

**TESTIMONY BEFORE THE JOINT JUDICIARY INTERIM COMMITTEE
BY GOV. DAVE FREUDENTHAL
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I want to extend my thanks to Chairmen Hanes and Landon and members of the Committee for allowing me to appear and share my thoughts concerning the protection of children and needed statutory changes to insure that Wyoming does not become a haven for those who would sexually abuse our children or any citizen of Wyoming.

My thoughts on this issue are three-fold.

First, I have long pursued the creation of minimum mandatory sentences for those who sexually abuse children. I first argued for such statutory tools for law enforcement, prosecutors, and judges in 1999. Sadly, we were not successful then, and House Bill 66 last session, which would have provided for a minimum mandatory life sentence for a second offense involving the sexual assault of a child, also died. In my estimation, we must protect society from these monsters and the only effective way to do so is to impose punishment to forever separate them from our most vulnerable members of society who many times cannot protect themselves from a much older and more intelligent criminal.

My years as U.S. Attorney, my years as Governor, and my life experiences all tell me that this is the only option that balances the protection of society with the gravity of the crime committed. I do not believe that anyone can argue with the fact that:

-It is highly unlikely that anyone who is reported, investigated, charged, tried, convicted, and sentenced is truly a "first offender." Polygraph examinations on imprisoned sex offenders with less than two known offenses show that these defendants have actually molested an average of 110 children involving 318 offenses before being imprisoned.

-Scientific literature suggests that you cannot rehabilitate a pedophile.

-The damage inflicted on victims is extraordinary. Sexually abusing a child to satisfy some depraved desire robs that child of all innocence. The emotional and psychological trauma lasts for a lifetime and throws significant barriers in the way of that person becoming a productive member of society. Meanwhile, the defendant, who is temporarily satisfied, like a lion after eating a zebra, sleeps it off for a while and goes back on the hunt next time he gets hungry.

We have to protect our children from these criminals. I am convinced that the only way to do so is to pursue sentences that separate them from society. I urge you to pass legislation providing for minimum mandatory life sentences for anyone who sexually assaults a child. I could live with "two strikes and you're out" but would prefer "one strike" legislation.

Second, we have to modify our sexual offenders' registry to provide that anyone convicted of sexually assaulting another human being is posted on a public internet website. As you know, we supported a bill last session, which was sponsored by Senator Sessions, which was ultimately tabled by the Senate Judiciary Committee. We need to take this action for several reasons:

-It is fair to our citizens and gives them the broadest possible information about what dangers may be facing themselves and their loved ones.

The existing sexual offender registry process makes otherwise public information confidential.

Defendants are charged in public documents, have a public trial, a public sentencing, and public records exist concerning their identity, conviction, sentence, and the circumstances of their crime. The sex offender registry process and assessment of "future dangerousness," however, hides the majority of these publicly sentenced criminals to the public at large. The process defies logic and common sense.

The existing system just does not work. It is an unnecessary burden on our sheriffs. Prosecutors have long complained that they do not have the tools necessary to adequately assess the defendant's propensity to re-offend.

Wyoming cannot become a playground for convicted rapists. Unless we stay consistent with or more stringent than other states on our registry process, we invite sexual offenders to Wyoming. That is not the kind of economic development we should promote.

I urge you to adopt Senator Sessions' bill from last session (Senate File 81) as a committee bill and get this legislation passed. We sorely need this legislation now.

Third, I should also briefly comment on several other bills that failed last session that deserve consideration. Representative Gingery proposed a total rewrite of our sexual offense statutes in House Bill 140. Representatives Lubnau and Pedersen proposed House Bill 185 which would have enhanced penalties for sexual offenses. Senator Jennings proposed Senate File 97 dealing with ankle bracelet monitoring. While all of these proposals appear to me to be like any legislation - works in progress - I believe all of these subjects are worthy of your considered study.

Thank you for your time today and I look forward to working closely with you on this important topic.