADOLESCENCE AND THE REGISTRATION MISMATCH

The persistence of state noncompliance with SORNA, even after two rounds of federal revisions, reflects a fundamental mismatch between federal registration mandates and juvenile justice principles. States’ explicit objections about irreconcilable conflicts with state juvenile codes and fundamental disagreement with the law’s approach to adolescent offending point to a core problem: adult-oriented registration requirements are developmentally inappropriate for youth. The 2011 and 2016 reforms served as administrative workarounds to preserve compliance appearances rather than address these substantive concerns.

This conflict is not accidental. It stems from a core contradiction between how registration policies conceptualize adolescent behavior and what developmental science reveals about adolescent capacity.

A. *Observable Patterns: How Adolescent Behavior Differs From Adults*

Adolescents exhibit predictable behavioral patterns that distinguish them from adults in ways that undermine the logic of punitive legal responses such as sex offender registration. These patterns—observed across time, culture, and socioeconomic groups—are not signs of entrenched criminality but hallmarks of a

87. *Id.* at 2; Supplemental Guidelines for Juvenile Registration Under the Sex Offender Registration and Notification Act, 81 Fed. Reg. at 50552–53.

particular developmental stage marked by incomplete cognitive, emotional, and social maturation.

One defining feature of adolescence is heightened impulsivity, especially in emotionally charged or high-stakes situations.⁸⁸ Adolescents are more likely to act without considering long-term consequences, not because they lack moral understanding, but because they struggle with self-regulation.⁸⁹ Decades of research confirm that impulsivity peaks during adolescence and declines with age, highlighting the transient nature of these traits and challenging the assumption that adolescent behavior forecasts adult risk.⁹⁰

This impulsivity is often amplified by emotional intensity.⁹¹ Adolescents experience emotions more intensely than adults and are more prone to what researchers call “hot cognition”: decision-making under conditions of stress or excitement.⁹² While they may demonstrate mature reasoning in calm settings, that reasoning frequently breaks down in real-life, high-pressure environments.⁹³ This helps explain why adolescent decision-making often appears inconsistent: the ability to reason is present, but its application is unstable.

88. B.J. Casey, C. Simmons, L.H. Somerville & A. Baskin-Sommers, *Making the Sentencing Case: Psychological and Neuroscientific Evidence for Expanding the Age of Youthful Offenders*, 5 ANN. REV. CRIMINOLOGY 321, 325–27 (2022).

89. Grace Icenogle et al., *Adolescents’ Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity: Evidence for a “Maturity Gap” in a Multinational, Cross-Sectional Sample*, 43 LAW & HUM. BEHAV. 69, 71 (2019).

90. See Elizabeth S. Scott & Laurence Steinberg, *Blaming Youth*, 81 Tex. L. Rev. 799, 801, 815 (2002) [hereinafter Scott & Steinberg, *Blaming Youth*]; Kathryn Monahan, Laurence Steinberg & Alex R. Piquero, *Juvenile Justice Policy and Practice: A Developmental Perspective*, 44 CRIME & JUST. 577, 580–81 (2015) [hereinafter Monahan et al., *Juvenile Justice Policy and Practice*]; LAURENCE D. STEINBERG, ELIZABETH CAUFFMAN & KATHRYN C. MONAHAN, U.S. DEP’T OF JUST., *PSYCHOSOCIAL MATURITY AND DESISTANCE FROM CRIME IN A SAMPLE OF SERIOUS JUVENILE OFFENDERS* 2, 8 (2015) [hereinafter STEINBERG ET AL., *PSYCHOSOCIAL MATURITY*]; Elizabeth Scott, Natasha Duell & Laurence Steinberg, *Brain Development, Social Context, and Justice Policy*, 57 WASH. U. J.L. & POL’Y 13, 16–26 (2018).

91. See Icenogle et al., *supra* note 89, at 71; Grace Icenogle & Elizabeth Cauffman, *Adolescent Decision Making: A Decade In Review*, 31 J. RSCH. ADOLESCENCE 1006, 1009 (2021).

92. Icenogle et al., *supra* note 89, at 71.

93. See Alexandra O. Cohen et al., *When Is an Adolescent an Adult? Assessing Cognitive Control in Emotional and Nonemotional Contexts*, 27 PSYCH. SCI. 549, 556–59 (2016); Icenogle et al., *supra* note 89, at 71; Icenogle & Cauffman, *supra* note 91, at 1009.

Peer influence further complicates adolescent behavior.⁹⁴ One of the most consistent findings in developmental research is that adolescents are significantly more susceptible to peer pressure than adults.⁹⁵ The mere presence of peers has been shown to increase risk-taking, even when adolescents understand the risk involved.⁹⁶ These social dynamics often override better judgment, driving choices that are less about personal intent and more about momentary group influence.

Adolescents also display a strong preference for immediate rewards over delayed consequences.⁹⁷ Unlike adults, whose decisions often account for long-term outcomes, adolescents are developmentally wired to prioritize short-term gratification.⁹⁸ This limited future orientation means that even when adolescents understand the potential consequences of their actions, those consequences carry less motivational weight than the immediate social or emotional payoff.⁹⁹

Taken together, these behavioral patterns reflect a phenomenon developmental psychologists call the “maturity gap,” a disconnect between what adolescents know and how they act, especially in emotionally charged or socially complex situations. Adolescents often have the intellectual tools to understand right from wrong but

94. Isabelle M. Clough & April Gile Thomas, *The More You Know: Information About Juvenile Psychosocial Maturity Influences Mock Jurors' Perceptions and Decision-Making*, CRIME & DELINQ., Nov. 2024, at 1–3.

95. See, e.g., Laurence Steinberg & Kathryn C. Monahan, *Age Differences in Resistance to Peer Influence*, 43 DEVELOPMENTAL PSYCH. 1531, 1541 (2007); Laura Widman, Sophia Choukas-Bradley, Sarah W. Helms & Mitchell J. Prinstein, *Adolescent Susceptibility to Peer Influence in Sexual Situations*, 58 J. ADOLESCENT HEALTH 323, 324–26 (2016); Laurence Steinberg, *Adolescent Brain Science and Juvenile Justice Policymaking*, 23 PSYCH. PUBL. POL'Y & L. 410, 413–414 (2017) [hereinafter Steinberg, *Brain Science*].

96. Steinberg & Monahan, *supra* note 95, at 1531; Mitchell J. Prinstein, Whitney A. Brechwald & Geoffrey L. Cohen, *Susceptibility to Peer Influence: Using a Performance-Based Measure to Identify Adolescent Males at Heightened Risk for Deviant Peer Socialization*, 47 DEVELOPMENTAL PSYCH. 1167, 1168 (2011); Dustin Albert, Jason Chein & Laurence Steinberg, *The Teenage Brain: Peer Influences on Adolescent Decision Making*, 22 CURRENT DIRECTIONS PSYCH. SCI. 114, 118 (2013).

97. Steinberg, *Brain Science*, *supra* note 95, at 413–14; Scott et al., *supra* note 90, at 23.

98. Kathryn C. Monahan, Laurence Steinberg, Elizabeth Cauffman & Edward P. Mulvey, *Trajectories of Antisocial Behavior and Psychosocial Maturity from Adolescence to Young Adulthood*, 45 DEVELOPMENTAL PSYCH. 1654, 1666 (2009); Monahan et al., *Juvenile Justice Policy and Practice*, *supra* note 90, at 592.

99. See Damon M. Petrich & Christopher J. Sullivan, *Does Future Orientation Moderate the Relationship Between Impulse Control and Offending? Insights From a Sample of Serious Young Offenders*, 18 YOUTH VIOLENCE & JUV. JUST. 156, 158, 163 (2020).

lack the regulatory systems and psychosocial maturity to reliably act on that knowledge.¹⁰⁰

This gap is not evidence of willful disregard for the law; it is a reflection of an uneven developmental process. To fully grasp why adolescent misbehavior, especially in sexual contexts, is often temporary and highly sensitive to social context, we must look beyond surface behavior and examine the underlying neurobiological, cognitive, and psychosocial systems that are still maturing during this life stage.

B. *Underlying Causes: Cognitive, Neurobiological, and Psychosocial Development*

The behavioral patterns observed in adolescence such as impulsivity, emotional decision-making, sensation-seeking, peer susceptibility, and limited future orientation are not aberrations or signs of fixed criminality.¹⁰¹ Rather, they are expected outcomes of normative, age-specific development.¹⁰² These behaviors may be reckless or dangerous from a legal standpoint, but they are rooted in temporary, biologically-driven changes that support the broader transition from childhood to adulthood.

Understanding the scientific basis of adolescent behavior is critical for evaluating culpability and shaping appropriate legal responses. Laws that impose permanent consequences, such as sex offender registration, rest on the assumption that adolescent misconduct reflects stable moral deficiency. But research shows that these behaviors arise from transient developmental processes that most youth eventually outgrow.

Adolescent behavior reflects the interaction of neurobiological, cognitive, and psychosocial systems. Each system follows its own developmental timeline, and their asynchronous maturation creates temporary imbalances that disrupt decision-making and self-

100. See Icenogle et al., *supra* note 89, at 69–70.

101. See Miguel Basto-Pereira & David P. Farrington, *Developmental Predictors of Offending and Persistence in Crime: A Systematic Review of Meta-Analyses*, 65 *AGGRESSION & VIOLENT BEHAV.*, art. 101761, 2022, at 1; Elizabeth Cauffman, Jordan Beardslee, Colleen Sbeglia, Paul J. Frick & Laurence Steinberg, *Trajectories of Offending Over 9 Years After Youths' First Arrest: What Predicts Who Desists and Who Continues to Offend?*, 34 *J. RSCH. ON ADOLESCENCE* 1312, 1313 (2024).

102. See Cohen et al., *supra* note 93, at 559, 560; Scott et al., *supra* note 90, at 15, 16.

regulation, particularly in emotionally charged or socially complex situations.

1. Neurobiological Development

Adolescent behavior is shaped by profound structural and functional brain changes that extend into early adulthood.¹⁰³ These neurodevelopmental processes, particularly those involving the coordination between emotional and cognitive systems, help explain why adolescents struggle with impulse control, emotion regulation, and resistance to peer influence.¹⁰⁴ These characteristics undermine the assumptions that justify treating adolescents as fully culpable under sex offender registration laws.

The prefrontal cortex, which supports planning, self-regulation, and decision-making, develops gradually and remains structurally and functionally immature throughout adolescence.¹⁰⁵ Two central processes shape this development: synaptic pruning, which reduces gray matter by eliminating unused neural connections, and myelination, which increases white matter and improves communication speed between brain regions.¹⁰⁶ Both processes enhance cognitive efficiency but continue into the mid-to-late twenties.¹⁰⁷

Within the prefrontal cortex, the dorsolateral prefrontal cortex—critical for impulse control—is one of the last brain regions to mature.¹⁰⁸ Adolescents' difficulty with self-regulation, particularly in emotionally or socially charged situations, reflects this ongoing

103. See Nim Tottenham & Adriana Galván, *Stress and the Adolescent Brain: Amygdala-Prefrontal Cortex Circuitry and Ventral Striatum as Developmental Targets*, 70 NEUROSCIENCE & BIOBEHAVIORAL REVS. 217, 220 (2016); Bart Larsen & Beatriz Luna, *Adolescence as a Neurobiological Critical Period for the Development of Higher-Order Cognition*, 94 NEUROSCIENCE & BIOBEHAVIORAL REVS. 179, 187–189 (2018).

104. See Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 DEVELOPMENTAL REV. 78, 82–83 (2008) [hereinafter Steinberg, *Social Neuroscience*].

105. See *id.* at 93, 99.

106. Larsen & Luna, *supra* note 103, at 181–87; Diana Dow-Edwards et al., *Experience During Adolescence Shapes Brain Development: From Synapses and Networks to Normal and Pathological Behavior*, 76 NEUROTOXICOLOGY & TERATOLOGY, art. 106834, 2019, at 2, 4–6; Maxine K. Loh & J. Amiel Rosenkranz, *Shifts in Medial Orbitofrontal Cortex Activity from Adolescence to Adulthood*, 32 CEREBRAL CORTEX 528, 536 (2022).

107. Larsen & Luna, *supra* note 103, at 187; Dow-Edwards et al., *supra* note 106, at 11.

108. See Steinberg, *Social Neuroscience*, *supra* note 104, at 94–97; Natasha Chaku, Lindsay T. Hoyt & Kelly Barry, *Executive Functioning Profiles in Adolescence: Using Person-Centered Approaches to Understand Heterogeneity*, 60 COGNITIVE DEV., art. 101119, 2021, at 2; Francisco Marquez-Ramos et al., *Risk Decision Making and Executive Function Among Adolescents and Young Adults*, 13 BEHAV. SCI., Feb. 2023, at 142, 145.

development.¹⁰⁹ The functional connectivity between the prefrontal cortex and the limbic system, which integrates emotional input with cognitive control, continues to strengthen throughout adolescence, gradually improving emotion regulation.¹¹⁰

Meanwhile, the limbic system, which governs emotion and reward processing, becomes highly active during adolescence.¹¹¹ Changes in the dopamine system around puberty increase reward sensitivity and sensation seeking, especially in social contexts.¹¹² This results in an imbalance: motivational systems reach peak responsiveness at a time when regulatory systems are still developing.¹¹³ Though this imbalance is temporary, it increases adolescents' vulnerability to emotionally driven and impulsive behavior.

Emerging research increasingly conceptualizes adolescence as a critical neurodevelopmental window: a period during which experience actively shapes the maturation of higher-order cognitive and regulatory systems.¹¹⁴ Like early-life sensitive periods for language or vision, this stage is marked by heightened plasticity and responsiveness to environmental input.¹¹⁵ Intervening in this window with punitive, stigmatizing policies such as sex offender registration risks disrupting the normative development of brain systems essential to self-regulation, behavioral control, and identity formation. Recognizing the sensitivity of this developmental stage underscores the need for legal policies that support, rather than hinder, healthy neurological and psychosocial growth.

2. Cognitive Development

Cognitive development during adolescence follows patterns that closely parallel the neurobiological maturation described above, as advanced reasoning, planning, and decision-making abilities

109. Steinberg, *Social Neuroscience*, *supra* note 104, at 78; Chaku et al., *supra* note 108, at 2; Marquez-Ramos et al., *supra* note 108, at 143.

110. Tottenham & Galván, *supra* note 103, at 220; Larsen & Luna, *supra* note 103, at 179.

111. *See* Steinberg, *Social Neuroscience*, *supra* note 104, at 93.

112. *Id.* at 89–92; Larsen & Luna, *supra* note 103, at 185.

113. *See* Steinberg, *Social Neuroscience*, *supra* note 104, at 92; Larsen & Luna, *supra* note 103, at 179.

114. *See* Larsen & Luna, *supra* note 103, at 179, 189.

115. *Id.* at 179–80; Adriana Galván, *Adolescent Brain Development and Contextual Influences: A Decade in Review*, 31 *J. RSCH. ON ADOLESCENCE* 843, 848 (2021).

gradually emerge.¹¹⁶ While adolescents demonstrate substantial growth in cognitive capacity, their ability to apply these skills consistently and effectively remains highly variable across contexts and continues to mature into early adulthood.

By early adolescence (ages ten to thirteen), youth often perform at near-adult levels on foundational executive functions, such as working memory, sustained attention, and basic information processing, particularly in emotionally neutral, low-stakes laboratory settings.¹¹⁷ This performance has sometimes led to misinterpretations of adolescent capacity in legal and policy settings, where age-typical competence in controlled environments is mistakenly equated with real-world readiness for adult-level accountability.¹¹⁸

However, these foundational skills represent only one dimension of cognitive development. More complex executive functions, such as strategic planning, future orientation, and the coordination of multiple cognitive processes under pressure, continue to develop throughout adolescence.¹¹⁹ When tasks impose greater cognitive load, time constraints, or emotional salience, performance on these higher-order abilities continues to improve beyond age eighteen and often into the early twenties.¹²⁰ These are the very capacities registration laws implicitly rely on: the ability to evaluate risk, anticipate long-term consequences, and inhibit socially or emotionally motivated impulses.

Most critically, adolescent cognitive performance is highly context-dependent.¹²¹ Youth may reason effectively in calm, abstract scenarios but show markedly diminished performance in emotionally charged, socially complex, or peer-influenced situations.¹²² This pattern reflects the asynchronous development of cognitive and affective systems: a developmental mismatch in which the ability to reason abstractly precedes the ability to regulate emotion

116. See Galván, *supra* note 115, at 849–50, 855.

117. Chaku et al., *supra* note 108, at 3.

118. See Monahan et al., *Juvenile Justice Policy and Practice*, *supra* note 90, at 590, 592–93.

119. See Chaku et al., *supra* note 108, at 3.

120. See Icenogle & Cauffman, *supra* note 91, at 1011.

121. See Brandon Almy, Michael Kuskowski, Stephen M. Malone, Evan Myers & Monica Luciana, *A Longitudinal Analysis of Adolescent Decision-Making with the Iowa Gambling Task*, 54 DEVELOPMENTAL PSYCH. 689, 689 (2018); Chaku et al., *supra* note 108, at 1, 13–14; Icenogle & Cauffman, *supra* note 91, at 1007–09.

122. Almy et al., *supra* note 121, at 689; Icenogle & Cauffman, *supra* note 91, at 1010.

and behavior in real-world settings.¹²³ As a result, adolescents may possess the intellectual capacity to understand rules and consequences in theory but remain unable to consistently implement that understanding in practice.

The implications for juvenile sex offender registration are substantial. These policies rest on the assumption that adolescents possess stable, adult-like decision-making capacity, meaning they can foresee long-term consequences and regulate behavior accordingly across a range of circumstances.¹²⁴ Yet empirical evidence contradicts this premise: even cognitively typical adolescents lack the capacity for consistent application of mature reasoning, especially in the emotionally and socially charged contexts that often characterize adolescent sexual behavior.¹²⁵ Policies that equate adolescent cognitive functioning with adult capacity misrepresent the developmental science and impose disproportionate burdens on youth whose decision-making remains in flux.

3. Psychosocial Development

Adolescence is also a period of profound psychosocial development, marked by increasing autonomy, identity formation, and shifts in how individuals relate to peers, adults, and society. While foundational cognitive capacities often reach near-adult levels by mid-adolescence, psychosocial maturity—including responsibility, perspective, and temperance—develops more slowly, continuing well into the early twenties.

During early and mid-adolescence, most youth are still developing a stable sense of identity, future orientation, and the ability to manage risk.¹²⁶ They begin to assert independence from caregivers, but their capacity for self-regulation and long-term planning remains limited.¹²⁷ Peer influence peaks during this time, reflecting both a neurological sensitivity to social feedback and a

123. Icenogle et al., *supra* note 89, at 71; Rebecca L. Griffith, Sarah Nowalis & Amalia Monrow-Gulick, *Executive Functioning and Offending Behavior: An Updated Meta-Analysis*, 51 CRIM. JUST. & BEHAV. 528, 532 (2024); *see* Almy et al., *supra* note 121, at 689.

124. *See* Cleary & Najdowski, *supra* note 25, at 487.

125. Icenogle et al., *supra* note 89, at 71–72, 79, 83.

126. *See* Steinberg, *Social Neuroscience*, *supra* note 104, at 94; Icenogle & Cauffman, *supra* note 91, at 1009, 1015.

127. *See* Larsen & Luna, *supra* note 103, at 179; Steven J. Howard et al., *A Meta-Analysis of Self-Regulation and Digital Recreation from Birth to Adolescence*, 163 COMPUTS. HUM. BEHAV., art. 108472, 2025, at 25 (2025).

developmental drive to belong.¹²⁸ Adolescents are especially responsive to short-term social rewards such as approval or status, making them more likely to conform to peer behavior, even when it conflicts with their better judgment.¹²⁹

This social sensitivity is compounded by an underdeveloped capacity for temperance: adolescents are more impulsive, less able to delay gratification, and less skilled at regulating emotional responses.¹³⁰ They also show limited perspective-taking in high-pressure situations, making it difficult to fully anticipate or weigh the long-term consequences of their actions.¹³¹ These psychosocial limitations help explain why adolescent decision-making is often inconsistent even when youth understand rules in the abstract.

As psychosocial systems mature, youth gradually become more self-directed, less reliant on peer validation, and more capable of aligning behavior with long-term goals. By young adulthood, individuals typically develop a more consolidated identity, increased self-reliance, and greater ability to take responsibility for their actions.¹³² This trajectory closely parallels patterns of natural desistance from offending, as adolescents “age out” of risky or antisocial behavior without formal intervention.

Juvenile sex offender registration policies ignore this developmental arc. By presuming that adolescents possess the same level of psychosocial maturity as adults and holding them accountable as if they can consistently regulate behavior, resist peer pressure, and anticipate long-term consequences, these policies misinterpret temporary developmental limitations as permanent traits. In reality, what registration frameworks often label as deviance reflects a normal, transient phase of development that most youth outgrow with time, support, and maturity.

128. See Monique Verhoeven, Astrid M. G. Poorthuis & Monique Volman, *The Role of School in Adolescents' Identity Development. A Literature Review*, 31 EDUC. PSYCH. REV. 35, 43, 51–54 (2019); Susan Branje, Elisabeth L. de Moor, Jenna Spitzer & Andrik I. Becht, *Dynamics of Identity Development in Adolescence: A Decade in Review*, 31 J. RSCH. ON ADOLESCENCE 908, 909 (2021).

129. Widman et al., *supra* note 95, at 324, 326–27; Marquez-Ramos et al., *supra* note 108, at 143.

130. Steinberg, *Social Neuroscience*, *supra* note 104, at 88–89, 92–93; Tottenham & Galván, *supra* note 103, at 220.

131. Galván, *supra* note 115, at 850, 855.

132. *See id.*

C. *The Maturity Gap: Why Developmental Timing Undermines Registration Logic*

The behavioral patterns described in the preceding sections, marked by impulsivity, peer influence, and reward sensitivity, are not random or pathological. Criminological research confirms that these traits reflect a predictable stage of development and are rarely indicative of long-term offending risk. Instead, most adolescent misconduct follows a trajectory of natural desistance that undermines the logic of long-term registration.

One of criminology's most consistent findings is the age-crime curve: offending rates peak during adolescence and early adulthood (roughly ages fifteen to twenty-five) and decline sharply thereafter.¹³³ This pattern holds across time, cultures, and offense types—including sexual misconduct.¹³⁴ Far from indicating a life-long threat, most adolescent offending is transient and resolves without formal intervention.

Terrie Moffitt's developmental taxonomy helps explain this pattern. She distinguishes between a small group of life-course-persistent offenders, whose conduct begins in early childhood and extends into adulthood, and a much larger group of adolescence-limited offenders whose misconduct is confined to the teenage years.¹³⁵ The latter group offends not because of deep-seated traits but because of a "maturity gap," or a disconnect between biological readiness and social autonomy.¹³⁶ As youth acquire adult roles and responsibilities, the motivations driving their antisocial behavior tend to dissipate.

Juvenile sexual misconduct overwhelmingly reflects the adolescence-limited pattern.¹³⁷ The vast majority of youth who engage in sexually inappropriate or illegal conduct during adolescence do not

133. Terrie E. Moffitt, *Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy*, 100 PSYCH. REV. 674, 675 (1993).

134. *Id.* at 678.

135. *Id.* at 674, 676.

136. *Id.* at 674, 690; Icenogle et al., *supra* note 89, at 71; Icenogle & Cauffman, *supra* note 91, at 1009.

137. Patrick Lussier, Chantal Van Den Berg, Catrien Bijleveld & Jan Hendriks, *A Developmental Taxonomy of Juvenile Sex Offenders for Theory, Research, and Prevention: The Adolescent-Limited and the High-Rate Slow Desister*, 39 CRIM. JUST. & BEHAV. 1559, 1569–70, 1572, 1578 (2012).

go on to reoffend in adulthood.¹³⁸ This reality undercuts the assumption that such behavior reliably signals a continuing risk.

Despite this, registration frameworks treat developmentally typical but temporary traits as if they mark enduring dangerousness. By imposing long-term legal and social consequences during a period of rapid developmental change, these policies overlook the transient nature of most adolescent misconduct. They risk misinterpreting a phase of immaturity as a fixed identity, locking youth into stigmatizing legal categories just as they begin the process of adult reintegration.

This risk becomes even more acute when viewed through the lens of identity development—a process that is especially vulnerable to disruption during adolescence. The next section turns to that developmental challenge.

III. IDENTITY IN THE DIGITAL AGE: HOW TECHNOLOGY SHAPES AND DISTORTS ADOLESCENT SELF-CONCEPT

A. Normative Identity Development: How Technology Shapes and Distorts Adolescent Self-Concept

Identity formation is a core developmental task of adolescence, shaping psychological well-being, decision-making, and long-term life outcomes.¹³⁹ During this period, adolescents test different values, roles, and self-concepts as they gradually consolidate a stable adult identity.¹⁴⁰ This process is exploratory and dynamic as it requires flexibility, social interaction, and the ability to revise one's self-understanding over time.¹⁴¹

138. *Id.* at 1575–77; PATRICK LUSSIER, EVAN C. MCCUIISH & JESSE CALE, UNDERSTANDING SEXUAL OFFENDING: AN EVIDENCE-BASED RESPONSE TO MYTHS AND MISCONCEPTIONS 189, 200 (2021) [hereinafter LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING].

139. Katie Davis, *Young People's Digital Lives: The Impact of Interpersonal Relationships and Digital Media Use on Adolescents' Sense of Identity*, 29 COMPUTS. HUM. BEHAV. 2281, 2282 (2013); see also Susan Branje, *Adolescent Identity Development in Context*, 45 CURRENT OP. PSYCH., art. 101286, 2022, at 1–2, 4.

140. See Samuel E. Ehrenreich, Kaitlyn Burnell, Madeleine J. George & Marion K. Underwood, *Importance of Digital Communication in Adolescents' Development: Theoretical and Empirical Advancements in the Last Decade*, 31 J. RSCH. ON ADOLESCENCE 928, 931 (2021).

141. See generally Serena Soh, Sanaz Talaifar & Gabriella M. Harari, *Identity Development in the Digital Context*, SOC. & PERSONALITY PSYCH. COMPASS, Feb. 2024, at 1, 2, 9–10.

Healthy identity development depends on contextual experimentation and meaningful feedback from peers, family, and trusted adults.¹⁴² Adolescents refine their sense of self across different social settings such as the classroom, home, sports, or peer groups, developing a coherent identity by adapting to each context while maintaining a sense of continuity.¹⁴³

This flexibility is a developmental strength. Research shows that adolescents who are allowed to explore, make mistakes, and revise their self-concepts tend to develop stronger self-esteem, better emotional regulation, and a greater capacity for resilience.¹⁴⁴ Identity formation in adolescence is not linear or uniform; it thrives in environments that allow for uncertainty, social feedback, and the freedom to grow.¹⁴⁵

But this process can be easily disrupted. If adolescents are assigned a rigid, externally imposed identity—especially one rooted in shame or stigma—they may foreclose on their developmental task too early.¹⁴⁶ Instead of learning from mistakes and forming a prosocial identity, they risk becoming trapped in a fixed self-definition that limits growth.¹⁴⁷ In the sections that follow, this Article explores how digital technologies and sex offender registration laws obstruct the normal developmental path, transforming a fluid period of identity exploration into a period of lasting harm.

142. Davis, *supra* note 139, at 2282–83; Verhoeven et al., *supra* note 128, at 36, 53–54; Branje, *supra* note 139, at 2–3.

143. Verhoeven et al., *supra* note 128, at 54; Branje et al., *supra* note 128, at 908; Branje, *supra* note 139, at 3.

144. Branje et al., *supra* note 128, at 912; Branje, *supra* note 139, at 2; Julie Anne Laser, *Identity Development*, in *THE PARENTS' GUIDE TO PSYCHOLOGICAL FIRST AID* 251, 253 (Gerald Koocher ed., 2024).

145. Wim Meeus, *The Study of Adolescent Identity Formation 2000–2010: A Review of Longitudinal Research*, 21 *J. RSCH. ON ADOLESCENCE* 75, 75 (2011); Branje, *supra* note 139, at 2–3; Branje et al., *supra* note 128, at 918–19.

146. See Emily K. Asencio & Peter J. Burke, *Does Incarceration Change the Criminal Identity? A Synthesis of Labeling and Identity Theory Perspectives on Identity Change*, 54 *SOCIO. PERSPS.* 163, 164–66, 177 (2011); Meeus, *supra* note 145, at 83; Laser, *supra* note 144, at 253.

147. Joanne M. Kaufman & Cathryn Johnson, *Stigmatized Individuals and the Process of Identity*, 45 *SOCIO. Q.* 807, 811 (2004); William Mingus & Keri B. Burchfield, *From Prison to Integration: Applying Modified Labeling Theory to Sex Offenders*, 25 *CRIM. JUST. STUD.* 97, 98–99, 104 (2012).

B. *Identity Development in a Networked World*

While identity formation has always involved social interaction and feedback, the digital age has fundamentally reshaped how adolescents engage in this developmental task. Today's youth come of age in a world where identity is not only constructed offline but also curated, tested, and reinforced across digital platforms. Social media, messaging apps, and search engines now function as primary contexts for self-expression, peer validation, and social learning.¹⁴⁸

These platforms provide powerful opportunities for identity exploration. Adolescents can try out different self-presentations, connect with peer groups, and receive immediate social feedback through posts, comments, likes, and messages.¹⁴⁹ This interactive and iterative process contributes to self-concept clarity, particularly when youth use digital tools to strengthen existing relationships or explore shared interests.¹⁵⁰ The digital environment supports both in-breadth exploration (experimenting with different roles and affiliations) and in-depth exploration (engaging deeply with chosen identities).¹⁵¹ For many youth, particularly those from marginalized backgrounds, online spaces provide opportunities to explore aspects of their identity that may be difficult to express offline.¹⁵² Rather than being separate from reality, online identity experimentation typically extends and complements offline development.

At the same time, identity formation in digital spaces introduces new complexities. Adolescents navigate networked privacy, where social boundaries are blurred, and content can be shared or recontextualized without their control.¹⁵³ They develop sophisticated

148. See Ehrenreich et al., *supra* note 140, at 929, 931; Ran Barzilay, David Pagliaccio, Carter J. Funkhouser & Randy P. Auerbach, *Is Social Media Increasing Risk for Mental Health Problems Among Youth?: It's Complicated*, in HANDBOOK OF CHILD AND SCREENS 275, 276 (2025).

149. Ehrenreich et al., *supra* note 140, at 929–933; Soh et al., *supra* note 141, at 3, 7–8.

150. See Soh et al., *supra* note 141, at 7–8, 10.

151. *Id.* at 7; Ehrenreich et al., *supra* note 140, at 931.

152. See Sun Ho Kim, *Protecting Youth from Themselves in the Media: The Right to Be Forgotten*, in ADOLESCENTS, RAPID SOCIAL CHANGE, AND THE LAW: THE TRANSFORMING NATURE OF PROTECTION 29, 35 (Roger J.R. Levesque ed., 2016); Ehrenreich et al., *supra* note 140, at 931; Soh et al., *supra* note 141, at 5; COMM. ON THE IMPACT OF SOC. MEDIA ON ADOLESCENT HEALTH, NAT'L ACAD. SCI., SOCIAL MEDIA AND ADOLESCENT HEALTH 4 (Sandro Galea, Gillian J. Buckley & Alexis Wojtowicz eds., 2024).

153. See Kim, *supra* note 152, at 38.

strategies to manage who sees what such as using privacy settings, coded language, or platform-specific behaviors to communicate selectively.¹⁵⁴ These strategies reflect adolescents' deep awareness that digital spaces can both affirm and endanger identity development.

For most youth, this digital identity work is normative and adaptive. It reflects the developmental need to test boundaries, build autonomy, and construct a coherent self across diverse contexts.¹⁵⁵ But it also increases the stakes of labeling and surveillance.¹⁵⁶ As the next section explores, sex offender registration laws—especially when made public online—short-circuit these developmental processes by fixing identity in place, eliminating the flexibility and reinvention that digital environments would otherwise support.

C. *Digital Disruption: How Registration Hijacks Adolescent Identity Formation*

1. When Identity Tools Become Traps: Platforms, Registries, and the Persistence of Stigma

The same digital platforms that enable adolescents to experiment with different roles, explore evolving identities, and selectively manage how they present themselves to others become harmful when paired with public sex offender registration. Instead of fostering fluid identity exploration, registration freezes that process. It replaces experimentation with stigma, context flexibility with context collapse, and personal growth with externally imposed shame.¹⁵⁷ Youth who would otherwise revise their self-concept through trial and error are locked into a single digital narrative centered on their offense history.

Third-party websites and mobile apps repackage registry information and circulate it across platforms far beyond official

154. See Renu Joshi, N. Pavithra & C.K. Singh, *Internet an Integral Part of Human Life in 21st Century: A Review*, CURRENT J. APPLIED SCI. & TECH. 12, 12 (2022); Kim, *supra* note 152, at 36–37.

155. Branje et al., *supra* note 128, at 920; Laser, *supra* note 144, at 252.

156. See Meg Leta Ambrose, *It's About Time: Privacy, Information Life Cycles, and the Right to be Forgotten*, 16 STAN. TECH. L. REV. 369, 384 (2013); Ehrenreich et al., *supra* note 140, at 929, 931.

157. See Mingus & Burchfield, *supra* note 147, at 107.

databases.¹⁵⁸ Even after formal removal from a registry, this information may persist: indexed by search engines, archived by caching systems, and preserved in screenshots. While not all youth face lifetime registration, the digital persistence of their offense label can still have lasting effects. In online spaces, where reputations are often shaped by the first or most visible information, being identified as a registered offender can become a defining characteristic—one that overshadows other aspects of who they are or who they are becoming. This kind of dominant label, sometimes called a “master status,” can block opportunities for growth, relationships, and rehabilitation by reducing a complex, developing person to a single, stigmatized identity.¹⁵⁹

2. Psychological Consequences of Digital Stigma

This disruption has profound developmental consequences. Labeling theory shows how external stigma becomes internal identity, and digital ecosystems magnify that effect.¹⁶⁰ Adolescents exposed to constant reminders of their offense, such as search results, algorithmic reinforcement, and digital surveillance, are repeatedly confronted with a singular, stigmatized version of themselves.¹⁶¹ They have little ability to shape how they are perceived by others and no meaningful opportunity to manage when, how, or to whom their past is disclosed.¹⁶² Stripped of the ability to control their own narrative, they receive only one kind of social feedback: public shame. This response crowds out more nuanced or supportive messages essential to healthy identity formation.

As a result, many experience identity foreclosure, which is a premature and rigid commitment to a stigmatized identity without

158. See, e.g., Offender Locator, Inc., *Offender Locator: Find & Watch*, APPLE APP STORE, <https://apps.apple.com/us/app/offender-locator-find-watch/id322664011> [<https://perma.cc/52UF-4RUR>] (2025); *Free Sex Offender Registry*, FAMILY WATCHDOG, <https://www.familywatchdog.us> [<https://perma.cc/5RJJ-93P6>]; *National Sex Offender Registry*, HOMEFACTS, <https://www.homefacts.com/offenders.html> [<https://perma.cc/L8T5-KTBK>].

159. See Emma Hamilton, *Identity Concerns Among Sexual Offenders: The Narrative Call*, 2 PRAC. INNOVATIONS 13, 14 (2017); Mingus & Burchfield, *supra* note 147, at 98, 99.

160. David Brownfield & Kevin Thompson, *Correlates of Delinquent Identity: Testing Interactionist, Labeling, and Control Theory*, INT'L J. CRIM. JUST. SCIS., Jan.–Jun. 2008, at 45, 50; Ascencio & Burke, *supra* note 146, at 164; Hamilton, *supra* note 159, at 14.

161. Mingus & Burchfield, *supra* note 147, at 98–99; Sarah E. Lageson & Shadd Maruna, *Digital Degradation: Stigma Management in the Internet Age*, 20 PUNISHMENT & SOC'Y 113, 114–16 (2018).

162. Mingus & Burchfield, *supra* note 147, at 97, 99, 106; Lageson & Maruna, *supra* note 161, at 114, 117–18.

the chance to explore alternatives.¹⁶³ This foreclosure undermines self-esteem, narrows future aspirations, and contributes to depression, anxiety, and social withdrawal.¹⁶⁴ Adolescents subjected to these pressures are not merely defined by others; they begin to define themselves through the lens of that stigma.¹⁶⁵ At a time when they are most vulnerable to external influence, they are denied the opportunity to outgrow, reframe, or repair their past.

3. A System that Locks in Shame, Not Growth

Public registration collapses the boundaries that youth typically use to separate family, school, peer, and online identities.¹⁶⁶ Their criminal history follows them everywhere, from classrooms to job interviews and digital platforms, making their offense history inescapable.¹⁶⁷ This breakdown mirrors what criminologists call “disintegrative shaming,” a process of exclusion and alienation that pushes individuals further from rehabilitation rather than closer to it.¹⁶⁸ In the digital age, this shaming becomes automated and amplified. Algorithms ensure that the label continues to surface, regardless of the youth’s actual behavior or development.¹⁶⁹

These harms are not just personal—they reflect a deep policy failure. Adolescents are still forming their identities, still developing the capacity to reflect, change, and make better choices.¹⁷⁰ A justice system that allows youthful mistakes to be turned into permanent digital identities misunderstands the science of adolescence and betrays the principles of fairness and proportionality. What should be a second chance becomes a public brand. What

163. Meeus, *supra* note 145, at 81; Mingus & Burchfield, *supra* note 147, at 98, 104–06; Seth J. Schwartz, M. Brent Donnellan, Russell D. Ravert, Koen Luyckx & Byron L. Zamboanga, *Identity Development, Personality, and Well-Being in Adolescence and Emerging Adulthood: Theory, Research, and Recent Advances*, in 12 HANDBOOK OF PSYCHOLOGY 339, 342 (Irving B. Weiner, Neal W. Schmitt & Scott Highhouse eds., 2013); Lageson & Maruna, *supra* note 161, at 116, 124–26.

164. See Hamilton, *supra* note 159, at 15.

165. See Kaufman & Johnson, *supra* note 147, at 808–09; Mingus & Burchfield, *supra* note 147, at 99.

166. See Mingus & Burchfield, *supra* note 147, at 98, 106.

167. See Richard Tewksbury, *Stigmatization of Sex Offenders*, 33 DEVIANT BEHAV. 606, 607 (2012); Lageson & Maruna, *supra* note 161, at 115–16.

168. Hamilton, *supra* note 159, at 16.

169. See Lageson & Maruna, *supra* note 161, at 114–15.

170. See Meeus, *supra* note 145, at 83; Branje et al., *supra* note 128, at 908; see also Branje, *supra* note 139, at 1.

should fade with time instead follows youth indefinitely, raising serious developmental and constitutional concerns.

These developmental harms underscore why juvenile registration is not merely a policy misstep but a constitutional concern. When the state imposes a system that digitally cements adolescent behavior into public identity—despite what we know about youth’s capacity for change—it risks violating core principles of justice. The next section examines the legal foundations for treating youth differently from adults, exploring how courts have recognized adolescents’ diminished culpability, the importance of proportional punishment, and the constitutional limits of applying adult-oriented registration schemes to children.

IV. LEGAL FOUNDATIONS FOR DIFFERENTIAL TREATMENT

A. *Culpability, Punishment, and the Courts: The Legal Struggle Over Juvenile Registration*

1. Culpability and Proportionality in Juvenile Justice

Criminal law treats culpability, or the degree of blameworthiness for an individual’s actions, as a fundamental determinant of punishment.¹⁷¹ As Scott and Steinberg explain, two individuals who commit identical acts may not deserve the same punishment if their capacity for rational choice and character development differs.¹⁷² Culpability is not absolute but exists on a continuum, requiring legal responses that account for an individual’s developmental capacity.¹⁷³

Legal scholars often distinguish two overlapping frameworks for assessing culpability: choice theory and character theory.¹⁷⁴ Choice theory evaluates whether an individual had the capacity to make a rational decision and an opportunity to choose lawful behavior.¹⁷⁵ Character theory examines whether the act reflects a fixed criminal disposition rather than immaturity, external pressures, or

171. Scott & Steinberg, *Blaming Youth*, *supra* note 90, at 822.

172. ELIZABETH S. SCOTT & LAURENCE STEINBERG, *RETHINKING JUVENILE JUSTICE* 119 (2008) [hereinafter SCOTT & STEINBERG, *RETHINKING JUVENILE JUSTICE*].

173. *Id.* at 122.

174. *Id.* at 125.

175. *Id.*

situational factors.¹⁷⁶ Reduced decision-making capacity and conduct that does not reflect entrenched criminal character warrant proportionally reduced punishment that accounts for diminished blameworthiness.¹⁷⁷

2. The Supreme Court's View of Juvenile Culpability and Punishment

Adolescents lack the fully developed decision-making capacity of adults, making their culpability inherently diminished. Neurological and psychosocial research establishes that youth are more impulsive, more susceptible to external influences, and less able to assess long-term consequences.¹⁷⁸ The principle of penal proportionality requires that punishment correspond to blameworthiness, which means legal systems must recognize these developmental limitations.¹⁷⁹ Most adolescent misconduct reflects transient immaturity rather than fixed moral deficiency, and adolescent character remains unformed and highly malleable.¹⁸⁰

The Supreme Court of the United States has repeatedly acknowledged that youthfulness reduces culpability.¹⁸¹ In *Roper v. Simmons*, the Supreme Court held that juveniles cannot reliably be classified among the most culpable offenders, emphasizing the clear developmental distinctions between youth and adults.¹⁸² The Court reasoned that the rare existence of a juvenile with both the maturity and moral depravity necessary to warrant the harshest punishments does not justify applying those punishments to all juveniles.¹⁸³ Instead, these differences create an unacceptable risk that youth will receive punishments disproportionate to their culpability.¹⁸⁴ As a result, the Court categorically barred the death penalty for juveniles, recognizing that their diminished blameworthiness demands a fundamentally different legal approach.¹⁸⁵

176. *Id.*

177. *Id.* at 126.

178. *Id.* at 131–32.

179. *Id.* at 123.

180. *Id.* at 126.

181. *Id.* at 133.

182. 543 U.S. 551, 569–70 (2005).

183. *Id.* at 573.

184. *Id.*

185. *Id.* at 573–74.

The Court extended this reasoning in later cases, holding that juveniles' reduced culpability also makes them less deserving of the harshest forms of incarceration. In *Miller v. Alabama*, the Court ruled that sentencing juveniles to life without parole for non-homicide offenses violates the Eighth Amendment.¹⁸⁶ In *Graham v. Florida*, the Court prohibited mandatory life without parole sentences for juveniles even in homicide cases, reaffirming that youth must have meaningful opportunities for rehabilitation based on their developmental capacity for change.¹⁸⁷

B. *The Limits of Registration in Practice*

1. Federal and State Court Challenges to Juvenile Registration

State courts have increasingly recognized that juvenile sex offender registration requirements fail to account for adolescents' reduced culpability and greater capacity for change. In *In re J.B.*, the Pennsylvania Supreme Court struck down SORNA's lifetime registration requirements for juveniles, holding that they violated due process by creating an irrebuttable presumption of high recidivism risk—a presumption that contradicts empirical evidence.¹⁸⁸ Similarly, the Ohio Supreme Court in *In re C.P.* ruled that automatic, lifelong registration for juvenile sex offenders violates the Eighth Amendment's prohibition on cruel and unusual punishment, emphasizing that punitive registration directly conflicts with the rehabilitative goals of juvenile justice.¹⁸⁹ These rulings reflect a growing recognition that registration systems designed for adults are fundamentally misaligned with adolescent development and reoffense data.

In contrast, federal courts and many state courts have upheld juvenile registration requirements, consistently framing them as civil regulatory measures rather than punitive ones. In *United States v. Under Seal*, the Fourth Circuit upheld SORNA's registration provisions for juveniles, reasoning that they serve a legitimate, non-punitive public safety function and therefore do not violate the Eighth Amendment.¹⁹⁰ The South Carolina Supreme Court

186. 567 U.S. 460, 465 (2012).

187. 560 U.S. 48, 49, 63 (2010).

188. 107 A.3d 1, 19–20 (Pa. 2014).

189. 967 N.E.2d 729, 744, 750 (Ohio 2012).

190. 709 F.3d 257, 265–66 (4th Cir. 2013).

took a similar stance in *In re Justin B.*, holding that electronic monitoring requirements for juvenile sex offenders constitute a civil regulatory measure, not a criminal punishment.¹⁹¹ Likewise, in *In re T.H.*, the Iowa Supreme Court affirmed juvenile sex offender registry requirements, concluding that Iowa's law appropriately balances public safety concerns with the distinct circumstances of juvenile offenders.¹⁹² These decisions illustrate a persistent judicial perspective that downplays the punitive consequences of registration, even as research increasingly demonstrates its severe, long-term effects on adolescent development and reintegration.

The Ninth Circuit's decision in *United States v. Juvenile Male* further entrenched this approach, illustrating the judiciary's resistance to constitutional challenges against juvenile registration.¹⁹³ The defendants in *Juvenile Male* raised a broad range of constitutional objections, arguing that SORNA's application to juveniles violates equal protection, the prohibition against cruel and unusual punishment, the right against self-incrimination, substantive and procedural due process, and the right to effective counsel.¹⁹⁴ These claims underscored how SORNA imposes registration mandates on certain juvenile offenders while denying them key procedural safeguards typical in juvenile adjudications.¹⁹⁵ Despite these challenges, the Eighth Circuit upheld SORNA's juvenile provisions, aligning with other federal courts in treating adolescent offenders as functionally equivalent to adults for registration purposes.¹⁹⁶

With federal courts largely unwilling to strike down juvenile registration mandates, legal actors within the juvenile system have been forced to adapt. Rather than openly challenging the law, judges, prosecutors, and defense attorneys have developed informal strategies to mitigate its harshest consequences, revealing that even within the system, registration is widely seen as excessive and counterproductive.

191. 747 S.E.2d 774, 776, 783 (S.C. 2013).

192. 913 N.W.2d 578, 580, 597 (Iowa 2018).

193. 670 F.3d 999, 1008–09 (9th Cir. 2012).

194. *Id.*

195. *Id.*

196. *Id.* at 1004–05.

2. Judicial Adaptation to Rigid Registration Laws

In practice, the rigidity of registration mandates has forced legal actors to shift discretion to earlier stages of the adjudication process. Strategic plea bargaining is one of the most common adaptations: prosecutors and defense attorneys often negotiate charges down to non-registerable offenses, allowing youth to avoid the life-long consequences of registration.¹⁹⁷ While effective in protecting some juveniles, this tactic distorts the fact-finding function of adjudication by making registration avoidance, rather than legal guilt or factual accuracy, the primary driver of case outcomes.¹⁹⁸

The juvenile justice system has developed a range of adaptive mechanisms beyond plea bargaining when confronting mandatory registration requirements.¹⁹⁹ This phenomenon, termed “hydraulic effect[s]” by researchers, manifests as systemic pressure finding alternative outlets when normal discretionary channels are blocked.²⁰⁰ Prosecutors frequently exercise their gatekeeping authority by declining to file charges that would trigger registration, even with substantial evidence such as prioritizing developmental considerations over technical violations.²⁰¹ Meanwhile, judges employ creative sentencing alternatives, diversion programs, and specialized informal dispositions to circumvent rigid registration mandates.²⁰² Court professionals often collaborate across adversarial lines, creating unofficial workarounds that reflect their shared assessment that public registration fundamentally contradicts rehabilitation goals.²⁰³ These patterns appear most pronounced in jurisdictions with the strictest registration laws, confirming that

197. Letourneau et al., *SORN Policy Increases Juvenile Plea Bargains*, *supra* note 40, at 203.

198. *Id.*

199. Elizabeth J. Letourneau et al., *Effects of Sex Offender Registration Policies on Juvenile Justice Decision Making*, 21 *SEXUAL ABUSE* 149, 160 (2009) [hereinafter Letourneau et al., *Effects of SORN on Juvenile Justice Decision Making*].

200. Kelly Socia, *The Ancillary Consequences of SORN*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 78, 91 (Wayne Logan & J.J. Prescott eds., Cambridge University Press 2021).

201. Letourneau et al., *Effects of SORN on Juvenile Justice Decision Making*, *supra* note 199, at 160.

202. Elizabeth J. Letourneau et al., *The Effects of Sex Offender Registration and Notification on Judicial Decisions*, 35 *CRIM. JUST. REV.* 295, 297, 301, 310–11 (2010) [hereinafter Letourneau et al., *Effects of SORN on Judicial Decisions*].

203. Elizabeth J. Letourneau, *Juvenile Registration and Notification Are Failed Policies That Must End*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 78, 91 (Wayne Logan & J.J. Prescott eds., Cambridge University Press 2021) [hereinafter Letourneau, *Failed Policies That Must End*].

extreme policies often generate countervailing professional resistance rather than uniform compliance.²⁰⁴

3. Undermining the Intent of Registration Policies

These informal strategies reveal the underlying failure of one-size-fits-all registration mandates. Rather than promoting consistency or accountability, these mandates simply displace discretion to less visible stages of the process, where decisions are shaped by local court culture, prosecutorial philosophy, and defense advocacy quality rather than structured risk assessments. While plea deals may spare some youth from public exposure, they can also deprive them of access to appropriate treatment, clinical services, and support systems that accompany adjudication.²⁰⁵

Even more troubling is the erosion of legitimacy within the juvenile justice process itself. When youth plead guilty not because the evidence is strong, but to avoid the devastating consequences of registration, adjudication no longer functions as a fair or reliable fact-finding system. This growing reliance on informal resolutions through plea deals, charge reductions, and prosecutorial discretion has produced starkly unequal outcomes, with access to leniency depending more on local court culture and the quality of defense advocacy than on the facts of the case.²⁰⁶

These adaptations are not evidence of a functional system; instead, they are symptoms of a deeply flawed policy framework that forces courts into legal maneuvering rather than allowing them to administer justice fairly. If courts recognize that registration is excessively punitive, the solution is not to rely on informal workarounds but to restore judicial discretion and fundamentally rethink the role of registration in juvenile justice. Rather than forcing courts into legal maneuvering to mitigate harm, policymakers should restore judicial discretion, allowing courts to make individualized, developmentally informed decisions about whether registration serves any legitimate public safety purpose in a given case.

204. Letourneau et al., *Effects of SORN on Juvenile Justice Decision Making*, *supra* note 199, at 152–53, 158, 160–61.

205. Letourneau et al., *SORN Policy Increases Juvenile Plea Bargains*, *supra* note 40, at 203–04.

206. *Id.*

C. *Aligning Policy with Adolescent Development*

Juvenile registration laws rest on the false premise that adolescent misconduct signals future danger. In reality, developmental science shows that most adolescent misbehavior is temporary, driven by immature neural systems that typically resolve with age.²⁰⁷ The very traits that increase risk in adolescence, including impulsivity, poor decision-making, and peer conformity, are by-products of ongoing neurodevelopment, not signs of entrenched criminality.²⁰⁸

Registration laws ignore this distinction. By treating adolescent offenses as indicators of lifelong threat, they impose permanent consequences for behavior that would often resolve without state intervention. A developmental framework would distinguish between transient adolescent behavior and persistent adult offending and would ensure that legal responses reflect empirical reality rather than outdated assumptions about criminal character. Restoring this alignment is essential for a juvenile justice system that seeks not only fairness, but efficacy and legitimacy.

The costs of ignoring developmental science extend far beyond theoretical concerns about proportionality. When juvenile registration laws impose adult-oriented consequences on developing adolescents, they create a cascade of concrete harms that undermine both individual rehabilitation and public safety. These hidden costs reveal how policies designed to protect communities can paradoxically increase long-term risk while devastating the very youth they purport to supervise.

V. THE HIDDEN COSTS OF JUVENILE REGISTRATION: LASTING HARM TO YOUTH AND PUBLIC SAFETY

A. *The Private Toll of Public Registration*

Juvenile sex offender registration imposes substantial collateral consequences that extend far beyond its stated public safety aims. Though often portrayed as a neutral administrative tool,

207. *See id.* at 203; PETER C. KRATCOSKI, LUCILLE DUNN KRATCOSKI & PETER CHRISTOPHER KRATCOSKI, *JUVENILE DELINQUENCY: THEORY, RESEARCH, AND THE JUVENILE JUSTICE PROCESS* 62 (Springer Nature Switz. AG, 6th ed. 2020).

208. STEINBERG ET AL., *PSYCHOSOCIAL MATURITY*, *supra* note 90, at 1, 3, 7–9.

registration imposes deep personal burdens that disrupt education, employment, housing, and mental health.²⁰⁹ These effects result not only from stigma but from the complex, costly demands of compliance.

1. The Financial and Administrative Burden of Compliance

Compliance requires time, money, and legal navigation. Annual registration fees range from \$75 to \$200 depending on the state, and families must also cover transportation, legal expenses, and missed work or school obligations.²¹⁰ The average registrant spends between \$800 and \$2000 annually on compliance alone.²¹¹

These administrative tasks, such as regular check-ins, court appearances, and paperwork updates, often occur during school or work hours, forcing repeated absences.²¹² The opportunity costs are particularly steep for low-income families, whose financial instability is worsened by time lost to bureaucratic demands.²¹³

2. Housing Instability and Geographic Displacement

Registration severely limits housing options. Residency restrictions prohibit living near schools, parks, or other child-centered spaces, eliminating large portions of residential areas.²¹⁴ In South Carolina, such restrictions contributed to a dramatic increase in homelessness among registrants.²¹⁵

Even in jurisdictions without formal bans, private landlords routinely deny housing to those with sex offense histories. One study found that eighty percent of landlords either categorically reject or

209. Socia, *supra* note 200, at 78.

210. *Id.* at 88–89.

211. Apryl Alexander, John Michael Falligant, Cory Marchi, Erica Floding & Marissa Jennings, *Sex Offender Registration and Notification Act with Adolescents Adjudicated for Illegal Sexual Behavior: A Therapeutic Jurisprudence Perspective*, FRONTIERS PSYCHIATRY, Apr. 25, 2023, at 4.

212. *See* Socia, *supra* note 200, at 80; Letourneau, *Failed Policies That Must End*, *supra* note 203, at 173.

213. *See* Socia, *supra* note 200, at 85.

214. Rebecca L. Bosetti & Rebecca L. Fix, *Making a Bad Situation Worse: Current and Potential Unintended Consequences of Juvenile Registration for Sexual Offences*, 53 ARCHIVES SEXUAL BEHAV. 2011, 2016 (2024).

215. Deanna Cann & Deena A. Isom Scott, *Sex Offender Residence Restrictions and Homelessness: A Critical Look at South Carolina*, 31 CRIM. JUST. POL'Y REV. 1119, 1128 (2020).

heavily restrict such applicants.²¹⁶ Youth unable to live with family are often excluded from shelters as well, leaving them isolated, unstable, and far from support systems.²¹⁷

3. Educational and Vocational Disruption

Because community notification exposes juveniles' identities and offense histories, it often leads to direct educational exclusion.²¹⁸ Schools may expel or refuse admission to registered youth, citing safety concerns, parental pressure, or liability fears, even if the underlying conduct occurred years earlier and off school grounds.²¹⁹ Some students are diverted into alternative education programs without any formal adjudication of delinquency, while others are barred from attending classes due to residency restriction laws that prohibit living near school zones.²²⁰ These rules effectively sever a child's access to traditional schooling, especially in rural areas where educational options are limited.

Even when school access is technically permitted, the quality of education may be compromised.²²¹ Youth may be forced to enroll in online programs, experience frequent absenteeism due to reporting requirements, or be placed in disciplinary tracks that limit their ability to earn a diploma.²²² These disruptions often derail students' ability to graduate on time, reducing both academic confidence and long-term opportunity.

Higher education is similarly constrained. Many colleges require disclosure of registration status during the admissions process, even if the underlying offense was a juvenile adjudication.²²³ Registration may also disqualify students from on-campus housing or federal financial aid, making college both inaccessible and unaffordable.²²⁴ As Human Rights Watch notes, the cumulative effect

216. Naomi Kunstler & Jack Tsai, *Understanding Landlord Perspectives on Applicants with Sex Offenses*, 23 HOUS. CARE & SUPPORT 27, 30 (2020).

217. See Socia, *supra* note 200, at 84.

218. Bosetti & Fix, *supra* note 214, at 2017.

219. PITTMAN & PARKER, *supra* note 55, at 71.

220. *Id.*; Bosetti & Fix, *supra* note 214, at 2017.

221. See PITTMAN & PARKER, *supra* note 55, at 71.

222. *Id.* at 72, 83.

223. Alexander et al., *supra* note 211, at 4.

224. See Bradley Dean Custer, *Variations in State Sex Offender Statutes: Implications for U.S. Higher Education*, 30 CRIM. JUST. POL'Y REV. 906, 915, 917 (2019); Bosetti & Fix,

is to cut off not only current schooling but also future educational mobility.²²⁵

The consequences extend into early career development.²²⁶ Many occupations are legally off-limits to registrants, particularly jobs involving children, healthcare, or public trust.²²⁷ Others become inaccessible due to licensing restrictions or background check systems that flag registrants without context or review.²²⁸ Automated hiring platforms often reject applications based solely on a digital record, leaving youth with no opportunity to explain, demonstrate rehabilitation, or pursue a second chance.²²⁹ What begins as a system of legal supervision becomes a broader mechanism of economic exclusion that undermines both rehabilitation and long-term public safety.²³⁰

4. Exposure to Vigilantism and Threats to Personal Safety

Public access to registry information also places juveniles at risk of direct harm. The rise of digital vigilantism—through online watch groups, neighborhood apps, and self-appointed predator-hunting collectives—has led to harassment, doxxing, and targeted shaming of registered individuals.²³¹ Unlike formal supervision, these vigilante efforts are driven by outrage, not evidence or due process.

For juveniles, the consequences can be immediate and severe. Families report harassment both online and in person, threats of violence, and even forced relocations due to safety concerns.²³² Some youths have been targeted at school, subjected to public

supra note 214, at 2017 (noting that youth subject to SORNA are ineligible for federal funding).

225. PITTMAN & PARKER, *supra* note 55, at 72, 101–03.

226. Bosetti & Fix, *supra* note 214, at 2017.

227. See U.S. DEP'T OF JUST., SEX OFFENDER REGISTRATION AND NOTIFICATION IN THE UNITED STATES: CASE LAW SUMMARY 98–99 (2024), <https://smart.ojp.gov/case-law-summary-july-2024.pdf> [<https://perma.cc/2XNC-HM3N>].

228. Bosetti & Fix, *supra* note 214, at 2017.

229. See *id.*; Eldar Haber, *Digital Expungement*, 77 MD. L. REV. 337, 338, 361 (2017).

230. Bosetti & Fix, *supra* note 214, at 2017; Haber, *supra* note 229, at 342–44.

231. Anna Tippett, *The Rise of Paedophile Hunters: To What Extent Are Cyber-Vigilante Groups a Productive Form of Policing, Retribution and Justice?*, 24 CRIMINOLOGY & CRIM. JUST. 711, 712–713, 727 (2024); DANIEL TROTTIER, QIAN HUANG & RASHID GABDULHAKOV, DIGITAL MEDIA, DENUNCIATION AND SHAMING: THE COURT OF PUBLIC OPINION 3 (2024) (describing the use of the term “digital vigilantism”).

232. Socia, *supra* note 200, at 86–87; Letourneau, *Failed Policies That Must End*, *supra* note 203, at 173.

humiliation, or forced into isolation.²³³ By exposing the youth to unregulated public hostility, registration magnifies their vulnerability and erodes the protective aims of juvenile justice.

5. Psychological Harm and Erosion of Well-Being

The cumulative stress of registration produces deep psychological harm. Studies show elevated rates of depression, anxiety, and PTSD symptoms among registered juveniles.²³⁴ Constant monitoring and the threat of incarceration for technical violations create a climate of fear that erodes self-worth and stifles emotional growth.

These mental health harms can undercut the very public safety goals registration purports to advance.²³⁵ Isolation, hopelessness, and limited support increase risk factors for future instability and law-breaking.²³⁶ Worse still, few juveniles have access to affordable mental health care, especially when compliance costs consume family resources.²³⁷

Yet these challenges do not fall on the youth alone. The burdens of registration extend to the families who care for them, often overwhelming the very support systems that could foster rehabilitation and stability.

B. *The Collateral Damage to Families: How Registration Undermines Protective Systems*

Juvenile registration not only harms the individual youth; it ripples outward, destabilizing the very families tasked with supporting rehabilitation. Parents, siblings, and extended family members are pulled into a web of stigma, surveillance, and economic strain

233. Bosetti & Fix, *supra* note 214, at 2015, 2019.

234. See Jill S. Levenson, *Integrating the Etiology of Sexual Offending into Evidence-Based Policy and Practices*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 145, 152–53 (Wayne Logan & J.J. Prescott eds., Cambridge Univ. Press 2021); Letourneau, *Failed Policies That Must End*, *supra* note 203, at 173; Bosetti & Fix, *supra* note 214, at 2014.

235. See Letourneau, *Failed Policies That Must End*, *supra* note 203, at 174.

236. See Socia, *supra* note 200, at 85; Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 102, 111 (Wayne Logan & J.J. Prescott eds., Cambridge University Press 2021).

237. See *id.* at 88–89.

that undermines the protective structures youth need to grow, recover, and reintegrate.

1. Family Destabilization and Financial Fallout

The burdens of juvenile registration frequently start at home. Parents face the emotional strain of navigating a legal system that brands their child a threat, often while juggling relocation demands, mounting legal costs, and community hostility.²³⁸ In many jurisdictions, residency restrictions prohibit registered youth from living near schools, parks, or daycare centers, forcing families into repeated moves as they search for compliant housing.²³⁹

Digital registries intensify these pressures. Employers and clients can discover a parent's connection to a registered juvenile through online searches, leading to job loss, reputational damage, and strained household finances.²⁴⁰ Over time, these cumulative stressors disrupt marital stability, reduce emotional availability for siblings, and compromise the very family cohesion that juvenile justice policies claim to prioritize.²⁴¹

2. Siblings in the Crossfire: Stigma by Association

Siblings of registered juveniles often endure their own forms of collateral punishment. At school, they may be bullied, ostracized, or held responsible for the actions of their sibling.²⁴² In social settings, they may be excluded or targeted because of their family's registry status.²⁴³ These experiences show that siblings frequently

238. See Jill Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AM. J. CRIM. JUST. 54, 55–57 (2009).

239. See *id.* at 56, 65.

240. See Agan & Prescott, *supra* note 236, at 79.

241. See Andrew J. Harris, Scott M. Walfield, Ryan T. Shields & Elizabeth J. Letourneau, *Collateral Consequences of Juvenile Sex Offender Registration and Notification: Results From a Survey of Treatment Providers*, 28 SEX ABUSE 770, 775, 785 (2016); Richard Tewksbury & David Patrick Connor, *Incarcerated Sex Offenders' Perceptions of Family Relationships: Previous Experiences and Future Expectations*, 13 W. CRIMINOLOGY REV., Aug. 2008, at 26; Deborah Koetzle Shaffer, *Sex Offender Registration and Notification Laws as a Means of Legal Control*, 15 SOCIO. CRIME L. & DEVIANCE, Dec. 2010, at 50–51.

242. See Levenson & Tewksbury, *supra* note 238, at 54, 63.

243. *Id.*; Richard Tewksbury & David Patrick Connor, *Incarcerated Sex Offenders' Perceptions of Family Relationships: Previous Experiences and Future Expectations*, W. CRIMINOLOGY REV., Aug. 2012, at 26.

experience long-term effects, including anxiety, depression, and identity confusion.²⁴⁴

Rather than serving as sources of resilience, family networks become sites of stress. The isolation and stigma inflicted on siblings and parents deprive juveniles of the relational support necessary to reorient their lives toward healthier futures.

3. Digital Exposure and Harassment by Proxy

Unlike analog-era registration, digital registries erase the boundaries between registrant and family. A simple internet search can reveal where a juvenile lives, who their guardians are, and where their siblings attend school. Parents and siblings become targets of community suspicion, harassment, and online shaming. In some cases, they are doxed or subjected to direct threats, despite having no legal status themselves.²⁴⁵

This harm is the predictable consequence of a system that broadcasts identity in a networked age. By punishing entire family units through exposure, digital registration practices hollow out the social structures that are essential to adolescent rehabilitation and reintegration.

4. Harm to the Children of Registrants

The collateral impact of juvenile registration does not stop with the immediate family of origin. When registrants become parents later in life, their children also suffer tangible harms due to the ongoing stigma and restrictions attached to their parent's legal status. Children of registered individuals are frequently stigmatized, excluded from social activities, and subjected to differential treatment at school and in their communities.²⁴⁶ Parents report that their children are denied playdates, taunted by classmates, or treated with suspicion by teachers and other adults.²⁴⁷

These children also face structural limitations on parental involvement. Registration requirements and community notification laws often prevent parents from attending school events, visiting

244. See Levenson & Tewksbury, *supra* note 238, at 63–64.

245. See TROTIER ET AL., *supra* note 231, at 69.

246. Levenson & Tewksbury, *supra* note 238, at 63.

247. See *id.*

parks, or participating in extracurricular activities.²⁴⁸ In some cases, courts have cited registry status as a basis to restrict custody or visitation—even in the absence of any allegation of harm.²⁴⁹ The result is an environment where children are deprived not only of social inclusion but also of the full participation of a parent in their upbringing.

These harms underscore the far-reaching and indiscriminate effects of juvenile registration. Rather than fading with time, the consequences compound as they extend punishment across generations and destabilize family systems that are essential to community safety and youth development.

C. *Systemic Failure: How Juvenile Registration Undermines Justice and Safety*

Juvenile sex offender registration has fundamentally failed to deliver on its central promise of enhancing public safety. Instead, the policy produces widespread social harm, codifies inequality, and diverts public resources from more effective prevention strategies.

1. Codifying Racial and Economic Disparities

Juvenile sex offender registration policies do not operate in a vacuum—they reflect and intensify the racial and economic inequities that pervade the broader juvenile legal system. Nationally, Black youth are significantly more likely than white youth to be referred to court, formally processed, and sentenced to secure confinement—legal pathways that increase exposure to offenses carrying registration consequences.²⁵⁰ Although few studies have

248. *See id.*

249. PITTMAN & PARKER, *supra* note 55, at 2.

250. CHARLES PUZZANCHERA & MARLY ZEIGLER, OFF. JUV. JUST. & DELINQ. PREVENTION, RACIAL AND ETHNIC DISPARITIES IN THE PROCESSING OF DELINQUENCY CASES 2020 (2023), <https://ojjdp.ojp.gov/publications/data-snapshot-racial-ethnic-disparities-processing-delinquency-cases-2020.pdf> [<https://perma.cc/XQ96-4GZB>]; Ashlin Oglesby-Neal & Bryce Peterson, *Influence of Race in the Deep End of the Juvenile Justice System*, 19 YOUTH VIOLENCE & JUV. JUST. 186, 186–87 (2021); Elizabeth Spinney et al., *Disproportionate Minority Contact in the U.S. Juvenile Justice System: A Review of the DMC literature, 2001–2014, Part I*, 41 J. CRIME & JUST. 573, 581 (2018); Margaret C. Stevenson, Christian R. Picot & Molly A. Rivers, *Adolescence Does Not Divert Sex Offending Adolescents of Color from Criminal Legal System Involvement*, 30 CHILD MALTREATMENT 447, 454 (2025) [hereinafter Stevenson et al., *Adolescence Does Not Divert*] (“Notably, earlier racially disproportionate criminal legal

examined racial disparities in juvenile registration directly, the overrepresentation of Black youth in adjudications for sexual offenses suggests that broader racial patterns extend into this domain.²⁵¹ In Alabama, for example, Black youth accounted for more than 40% of confined juveniles adjudicated for sexual offenses between 2001 and 2012, despite comprising only about 32% of the state's adolescent population during that time.²⁵²

National patterns in the adult sex offender registry reflect similarly disproportionate outcomes. One national study found that Black individuals made up 26.5% of all publicly registered sex offenders, despite comprising just 13% of the U.S. population.²⁵³ In several states, the disparities are even more stark: Black individuals account for 40% to 50% of public registrants in Mississippi, Maryland, Louisiana, and New Jersey.²⁵⁴ When measured per capita, the disproportionality becomes even more pronounced. In states such as Minnesota, Oregon, and Washington, Black adults are between seven and eleven times more likely than white adults to appear on public sex offender registries.²⁵⁵

Economic inequality compounds these racialized disparities by shaping both how youth enter the system and how severely they are punished once registered. Youth from low-income families are more likely to be perceived as lacking parental supervision, stable housing, or access to rehabilitative resources—factors that lead decision-makers to view them as higher-risk and less likely to be rehabilitated.²⁵⁶ These external attributions may increase the

system involvement for adolescents of color compound later racially disproportionate criminal legal system outcomes.”).

251. Bosetti & Fix, *supra* note 214, at 2014 (noting that Black youth are overrepresented among all those adjudicated of sexual offenses).

252. Rebecca L. Fix, Melissa A. Cyperski & Barry R. Burkhart, *Disproportionate Minority Contact: Comparisons Across Juveniles Adjudicated for Sexual and Non-Sexual Offenses*, 29 *SEXUAL ABUSE* 291, 298–300 (2017).

253. Alissa R. Ackerman & Meghan Sacks, *Disproportionate Minority Presence on U.S. Sex Offender Registries*, 16 *JUST. POL. J.* 1, 7–8 (2018); Alissa R. Ackerman, *Registries and Registrants: Research on the Composition of Registries*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 35, 38–39 (Wayne A. Logan & J.J. Prescott eds., 2021) [hereinafter Ackerman, *Registries and Registrants*].

254. Ackerman & Sacks, *supra* note 253, at 8; Ackerman, *Registries and Registrants*, *supra* note 253, at 39.

255. Ackerman & Sacks, *supra* note 253, at 14; Ackerman, *Registries and Registrants*, *supra* note 253, at 39–40.

256. Margaret Goldman & Nancy Rodriguez, *The State as the “Ultimate Parent”: The Implications of Family for Racial and Ethnic Disparities in the Juvenile Justice System*, 12 *RACE & JUST.* 714, 715 (2022).

likelihood of secure confinement, formal processing, and eligibility for registration.²⁵⁷ Once registered, poor youth face intensified barriers: they are more likely to encounter structural obstacles to stability—including restrictions on where they can live, limits on where they can work, and lasting digital exposure that undermines opportunities for reintegration.²⁵⁸ In this way, poverty is not simply a background condition—it becomes a channel through which digital punishment is made more permanent and less escapable.

These consequences are particularly acute for families without financial resources. Residency restrictions often prohibit living near schools, parks, or other child-centered spaces—exclusions that disproportionately eliminate affordable housing in low-income neighborhoods.²⁵⁹ In South Carolina, homelessness among registrants increased by 600% within four years of new restrictions taking effect.²⁶⁰ Even where removal from the registry is technically available, the process typically involves complex procedural requirements, documentation of rehabilitation, and formal petitions to the court.²⁶¹ For many families, navigating these steps without legal assistance is all but impossible—effectively placing relief out of reach.

The harms of juvenile registration extend beyond the justice system and into the digital architecture of everyday life. Once a youth is registered, their data can persist in public websites, commercial databases, and automated background check systems—often without clear mechanisms for removal or correction. As background check algorithms increasingly govern access to housing, education, and employment, the racial imbalances of registration effectively

257. SCOTT & STEINBERG, *RETHINKING JUVENILE JUSTICE*, *supra* note 172, at 234; Laura Beckman & Nancy Rodriguez, *Race, Ethnicity, and Official Perceptions in the Juvenile Justice System: Extending the Role of Negative Attributional Stereotypes*, 48 *CRIM. JUST. & BEHAV.* 1536, 1539–40 (2021).

258. Lucinda A. Lee Rasmussen, *Youth Adjudicated for Sex Offenses, Followed into Adulthood, and Found on a State Sex Offender Registry*, 31 *J. AGGRESSION, MALTREATMENT & TRAUMA* 1359, 1370–71 (2022); Steven J. Gallagher, Note, *A Shattered Sense of Self: Ending the Practice of Juvenile Registration in New Jersey*, 75 *RUTGERS U.L. REV.* 1041, 1054–55 (2022) (discussing stigmatization generally); Ackerman & Sacks, *supra* note 253, at 15 (describing increased effects of stigma for youth of color).

259. Bosetti & Fix, *supra* note 214, at 2016.

260. Cann & Scott, *supra* note 215, at 1127.

261. Alexander et al., *supra* note 211, at 5–6; Shannon C. Parker, Note, *Branded for Life: The Unconstitutionality of Mandatory and Lifetime Juvenile Sex Offender Registration and Notification*, 21 *VA. J. SOC. POL'Y & L.* 167, 174 (2014); Cleary & Najdowski, *supra* note 25, at 487.

automate discrimination. For low-income youth of color, this means that the same structural biases that shape system entry are reproduced in digital systems that govern access to housing, education, and employment.

These automated harms are reinforced by public attitudes that disproportionately favor punishment for Black youth. Studies show that observers are more likely to support registration, incarceration, and other harsh penalties when the accused youth is Black or involved in an interracial sexual encounter—especially when the victim is white.²⁶² These reactions are shaped not by assessments of risk, but by enduring stereotypes that portray Black boys as older, more dangerous, and more sexually deviant than their white peers.²⁶³ Registration thus becomes not only a legal punishment but also a publicly legitimized form of exclusion—one increasingly administered through digital systems that cannot forget.

Because race and class so frequently intersect in the juvenile system, these burdens fall most heavily on youth who are both economically disadvantaged and racially marginalized. Structural inequality at system entry is compounded by digital and legal exclusions at the point of registration—deepening existing disparities under the guise of public safety.

2. Misallocated Resources and Failed Prevention

Maintaining juvenile registries requires significant public investment yet produces no measurable improvement in safety or recidivism. States spend between \$10 and \$59 million annually on registry operations, with California alone allocating over \$50 million per year according to Justice Policy Institute data.²⁶⁴ These direct costs encompass technology infrastructure, database maintenance, personnel for verification and compliance, legal proceedings for violations and registry updates, and law enforcement training and oversight.²⁶⁵

262. Margaret C. Stevenson, Katlyn M. Sorenson, Amy C. Smith, Ady Sekely & Rukudzo A. Dzwauro, *Effects of Defendant and Victim Race on Perceptions of Juvenile Sex Offenders*, 27 BEHAV. SCI. & LAW 957, 957 (2009).

263. Stevenson et al., *Adolescence Does Not Divert*, *supra* note 250, at 448.

264. See Socia, *supra* note 200, at 88 (describing the cost of compliance); Letourneau, *Failed Policies That Must End*, *supra* note 203, at 170.

265. Socia, *supra* note 200, at 88 n.4.

What makes these costs especially troubling is the opportunity cost.²⁶⁶ Every dollar spent sustaining a failed registration system is a dollar not invested in prevention programs with proven results. Multisystemic Therapy (MST), for example, can reduce juvenile sexual recidivism by up to 85%, yet remains underfunded and inaccessible in many jurisdictions.²⁶⁷ Likewise, comprehensive sex education programs, shown to reduce both perpetration and victimization, are chronically under-supported.²⁶⁸

3. A Fundamentally Misaligned System

At its core, juvenile registration rests on assumptions that developmental science has decisively rejected: that adolescent behavior reliably predicts adult criminality, that public exposure reduces risk, and that stigma supports rehabilitation. None of these premises hold.

The persistence of these policies—despite overwhelming evidence of their failures—reflects what Agan and Prescott describe as the symbolic triumph of punishment over prevention.²⁶⁹ Registration offers a visible, reassuring gesture against a feared population, regardless of its impact. In contrast with broader trends in juvenile justice, which increasingly align with adolescent developmental science, registration remains a stubborn outlier—driven by fear rather than data, and by retribution rather than reason.

VI. LEGISLATIVE RATIONALES AND THE POLITICAL DURABILITY OF JUVENILE REGISTRATION POLICY

While the empirical evidence demonstrates the significant limitations of sex offender registration policies, particularly for juveniles, these policies persist due to deeply held beliefs about public safety, crime prevention, and victim advocacy. Understanding the rationales behind these laws—and why they endure despite

266. *See id.* at 88–89.

267. SCOTT & STEINBERG, *RETHINKING JUVENILE JUSTICE*, *supra* note 172, at 218–20; Charles M. Borduin et al., *Long-Term Effects of Multisystemic Therapy for Problem Sexual Behaviors: A 24.9-Year Follow-Up to a Randomized Clinical Trial*, 89 *J. CONSULTING & CLINICAL PSYCH.* 393, 401 (2021) (noting that MST participants had 85% fewer sexual offenses and 70% fewer nonsexual offenses than did usual community services participants).

268. Socia, *supra* note 200, at 88–89; *see infra* Section VIII.E.

269. Agan & Prescott, *supra* note 236, at 139.

contrary evidence—provides insight into the policy landscape and highlights the challenges of reform.

A. *The Public Safety Imperative*

The primary justification for sex offender registration and notification laws, including those covering juveniles under SORNA, has consistently been public safety. As Congress declared in SORNA's statutory preamble:

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators . . . Congress in this Act establishes a comprehensive national system for the registration of those offenders.²⁷⁰

This purpose reflects several recurring objectives cited by legislatures: to reduce sexual recidivism through enhanced surveillance and accountability, to deter both first-time and repeat offenses by raising the legal and social consequences of conviction, to equip law enforcement with tools to track and identify suspects more efficiently, to empower the public with information intended to support self-protection, and to improve inter-jurisdictional coordination through a centralized tracking system.²⁷¹

Beneath these policy goals lie a set of widely held but empirically contested assumptions.²⁷² As Socia and Stamatel observe, lawmakers often presume that sex offenders pose uniquely high recidivism risks requiring exceptional monitoring, that public registration deters offending by both those with prior convictions and would-be offenders, that community awareness increases safety as people can use registry information to avoid harm, and that registries are essential investigative tools offering practical benefits for law enforcement.²⁷³

These assumptions continue to shape both adult and juvenile registration schemes, even as empirical evidence increasingly

270. Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, § 102, 120 Stat. 587, 590.

271. See, e.g., Mary P. Brewster, Philip A. DeLong & Joseph T. Moloney, *Sex Offender Registries: A Content Analysis*, 24 CRIM. JUST. POLY REV. 695, 696 (2013); Cleary & Najdowski, *supra* note 25, at 487.

272. Deborah Koetzle Shaffer, *Sex Offender Registration and Notification Laws as a Means of Legal Control*, 15 SOCIO. CRIME L. & DEVIANCE, 2010, at 48.

273. See Kelly M. Socia, Jr. & Janet P. Stamatel, *Assumptions and Evidence Behind Sex Offender Laws: Registration, Community Notification, and Residence Restrictions*, 4 SOCIO. COMPASS 1, 2–4 (2010).

undermines their validity—especially in the context of youth offending. They also help explain why registration policies remain politically durable despite growing doubts about their effectiveness.

The following sections explore how these rationales have been reinforced through fear-based policymaking, high-profile tragedies, and symbolic legislation. They also show how this legal infrastructure is misaligned with what research tells us about sexual offending, desistance, and public safety.

B. *Fear-Driven Public Support and the Role of Emotion*

Juvenile sex offender registration policies draw substantial public support, but that support is often rooted in emotion rather than evidence.²⁷⁴ Fear, disgust, and moral outrage—particularly toward those who harm children—are powerful psychological drivers that shape public opinion.²⁷⁵ Individuals who experience stronger emotional reactions to sex offenders are significantly more likely to endorse harsh penalties, including juvenile registration, even when confronted with evidence that such measures are ineffective at preventing harm.²⁷⁶ These responses are not merely private sentiments. They help shape a public climate in which questioning registration laws is seen as politically risky and morally unacceptable.

This dynamic is reinforced by media portrayals that exaggerate the dangerousness of juvenile sex offenders, frame them as irredeemable threats, and blur distinctions between youth and adults.²⁷⁷ Such portrayals contribute to what scholars call the

274. See, e.g., Elizabeth Garfinkle, *Coming of Age in America: The Misapplication of Sex-Offender Registration and Community-Notification Laws to Juveniles*, 91 CAL. L. REV. 163, 168 (2003) (describing the rhetoric that led to the passage of Megan's Law).

275. Poco D. Kernsmith, Sarah W. Craun & Jonathan Foster, *Public Attitudes Toward Sexual Offenders and Sex Offender Registration*, 18 J. CHILD SEXUAL ABUSE 290, 295 (2009); Margaret C. Stevenson, Sarah E. Malik, Rebecca R. Totton & Rebecca D. Reeves, *Disgust Sensitivity Predicts Punitive Treatment of Juvenile Sex Offenders: The Role of Empathy, Dehumanization, and Fear*, 15 ANALYSES OF SOC. ISSUES & PUB. POL'Y 177, 178–79 (2015) [hereinafter Stevenson et al., *Disgust Sensitivity*]; Tamara Kang, Adam Green, Betty Akamani & Kieleha Pinkston, *Rural Residents' Emotions, Beliefs, and Sources That Influenced Those Beliefs Regarding Sex Offender Policies, Practice, and the Efficacy of Treatment*, 40 BEHAV. SCI. & L. 379, 394 (2022) [hereinafter Kang et al., *Rural Residents*].

276. Stevenson et al., *Disgust Sensitivity*, *supra* note 275, at 178–80, 190–91.

277. Margaret C. Stevenson, Amy C. Smith, Ady Sekely & Katlyn S. Farnum, *Predictors of Support for Juvenile Sex Offender Registration: Educated Individuals Recognize the Flaws of Juvenile Registration*, 22 J. CHILD SEXUAL ABUSE 231, 234, 245 (2013); Colleen M.

recidivism perception gap, known as a persistent misbelief that sex offenders, including juveniles, are highly likely to reoffend.²⁷⁸ Although decades of empirical research show low rates of sexual recidivism among youth, the public continues to believe that these individuals pose a serious and ongoing danger.²⁷⁹ These misperceptions, paired with intense emotional responses, generate widespread demand for policies that prioritize punishment over rehabilitation and control over care. In this environment, fear becomes a substitute for evidence and public emotion becomes the engine of legislative momentum.

This dynamic closely mirrors what sociologists describe as a moral panic—a collective overreaction to perceived threats, intensified by media and political discourse, that leads to sweeping punitive responses aimed at symbolic “folk devils.”²⁸⁰ In the case of juvenile sex offender laws, the folk devil is the irredeemable predator, and the result is policymaking that elevates public reassurance over evidence or developmental insight.

C. *Symbolism, Anecdote, and Legislative Strategy*

Legislators responding to this emotional landscape often turn to policies that provide symbolic reassurance rather than effective solutions. Registration laws frequently bear the names of child victims—Megan’s Law,²⁸¹ the Adam Walsh Act,²⁸² the Jacob Wetterling Act²⁸³—personalizing legislation in ways that heighten public emotion and foreclose political opposition. These laws suggest that failure to support them is tantamount to indifference toward child safety. The strategy is politically effective because naming a law after a victim invokes powerful moral imperatives and renders dissent nearly impossible.

Beyond naming, lawmakers routinely rely on anecdote over data. In advocating for the Amie Zyla provision of SORNA, for

Berryessa, *A Dual-Process Approach to Moral Panic and Public Support for Sex Offender Management Policies*, 37 J. INTERPERSONAL VIOLENCE NP16700, NP16701–02 (2022).

278. Kang et al., *Rural Residents*, *supra* note 275, at 381–82.

279. *Id.*; see Stevenson et al., *Disgust Sensitivity*, *supra* note 275, at 178.

280. Berryessa, *supra* note 277, at NP16701–02.

281. Megan’s Law, Pub. L. No. 104-145, 110 Stat. 1345 (1996).

282. Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587.

283. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322, §§ 170101–03, 108 Stat. 1796, 2038–45 (1994).

example, Representative Mark Green cited an individual tragedy as justification for extending registration to juveniles: “These subsequent crimes were absolutely preventable . . . law enforcement has the authority to notify the community.”²⁸⁴ This reliance on emotionally compelling stories elevates exceptional cases while obscuring broader empirical realities. Rarely are these narratives accompanied by evidence demonstrating that registration prevents harm on a systemic level.

What ties these legislative tactics together is their symbolic and performative function. Sex offender registration and notification (“SORN”) laws allow lawmakers to visibly respond to public fear and outrage, especially in the wake of high-profile crimes.²⁸⁵ By naming laws after victims, highlighting anecdotal successes, and invoking community protection, legislators demonstrate vigilance and moral clarity, regardless of whether those policies meaningfully reduce harm.²⁸⁶ These laws serve as political signals in that they reassure anxious constituents, convey condemnation of sexual violence, and affirm the legislature’s role as protector.²⁸⁷ In this way, juvenile registration becomes a tool of expressive justice, where the goal is not necessarily to solve the problem, but to show that something is being done.²⁸⁸ The continued reliance on these policies, even in the face of mounting evidence of their social costs and developmental harms, reflects the enduring power of symbolic politics in the criminal justice system.

D. *Victim Perspectives and the Advocacy Paradox*

Although many policies, such as sex offender registration laws, are created in the name of victims and promoted as reflecting their desire for retribution and safety, research shows that the actual

284. 152 Cong. Rec. H678 (daily ed. Mar. 8, 2006).

285. See, e.g., Elizabeth J. Letourneau & Kevin S. Armstrong, *Recidivism Rates for Registered and Nonregistered Juvenile Sexual Offenders*, 20 SEXUAL ABUSE 393, 394–95 (2008) (noting legislative responses to public outrage after high-profile cases); WAYNE A. LOGAN, KNOWLEDGE AS POWER: CRIMINAL REGISTRATION AND COMMUNITY NOTIFICATION LAWS IN AMERICA 43 (2009).

286. Amanda Y. Agan, *Sex Offender Registries: Fear Without Function?*, 54 J. L. & ECON. 207, 211 (2011); see also Levenson & Tewksbury, *supra* note 238, at 56–57.

287. See, e.g., KRISTEN ZGOBA, PHILIP WITT, MELISSA DALESSANDRO & BONITA VEYSEY, MEGAN’S LAW: ASSESSING THE PRACTICAL AND MONETARY EFFICACY 3, 21 (2008); Lisa L. Sample & Timothy M. Bray, *Are Sex Offenders Dangerous?*, 3 CRIMINOLOGY & PUB. POL’Y 59, 61–64 (2003).

288. Socia, Jr. & Stamatel, *supra* note 273, at 1–3, 5.

attitudes of many sexual abuse survivors are more nuanced. Research suggests that survivors often prefer rehabilitative and treatment-focused responses over punitive measures like long-term registration.²⁸⁹

For example, Spoo et al. conducted a study comparing the attitudes of individuals who had experienced sexual victimization with those who had not.²⁹⁰ They found that victims were significantly more supportive of mandatory treatment for sex offenders and significantly less supportive of community notification laws.²⁹¹ Victims also demonstrated greater knowledge about sex offending, which was associated with more positive and less punitive views.²⁹² Notably, most victims in the study had known their perpetrators personally, which may have contributed to their more nuanced perspectives.²⁹³

These findings challenge the common assumption that victims uniformly endorse harsher penalties and suggest that policies developed in their name may overlook the diversity of victim experiences and preferences. Including survivor perspectives in the development of sex offender legislation is essential to ensure that such policies are both effective and reflective of those they intend to support.

During deliberations over the Adam Walsh Act, for example, several senators invoked traumatic, high-profile cases to justify sweeping federal mandates. Senator Ted Kennedy cited the murders of Molly Bish and Alexandra Zapp as emblematic of the need for national registration and community notification systems, framing the legislation as a tribute to victims and a moral imperative to protect others.²⁹⁴ Similarly, Senator Byron Dorgan contrasted the monitoring of non-violent white-collar offenders with the untracked release of individuals labeled “violent sex offenders,” arguing that failing to impose electronic monitoring would inevitably lead to further crimes.²⁹⁵

289. Susanne Spoo et al., *Victims' Attitudes Toward Sex Offenders and Sex Offender Legislation*, 62 INT'L J. OFFENDER THERAPY & COMPAR. CRIMINOLOGY 3385, 3395–401 (2018).

290. *Id.* at 3391.

291. *Id.* at 3394–95, 3398.

292. *Id.* at 3394–97.

293. *Id.* at 3397.

294. 152 CONG. REC. 15260, 15336 (2006) (statement of Sen. Kennedy).

295. *Id.* at 15329–30 (statement of Sen. Dorgan).

Yet, even as lawmakers expressed strong rhetorical support for victims, they overlooked research showing that survivors may prefer rehabilitative approaches, especially in cases involving juveniles. While some lawmakers, such as Senators Ted Kennedy and Patrick Leahy, acknowledged that juveniles differ significantly from adult offenders, these insights were not fully integrated into the final legislation.²⁹⁶ The final version of the Adam Walsh Act prioritized uniformity and public notification over individualized, evidence-based treatment. This outcome demonstrates how symbolic politics can eclipse nuanced policymaking, even when more balanced perspectives are voiced.

This divergence between legislative rhetoric and survivors' actual preferences helps to illustrate the victim advocacy paradox. Policies enacted "for the victims" may in fact sideline their voices, favoring punitive symbolism over meaningful engagement with their needs and perspectives.

E. Reframing Public Safety Through Evidence-Based Policy

The perspectives of registry proponents merit serious consideration, particularly their legitimate concern for public safety and victim protection. However, these concerns do not fully support policies that fail to achieve their intended goals.

Rather than dismissing lawmakers' motivations, reform efforts should focus on redirecting their efforts toward strategies with demonstrated effectiveness. The resources allocated to maintaining registries could be more effectively used for prevention education, risk-based intervention programs, and rehabilitative approaches that address the true causes of sexual offending.

The continued expansion of juvenile registration requirements reflects a triumph of symbolism over substance. As this Article demonstrates, the symbolic comfort of registration laws must no longer substitute for actual, evidence-based safety outcomes, particularly when the costs to youth are so high.

Effective public safety policy must be guided by empirical evidence rather than political pressures. If the goal is to reduce sexual violence, registration policies must be reassessed in favor of evidence-based solutions that prioritize rehabilitation, prevention,

296. *Id.* at 15536, 15339–40 (statements of Sens. Kennedy & Leahy).

and targeted intervention rather than broad, punitive measures that disproportionately harm youth.

Having established the gap between legislative intentions and policy outcomes, the next section will examine the specific claim that juvenile sex offender registration effectively reduces recidivism. Through a comprehensive analysis of recidivism research, this Article will evaluate whether registration fulfills its core public safety mandate and whether the empirical evidence supports the continuation of these policies for juvenile offenders.

VII. EMPIRICAL EVIDENCE ON THE (IN)EFFECTIVENESS OF JUVENILE SEX OFFENDER REGISTRATION

A. *Most Registerable Sexual Offenses are Committed by First-Time Sexual Offenders*

Sex offender registration and notification (“SORN”) policies are premised on the idea that identifying known offenders will help prevent future sexual violence. Yet this foundational assumption collapses under empirical scrutiny. The overwhelming majority of sexual offenses are committed by first-time sexual offenders who would not appear on any registry at the time of the offense.²⁹⁷ SORN laws therefore fail to prevent most sexual crimes, as they cannot reach the first-time offenders who commit the majority of these offenses.

This pattern has been documented across decades of research. Sandler et al. found that 95.9% of all sexual offense arrests in New York State involved first-time offenders, meaning that the individuals were not on any registry prior to their arrest.²⁹⁸ Likewise, Levenson and Zgoba found that in Florida, repeat sexual offenders accounted for less than 7% of annual sex crime arrests on average.²⁹⁹ More recent evidence confirms the same trend. In their

297. Bob Edward Vásquez, Sean Maddan & Jeffrey T. Walker, *The Influence of Sex Offender Registration and Notification Laws in the United States: A Time-Series Analysis*, 54 CRIME & DELINQ. 175, 179 (2008) (noting that 73% were first-time offenders); Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does a Watched Pot Boil?: A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law*, 14 PSYCH. PUB. POL’Y & L. 284, 285, 297 (2008).

298. Sandler et al., *supra* note 297, at 297.

299. Jill S. Levenson & Kristen M. Zgoba, *Community Protection Policies and Repeat Sexual Offenses in Florida*, 60 INTER. J. OFFENDER THERAPY COMPAR. CRIMINOLOGY 1140, 1151 (2016).

nationwide meta-analysis of SORN laws, Zgoba and Mitchell reported that the majority of empirical studies show that sex offenses were committed by individuals with no prior convictions for a sex crime.³⁰⁰

This pattern also holds true for juveniles. For instance, Ozkan et al. found that prior sexual recidivism is the strongest predictor of future sex offending.³⁰¹ However, this finding must be interpreted with caution. In that study, only 317 juveniles—approximately 10.4% of the sample—recidivated with a new sexual offense, meaning that nearly 90% did not reoffend sexually.³⁰² The small number of repeat cases limited the ability to analyze risk among youth with limited or first-time sexual offense histories, raising questions about the generalizability of the predictive model.³⁰³ Earlier longitudinal studies reach different conclusions. Zimring and colleagues, using data from the Racine Birth Cohorts, found that juvenile sex offenders were no more likely than non-sex offenders to commit sex crimes as adults, and that general delinquency patterns were more predictive of future risk.³⁰⁴ Similarly, Piquero et al., using data from the Cambridge Study in Delinquent Development, concluded that prior nonsexual offending was more strongly associated with future sexual misconduct than prior sexual behavior.³⁰⁵ Christiansen and Vincent found that youth with prior sexual offenses were actually less likely to reoffend sexually than those without.³⁰⁶ While a history of sexual misconduct may signal some elevated risk, the broader body of evidence shows that most adolescents who commit a sexual offense do not go on to reoffend.

300. Kristen M. Zgoba & Meghan M. Mitchell, *The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings*, 19 J. EXPERIMENTAL CRIMINOLOGY 71, 90 (2023).

301. Turgut Ozkan, Stephen J. Clipper, Alex R. Piquero, Michael Baglivio & Kevin Wolff, *Predicting Sexual Recidivism*, 32 SEXUAL ABUSE 375, 391 (2020).

302. *Id.* at 386.

303. *Id.* at 392.

304. Franklin E. Zimring, Alex R. Piquero & Wesley G. Jennings, *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?*, 6 CRIMINOLOGY & PUB. POL'Y 507, 529 (2007).

305. Alex R. Piquero, David P. Farrington, Wesley G. Jennings, Brie Diamond & Jessica Craig, *Sex Offenders and Sex Offending in the Cambridge Study in Delinquent Development: Prevalence, Frequency, Specialization, Recidivism, and (Dis)continuity over the Life-Course*, 35 J. CRIME & JUST. 412, 421 (2012).

306. Ashley K. Christiansen & John P. Vincent, *Characterization and Prediction of Sexual and Nonsexual Recidivism Among Adjudicated Juvenile Sex Offenders*, 31 BEHAV. SCI. L. 506, 507 (2013).

This reality directly undermines one of the central goals of registration systems: to prevent future harm by flagging known risks. If the people committing sexual offenses are not yet known to the system, registries cannot serve a preventive function. They are fundamentally backward-looking—capable only of tracking individuals after a crime has occurred, not of meaningfully preventing it. And while some policymakers continue to promote the idea that registration enables early identification of dangerous individuals, the data suggests otherwise. Most youth who commit sex offenses do so once and do not go on to become adult offenders. There is no predictive profile, no warning sign, and no preexisting entry on a registry.

This insight reshapes the evaluation of SORN laws. If registration cannot prevent the offenses that most commonly occur, then even in the best-case scenario—where it works exactly as intended—its public safety impact would be minimal. It follows that the subsequent question—whether registration deters those who might be aware of it—rests on a shaky foundation. But even that narrower hope, as the next section will show, lacks empirical support.

B. Registration Fails to Deter First-Time Sexual Offending

Even assuming some first-time offenders are aware of SORN laws before committing an offense, there is no evidence that these policies function as a meaningful deterrent.³⁰⁷ The theoretical logic is straightforward: if SORN laws deter, then jurisdictions implementing them should experience measurable declines in new sex crime arrests and convictions. But across a range of studies, including large-scale evaluations of state-level reforms, researchers have consistently found no reduction in juvenile sexual offending after the enactment of SORN laws.

The failure of deterrence has been documented in multiple jurisdictions with diverse legal structures and demographics. Time-series and quasi-experimental studies in Idaho, Maryland, South Carolina, Oregon, Utah, and Virginia consistently report no statistically significant decline in youth sex offenses following

307. Elizabeth J. Letourneau, Dipankar Bandyopadhyay, Kevin S. Armstrong & Debajyoti Sinha, *Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes?*, 37 CRIM. JUST. AND BEHAV. 553, 556 (2010).

implementation of registration and notification requirements.³⁰⁸ These evaluations use robust methods—including pre-post comparisons and matched designs—and they span states that differ in population size, registry scope, and degree of public notification. Yet none of them find that registration laws dissuade juveniles from committing sexual offenses.³⁰⁹ This uniformity across diverse legal and social environments strongly suggests that SORN laws do not function as a general deterrent for youth.

Moreover, studies that initially appear to show reductions often falter under closer scrutiny. In a widely cited study of South Carolina, Letourneau and colleagues observed a decline in juvenile sex crime charges after the implementation of SORN.³¹⁰ However, they also found that robbery charges fell at nearly the same rate during the same period, suggesting that the apparent decrease in sex offenses was part of a broader decline in youth arrests—not the result of registration laws.³¹¹ As Letourneau’s team points out, failing to look beyond surface trends can lead to mistaken conclusions.³¹² Apparent declines may be part of broader shifts in youth crime, not evidence that registration laws are working.

The failure of deterrence is especially unsurprising when considered alongside developmental science. As explained, juveniles are, by definition, less likely to engage in forward-looking cost-benefit analysis, particularly in emotionally charged or impulsive situations.³¹³ The idea that a teenager will refrain from a sexual act because they fear long-term inclusion on a public registry, often a consequence they don’t understand or even know about, is inconsistent with what research tells us about adolescent decision-making.³¹⁴ If the majority of youth who commit sexual offenses are not deterred by the threat of arrest, prosecution, or incarceration, it is even less likely that the abstract prospect of future registration serves as an effective behavioral check.

308. Letourneau, *Failed Policies That Must End*, *supra* note 203, at 171.

309. LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING, *supra* note 138, at 171.

310. Elizabeth J. Letourneau, Jill S. Levenson, Dipankar Bandyopadhyay, Kevin S. Armstrong & Debajyoti Sinha, *Effects of South Carolina’s Sex Offender Registration and Notification Policy on Deterrence of Adult Sex Crimes*, 37 CRIM. JUST. & BEHAV. 537, 547 (2010).

311. *See id.* at 546–47.

312. *See id.* at 549–50.

313. *See supra* Section II.A.

314. *See* Cleary & Najdowski, *supra* note 25, at 488.

In short, registration and notification laws not only fail to reach the vast majority of youth who commit sexual offenses (as shown in Section A), but they also fail to deter those who might plausibly be aware of the laws before offending. Taken together, these two failures cut at the heart of the public safety rationale for juvenile registration: SORN laws do not stop youth from offending—either in theory or in practice.

C. *The Known-Victim Reality and the Myth of Stranger Danger*

One of the most pervasive public assumptions driving support for juvenile sex offender registration is the belief that registries protect communities from unknown predators. Public notification laws, in particular, rest on the idea that making juvenile offenders visible to neighbors, schools, and local agencies will help prevent future harm to members of the community—especially children. But this rationale is fundamentally misaligned with the actual nature of juvenile sexual offending.

Empirical studies consistently show that juvenile sex offenses almost always involve victims that the youth already know. Letourneau et al. found that over 90% of victims of juvenile sex offenders had a preexisting relationship with the offender, typically as a family member, friend, or peer.³¹⁵ Likewise, research indicates that about 93% of perpetrators of child sexual abuse are well-known to victims and their families.³¹⁶ These findings are echoed in a wide body of victimization research showing that stranger-perpetrated sexual offenses by juveniles are exceedingly rare.

Colombino et al. and Mogavero and Kennedy found that the predatory patterns and public locations that SORN laws aim to prevent account for only 1–4% of juvenile sexual offenses.³¹⁷ Most offenses occur within social or family networks, not parks, schools, or neighborhoods.³¹⁸ This reality undermines the stranger-danger narrative that drives registration policy, revealing how these laws address exceptional cases while ignoring typical offense patterns.

315. HOWARD N. SNYDER, NAT'L CTR. JUV. JUST., SEXUAL ASSAULT OF YOUNG CHILDREN AS REPORTED TO LAW ENFORCEMENT: VICTIM, INCIDENT, AND OFFENDER CHARACTERISTICS 10 (2000), <https://bjs.ojp.gov/content/pub/pdf/sayerle.pdf> [<https://perma.cc/KGE5-VYNE>].

316. Levenson, *supra* note 234, at 151.

317. *Id.*

318. *See id.*

If the vast majority of juvenile offenses are committed against known individuals in private settings, the primary justification for public notification collapses. The people most at risk are not strangers passing a bus stop or living nearby, but those already within the youth's immediate circle—individuals whom notification systems do nothing to protect.

The belief that public notification enhances safety is further undercut by how little the public actually uses registry information. Although 90–95% of adults are aware that sex offender registries exist, studies show that only a third of individuals ever access them—and fewer than 10% report changing their behavior in response.³¹⁹ As Armstrong et al. note, this dynamic exemplifies “crime control theater”—public-facing policies that project vigilance and control but offer little actual protection.³²⁰ Public notification may create the illusion of community safety, but it fails to address real sources of risk, such as those within families, peer groups, and schools.

In practice, then, public registration does not improve safety but merely broadcasts private harms into public space, branding youth as threats to a community they are statistically unlikely to endanger. It creates the illusion of protection while failing to address the real dynamics of risk—and in doing so, it reinforces a false narrative that youth who commit sexual offenses are anonymous predators rather than immature actors in complex relational settings.

D. *Registration Does Not Reduce Recidivism*

Even if registration laws do not prevent first-time offenses or deter juvenile sexual misconduct, one might still argue that they serve a valuable public safety function by reducing recidivism among youth who are already known to the system. But here too, the empirical evidence is unambiguous: juvenile sex offenders have low rates of sexual reoffending, and being placed on a registry does not reduce that risk. In some cases, it may even increase the

319. *Id.* at 63, 65.

320. Megan M. Armstrong, Monica K. Miller & Timothy Griffin, *An Examination of Sex Offender Registration and Notification Laws: Can Community Sentiment Lead to Ineffective Laws?*, in *HANDBOOK OF COMMUNITY SENTIMENT* 239, 240 (Monica K. Miller, Jared Chamberlain & Jeremy A. Blumenthal eds., 2015).

likelihood of nonsexual reoffending by limiting prosocial opportunities and reinforcing marginalization.

Meta-analyses consistently demonstrate that sexual recidivism among youth is rare. In one of the most comprehensive reviews to date, Lussier et al. analyzed 158 empirical studies from 1940–2019 and found a sexual recidivism rate of just 8% for adolescents who committed sexual offenses.³²¹ In contrast, the general (nonsexual) recidivism rate was 44%, underscoring that these youth are far more likely to engage in other types of delinquency than to commit another sex offense.³²²

Other meta-analyses report even lower estimates. Caldwell synthesized 106 studies and found a weighted mean sexual recidivism rate of 4.92%.³²³ Caldwell's earlier work found a mean rate of 6.8%,³²⁴ while McCann and Lussier reported a mean of 12.2% across eighteen studies.³²⁵ While estimates vary slightly depending on sample, methodology, and follow-up duration, the consistent message is clear: the vast majority of youth who commit a sexual offense do not do so again.

Comparative studies also reveal that registration does not reduce the already low risk of reoffending. In a matched-pairs design, Letourneau and Armstrong compared 111 registered and 111 unregistered juvenile sex offenders and found no significant difference in sexual recidivism rates after four years.³²⁶ More concerning, the registered youth were significantly more likely to be arrested for general delinquency offenses, suggesting that registration may have unintended criminogenic effects.³²⁷ Caldwell and Dickinson reached a similar conclusion. In their study comparing 106 registered juveniles to 66 who were not registered, they found

321. Patrick Lussier, Evan McCuish, Stéphanie Chouinard Thivierge & Julien Fréchette, *A Meta-Analysis of Trends in General, Sexual, and Violent Recidivism Among Youth with Histories of Sex Offending*, 25 *TRAUMA VIOLENCE & ABUSE* 54, 61 (2024). The 8% rate represents a weighted pooled sexual recidivism rate across all studies in the meta-analysis. *Id.*

322. *See id.*

323. Michael F. Caldwell, *Quantifying the Decline in Juvenile Sexual Recidivism Rates*, 22 *PSYCH. PUB. POL'Y & L.* 414, 414 (2016) [hereinafter Caldwell, *Quantifying the Decline*].

324. Michael F. Caldwell, *Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders*, 19 *SEXUAL ABUSE* 107, 110 (2007).

325. Kristie McCann & Patrick Lussier, *Antisociality, Sexual Deviance, and Sexual Reoffending in Juvenile Sex Offenders: A Meta-Analytical Investigation*, 6 *YOUTH VIOLENCE & JUV. JUST.* 363, 372 (2008).

326. Letourneau & Armstrong, *supra* note 285, at 393.

327. *See id.* at 404–05.

that both groups reoffended at similar rates even after accounting for factors like age, offense type, and prior criminal history.³²⁸

While no single study can offer a final answer, the overall pattern in the research is clear. Putting juveniles on a registry does not make them less likely to offend again. This conclusion becomes even harder to justify when considered alongside what developmental science tells us about the risk of sexual reoffending naturally declining as adolescents grow older. This natural decline in recidivism over time further undermines the case for long-term registration, as we'll explore in the next section.

E. *Recidivism Declines Over Time, Undermining the Case for Long-Term Registration*

Even among the small number of juveniles who do reoffend sexually, the risk of doing so decreases significantly as they get older. This trend further weakens the argument for long-term or lifetime registration. If most youth naturally grow out of risky behavior, then keeping them on registries for years—or even for life—provides little public safety benefit while causing lasting harm.

This pattern has been confirmed by studies that track youth over time. For example, Caldwell's 2016 review found that sexual reoffending by juveniles has dropped sharply over the past few decades.³²⁹ In studies from the 1980s and 1990s, about 10% of youth went on to commit another sexual offense, with studies published after 2000 reporting an even lower rate of 2.75 percent—a 73% decline from earlier decades.³³⁰ Caldwell explained that the risk of reoffending is highest soon after a youth is adjudicated, and it declines steadily after that.³³¹ Likewise, Christiansen and Vincent found that each one-grade increase in school level at the time of the offense (a proxy for age) corresponded to a roughly twelve percent reduction in the likelihood of sexual reoffending.³³²

328. Michael F. Caldwell & Casey Dickinson, *Sex Offender Registration and Recidivism Risk in Juvenile Sexual Offenders*, 27 BEHAV. SCI. & L. 941, 941 (2009).

329. Caldwell, *Quantifying the Decline*, *supra* note 323, at 414.

330. *Id.*

331. *See id.* at 419; Letourneau, *Failed Policies That Must End*, *supra* note 203, at 170–71.

332. Ashley K. Christiansen & John P. Vincent, *Characterization and Prediction of Sexual and Nonsexual Recidivism Among Adjudicated Juvenile Sex Offenders*, 31 BEHAV. SCI. L. 506, 517 (2013).

Similarly, Logan and Prescott reported that the chance of reoffending dropped by more than 70% as youth aged into adulthood, showing how strongly age and development shape behavior.³³³ This drop is likely due in part to better treatment programs—but it also reflects something more basic in that most youth mature out of the behaviors that led to their offense.³³⁴

This is not surprising when viewed through the lens of adolescent development. Teenagers are more likely than adults to act impulsively, take risks, and misjudge consequences—not because they are dangerous or beyond help, but because their brains are still developing.³³⁵ Over time, as judgment, impulse control, and emotional regulation improve, most young people move away from criminal behavior, including sexual misconduct. Long-term or lifetime registration ignores this developmental process. It treats young people as if their risk level will stay the same for years—even though the data shows the opposite. In effect, the law assumes they are permanent threats, even as their actual likelihood of reoffending shrinks with each passing year. This kind of blanket, unchanging response is out of step with what research tells us about how people grow and change.

In short, the evidence shows that most youth who commit a sexual offense are unlikely to do so again, and those who do reoffend are most likely to do so within the first few years. As they age, their risk drops sharply. Registration policies that extend far into adulthood or have no clear end fail to reflect how adolescent behavior changes over time. These policies impose long-lasting consequences based on short-lived risk.

VIII. ALTERNATIVES TO JUVENILE SEX OFFENDER REGISTRATION: EVIDENCE-BASED REFORMS FOR PUBLIC SAFETY AND REHABILITATION

A. Acknowledging Public Safety While Rejecting Overreach

Proponents of juvenile registration raise a valid concern: while most youth who commit sexual offenses will not reoffend, a small

333. See Levenson, *supra* note 234, at 152.

334. See, e.g., Lorraine R. Reitzel & Joyce L. Carbonell, *The Effectiveness of Sexual Offender Treatment for Juveniles as Measured by Recidivism: A Meta-analysis*, 18 *SEXUAL ABUSE* 401, 413 (2006) (describing the effectiveness of treatment programs over time).

335. See *infra* Section II.B.

subset may. This risk cannot be ignored. But the existence of risk does not justify a system that treats all youth as if they pose the same level of long-term danger. Blanket registration policies overestimate risk, misallocate limited resources, and often inflict harm that may increase rather than reduce offending.

An evidence-based system would take a different approach: recognizing that youth vary in their risk for reoffending and using individualized assessments and interventions to respond proportionally. This is not a radical proposal—it is a return to the core values of the juvenile justice system: individualized treatment, rehabilitation, and capacity for change.³³⁶

B. *Individualized Assessment Over Categorical Classification*

Many juvenile registration laws currently rely on criteria, automatically requiring registration for certain adjudicated offenses without regard to individual circumstances or risk.³³⁷ This categorical approach does not account for the significant variation among youth who engage in sexually harmful behavior. Research in developmental psychology and criminology suggests that adolescents differ widely in their motivations, needs, and likelihood of reoffending, even when their offenses appear similar on paper.³³⁸

A more tailored approach would reserve registration, if used, for the smaller group of youth who present a clear and ongoing risk to public safety. Risk determinations could be supported by validated actuarial tools, such as the Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II), the Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR), or the MEGA.³³⁹ These tools are

336. See SCOTT & STEINBERG, *RETHINKING JUVENILE JUSTICE*, *supra* note 172, at 84–85 (describing traditional juvenile court values during the Progressive era); Letourneau, *Failed Policies That Must End*, *supra* note 203, at 175.

337. See *supra* Section I.C.1.

338. See Evan McCuish, Patrick Lussier & Raymond Corrado, *Criminal Careers of Juvenile Sex and Nonsex Offenders: Evidence from a Prospective Longitudinal Study*, 14 *YOUTH VIOLENCE & JUV. JUST.* 199, 200, 216 (2016); Carol Veneziano & Louis Veneziano, *Adolescent Sex Offenders: A Review of the Literature*, 3 *TRAUMA VIOLENCE & ABUSE* 247, 248, 256 (2002); Alissa R. Ackerman, Andrew J. Harris, Jill S. Levenson & Kristen Zgoba, *Who Are the People in Your Neighborhood? A Descriptive Analysis of Individuals on Public Sex Offender Registries*, 34 *INT'L J. L. & PSYCHIATRY* 149, 150 (2011).

339. See Lucinda A. Lee Rasmussen, *Adjudicated Adolescents Located on a State Sex Offender Registry Website as Adults: Common Denominators*, 33 *J. CHILD SEXUAL ABUSE* 441, 449, 455, 460 (2024) [hereinafter Rasmussen, *Common Denominators*]; see generally Tamara Kang et al., *Development of a Risk/Treatment Needs and Progress Protocol for*

designed to assess a broad range of factors, including both static elements (such as offense history) and dynamic ones (such as social support, coping skills, and treatment engagement).³⁴⁰ They offer structured frameworks to help identify which youth may benefit from closer supervision or continued intervention.

At the same time, it is important to acknowledge the limitations of risk assessment tools. While they can be useful in organizing and informing decision-making, they are not predictive in an absolute sense. Studies suggest that these instruments may be more accurate in assessing general recidivism risk than in forecasting sexual reoffending specifically.³⁴¹ No single tool can fully capture the complexity of a young person's developmental trajectory or the impact of ongoing treatment and support.

Given these limitations, risk assessments should not be used in isolation. An individualized approach to registration should also incorporate clinical evaluations, professional judgment, and case-specific considerations such as responsiveness to treatment, personal growth, and environmental supports.³⁴² A tiered system that includes regular reassessment can help ensure that supervision and monitoring are matched to a youth's evolving level of risk.

This more flexible and individualized model aims to focus public safety efforts where they are most needed, while also supporting the rehabilitative goals of the juvenile justice system. It recognizes that risk is not static and that most adolescents, given appropriate intervention and support, are capable of meaningful change over time.

C. *Reforming Registration Duration and Removal Procedures*

For jurisdictions not yet prepared to eliminate juvenile registration entirely, meaningful reforms should focus on limiting its

Juveniles with Sex Offenses, 5 TRANSLATIONAL ISSUES PSYCH. SCI. 154 (2019) [hereinafter Kang et al., *Risk/Treatment Needs*].

340. Kang et al., *Risk/Treatment Needs*, *supra* note 339, at 160–63; Rasmussen, *Common Denominators*, *supra* note 339, at 448; CHRISTOPHER J. SULLIVAN & KRISTINA K. CHILDS, *JUVENILE RISK AND NEEDS ASSESSMENT: THEORY, RESEARCH, POLICY, AND PRACTICE* 24 (2021).

341. See Rasmussen, *Common Denominators*, *supra* note 339, at 447.

342. See, e.g., SULLIVAN & CHILDS, *supra* note 340, at 116, 123 (theorizing on how to do justice with risk and needs assessments).

duration and ensuring that removal mechanisms are individualized, transparent, and accessible.³⁴³

Indeterminate and lifetime registration terms are particularly problematic. These policies rest on the assumption that juvenile misconduct predicts long-term sexual offending—a premise that decades of empirical research strongly contradict.³⁴⁴ A more rational approach would impose time-limited registration, paired with the opportunity to petition for early removal after a sustained period of offense-free behavior and developmental progress.

Currently, however, many states maintain opaque and burdensome removal procedures that make deregistration functionally impossible—even for youth who pose little or no ongoing risk. Standardizing and streamlining these processes would ensure that individuals are not permanently burdened by conduct that no longer reflects their threat to public safety.³⁴⁵

Another promising alternative is conditional record sealing. Under this approach, registration requirements would apply only if the individual was later convicted of a serious sexual offense in adulthood.³⁴⁶ This model protects the majority of youth who desist from further harm, while preserving oversight in the rare cases where risk persists. It offers a middle ground: avoiding lifetime stigma while retaining accountability mechanisms where necessary.

International models further illustrate that permanent registration is not required to maintain safety. In Canada, juvenile registration is not imposed for life, and decisions are made on a case-by-case basis.³⁴⁷ In Australia, risk-based deregistration procedures allow individuals to petition for a suspension of their reporting obligations after demonstrating rehabilitation.³⁴⁸ These systems reflect a growing international consensus that long-term public tracking of youth is neither necessary nor proportionate.

343. Lisa L. Sample, *The Public and SORN Laws*, in *SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION* 59, 68 (Wayne Logan & J.J. Prescott eds., 2021).

344. *See supra* Section VII.D.

345. LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING, *supra* note 138, at 321.

346. Sex Offenders Registration Amendment (Miscellaneous) Bill 2017 (Vic) cl. 14 (Austl.).

347. LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING, *supra* note 138, at 324.

348. *Id.*

D. *Alternative Supervision and Information-Sharing Models*

While most youth who commit sexual offenses do not go on to reoffend, a small subset may present elevated risk. For this group, public registration is not the only—or the most effective—means of ensuring public safety. Alternative supervision and disclosure models offer more individualized and less harmful approaches.

1. Specialized Supervision

Specialized community supervision offers a developmentally appropriate alternative to public registration.³⁴⁹ Probation or parole officers trained in adolescent sexual behavior can provide structured oversight, monitor treatment participation, and ensure compliance with court conditions while also promoting integration with the community.³⁵⁰ Unlike registration, which functions as a passive tracking tool, specialized supervision allows for active, real-time engagement with youth and their support systems.³⁵¹

This form of supervision is also adaptive. Officers can respond to changes in behavior or circumstances, adjust conditions, and connect youth with services that support rehabilitation. Rather than imposing broad and static restrictions, specialized supervision is tailored to risk level and responsive to developmental change.³⁵²

2. Targeted Disclosure and International Lessons

Some jurisdictions outside the United States have adopted more limited, need-based disclosure systems that balance public safety

349. See, e.g., Randy Borum, *Managing At-Risk Juvenile Offenders in the Community: Putting Evidence-Based Principles into Practice*, 19 J. CONTEMP. CRIM. JUST. 114, 115 (2003) (describing the ways in which community-based treatment can be effective at reducing recidivism among juvenile offenders).

350. He Len Chung, Carol A. Schubert & Edward P. Mulvey, *An Empirical Portrait of Community Reentry Among Serious Juvenile Offenders in Two Metropolitan Cities*, 34 CRIM. JUST. & BEHAV. 1402, 1422 (2007) (noting that court supervision increased the likelihood of positive adjustment during community reentry).

351. Kim English, Linda Jones & Diane Patrick, *Community Containment of Sex Offender Risk: A Promising Approach*, in PROTECTING SOCIETY FROM SEXUALLY DANGEROUS OFFENDERS: LAW, JUSTICE, AND THERAPY 265, 266, 271, 277 (Bruce J. Winick & John Q. La Fond eds., 2003) (noting that community supervision is needed because how offenders behave institutionally does not always predict community behavior).

352. Borum, *supra* note 349, at 114–16 (noting that effectiveness is enhanced when interventions respond to the specific needs of the juvenile).

with youth rehabilitation. These models demonstrate that community protection does not require broad public notification.

In the United Kingdom, a “right to ask” framework allows parents and caregivers to inquire about individuals who have access to children.³⁵³ Police may disclose relevant information if they determine there is a specific and credible safety concern.³⁵⁴ This case-by-case disclosure model avoids blanket community exposure while still allowing authorities to act when a risk is identified.³⁵⁵

Canada’s National Sex Offender Registry (NSOR) offers another alternative. It is accessible only to law enforcement and is used solely for investigative purposes.³⁵⁶ Registration is not automatic, and courts determine eligibility based on case-specific factors.³⁵⁷ Although registrants must provide detailed personal information, this data is not made public.³⁵⁸ Canadian policymakers have consistently rejected proposals for public notification, citing concerns about constitutional rights and the lack of evidence that public registries reduce reoffending.³⁵⁹

Australia takes a similarly measured approach. Each state maintains a sex offender registry for law enforcement use, linked through a national Child Protection Reporting Scheme.³⁶⁰ Most Australian states avoid public disclosure, with the exception of Western Australia, which uses a tiered system for limited public notification based on individualized risk assessments.³⁶¹

These international models share several common features: limiting access to law enforcement and child protection agencies, allowing for disclosure only when risk is identified, avoiding automatic offense-based registration, and supporting public safety without resorting to broad public labeling.³⁶²

Together, these approaches challenge the assumption that broad public notification is necessary to reduce recidivism. They show

353. LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING, *supra* note 138, at 318–21.

354. *Id.*

355. *See id.* at 331–32.

356. Sex Offender Information Registration Act, S.C. 2004, c. 10, § 16(2) (Can.).

357. LUSSIER ET AL., UNDERSTANDING SEXUAL OFFENDING, *supra* note 138, at 325–26.

358. *Id.*

359. *Id.* at 369.

360. *Id.* at 328.

361. *Id.* at 327.

362. *Id.* at 328.

that effective risk management can occur without exposing youth to the lifelong stigma and collateral consequences of public registration. For U.S. jurisdictions considering reform, these models provide practical, real-world examples of how targeted disclosure and individualized oversight can better align with developmental principles and public safety goals.

E. *Prevention-Based Strategies to Reduce Future Harm*

An effective public safety strategy should not only respond to harm but also work to prevent it. Prevention-based approaches reduce the likelihood that youth will engage in sexually harmful behavior in the first place, making them an essential part of any comprehensive response.³⁶³

Research shows that comprehensive sexual education—including explicit discussions of consent, boundaries, communication, and respect—can reduce rates of sexual misconduct among adolescents.³⁶⁴ These programs go beyond anatomy or abstinence and instead equip young people with the skills to navigate relationships responsibly and respectfully.

School-based programs that promote impulse control, empathy, and conflict resolution have also been shown to reduce a wide range of behavioral problems, including aggression and sexual misconduct.³⁶⁵ Bystander intervention training can further help prevent harm, especially in peer-driven settings where adolescent offenses often occur.³⁶⁶ When peers are empowered to recognize and

363. Michele L. Ybarra, *Now Is the Time to Invest in Child and Adolescent Sexual Violence Prevention Programming*, JAMA NETWORK OPEN, Nov. 2022, at 1; Douglas Hugh Russell, Sebastian Trew, Rhiannon Smith, Daryl John Higgins & Kerryann Walsh, *Primary Prevention of Harmful Sexual Behaviors by Children and Young People: A Systematic Review and Narrative Synthesis*, AGGRESSION & VIOLENT BEHAV., Apr. 2025, at 5–6.

364. See Madeline Schneider & Jennifer S. Hirsch, *Comprehensive Sexuality Education as a Primary Prevention Strategy for Sexual Violence Perpetration*, 21 TRAUMA VIOLENCE & ABUSE 439, 440, 446–49 (2020).

365. Dorothy L. Espelage, Sabina Low, Joshua R. Polanin & Eric C. Brown, *Clinical Trial of Second Step© Middle-School Program: Impact on Aggression & Victimization*, J. APPLIED DEVELOPMENTAL PSYCH., Mar.–Apr. 2015, at 52–54, 61; Liangqi Shen, Shan Jiang & Shilin Tan, *The Effectiveness of School-Based Programs on Aggressive Behaviors Among Children and Adolescents: A Systematic Review and Meta-Analysis*, 35 RSCH. ON SOC. WORK PRAC. 149, 163–65 (2025).

366. Gabriela N. Mujal, Meghan E. Taylor, Jessica L. Fry, Tatiana H. Gochez-Kerr & Nancy L. Weaver, *A Systematic Review of Bystander Interventions for the Prevention of Sexual Violence*, 22 TRAUMA VIOLENCE & ABUSE 381, 387 (2021); Victoria Banyard, Emily Waterman & Katie Edwards, *Bystanders to Prevent Peer Sexual Violence: Understanding*

interrupt problematic behavior, they can serve as a powerful buffer against harm.

By focusing on the root causes of adolescent misconduct—including developmental immaturity, misinformation, peer pressure, and emotional dysregulation—prevention strategies address the conditions that give rise to harmful behavior in the first place. These approaches not only promote long-term public safety but do so in ways that are more humane, more effective, and more aligned with adolescent development than registration alone ever could.

A policy agenda that truly prioritizes prevention would invest not only in monitoring and treatment, but in the educational and social conditions that reduce the need for intervention at all.

IX. ALIGNING POLICY WITH EVIDENCE AND DEVELOPMENTAL JUSTICE

Juvenile sex offender registration laws occupy a complex and often conflicted space in American legal and policy frameworks. Initially developed for high-risk adult offenders, these laws have, over time, been extended to youth—despite clear differences in developmental maturity, culpability, and long-term risk.³⁶⁷ While designed to enhance public safety, registration often imposes long-lasting consequences on adolescents,³⁶⁸ many of whom are unlikely to reoffend and are still in the process of cognitive, emotional, and social development.

The evidence now available raises important questions about the effectiveness and proportionality of this approach. Studies consistently show that most youth who commit sexual offenses do not go on to reoffend, and that registration does not reduce recidivism.³⁶⁹ Public notification in particular appears to have limited preventive value and may, in some cases, complicate the rehabilitation process. At the same time, the collateral consequences of registration—especially in a digitally connected world—can be far-reaching, affecting a young person's education, housing, employment, and relationships well into adulthood.

Patterns of Prosocial Behavior Over Time from Early to Later Adolescence, 50 J. YOUTH & ADOLESCENCE 1982, 1982 (2021).

367. See *supra* Part II.

368. See *supra* Section V.A.

369. See *supra* Section VII.D.

These outcomes present a challenge to both the stated goals of juvenile justice and broader constitutional principles. Legal doctrine increasingly recognizes that adolescents differ from adults in ways that matter for culpability and punishment. The continued use of registration in its current form sits uneasily with those principles, especially when it relies on offense-based rules that do not reflect individual risk or capacity for change.

This Article has outlined several alternative strategies that better align with developmental science, constitutional values, and public safety goals.³⁷⁰ These include individualized risk assessment, limited-duration registration with meaningful removal processes, specialized supervision, and prevention-oriented interventions. International models such as those used in Canada, Australia, and the United Kingdom demonstrate that more restrained and targeted approaches are not only possible, but effective.

Ultimately, improving juvenile registration policy is not simply a matter of rejecting one model in favor of another. It is an opportunity to recalibrate the balance between public safety and youth development. As the legal system continues to grapple with how best to respond to adolescent behavior, there is value in asking not only what policies are permissible, but which ones are effective, proportionate, and developmentally appropriate. A more tailored, evidence-based approach may better serve both the communities seeking safety and the young people seeking second chances.

370. *See supra* Part VIII.