

Research in Brief

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Use of Residency Restriction Laws for Individuals Convicted of Sex Offenses

KEY POINTS

- Residency restrictions have been adopted in over 30 states and are politically popular, despite a lack of evidence supporting their effectiveness.
- Research shows that individuals convicted of sex offenses are not more likely to reside or seek out victims near public places generally included in the restrictions.
- Residency restrictions produce barriers to successful re-entry and desistance by limiting housing and employment options and severing family ties.

Policy and Purpose

State and local residency requirement laws for people convicted of sex offenses have been adopted in over 30 states, as well as individual municipalities, and continue to be politically popular.¹ They work by placing residency restrictions, also called “exclusion zones,” on individuals who have been convicted of certain sex crimes and who are being supervised in the community. These requirements generally include maintaining a minimum residential distance from a place where children congregate (e.g., schools or daycare). Supervising officers are tasked with approving the home residence of people convicted of sex offenses who are bound by residency restrictions and will violate offenders not in compliance with the law. The stated purpose of sex offender residency restrictions is to reduce re-offending for individuals convicted of sex offenses by limiting their residential proximity to potential victims.

The details of residency restriction policies vary across states. Some states limit the restriction to individuals who are convicted of the most serious offenses, offend against minors, or are high-risk, while others apply the law more broadly to all sex offense convictions. Restrictions can include a minimum distance of 500-2,000 feet from any number of places that children can congregate, such as schools, bus stops, parks, and shopping malls. This can make it difficult, if not impossible, for individuals on the registry to find housing upon release. In some areas, 95% of residential parcels are located within 1,000 feet of a school or daycare, and 99% of residential parcels are located within 2,500 feet of a school or daycare.² Despite the popularity of these laws, research does not support the use of residency restrictions to reduce sexual re-offending for people required to register as sex offenders.

Summary of Research

A number of studies have been conducted to examine the effectiveness of residency restrictions in reducing recidivism. **A majority of the research suggests that these policies do not successfully reduce sex offense or general recidivism for people convicted of sex offenses and are based on faulty assumptions of re-offending patterns.** Furthermore, residency restrictions are difficult to enforce and may create collateral consequences for people convicted of sex offenses who are attempting to re-integrate into society.

States began to adopt residency restrictions in the 1990's. Since then, several high-quality studies have examined individual states and compared the recidivism rates of individuals convicted of sex offenses and overall rates of sex crime pre and post-passage of these laws.³ Research shows that the laws have mainly null effects on sex offense recidivism, or overall rates of sex crimes, depending on the jurisdiction examined - with some jurisdictions showing small increases or decreases in recidivism.⁴ In sum, these studies show that the passage of residency restrictions for individuals convicted of sex offenses had **inconsistent effects on recidivism and on rates of sex crime** in the examined jurisdictions.

The widespread use of these laws has also allowed for comparisons between jurisdictions that adopted some variation of residency restrictions and jurisdictions that have not. Using a sample of 49 states over 19 years, Socia⁵ compared the statewide rate of forcible rape for states with and without residency requirements and found that the rate of forcible rape was consistently higher in states with residency restrictions. A similar study⁶ compared New York counties with residency restrictions to those without and found that residency restrictions were not associated with reduced first-time or recidivism sex crimes against children, but were associated with slightly lower sex crime rates against adults for first-time offenders. **In sum, research shows mixed evidence that the existence of residency restrictions is associated with lower rates of citywide or statewide sex crimes – for first-time offenders or those on the sex offender registry. However, for the majority of outcomes and jurisdictions, the research shows that the existence of residency restrictions was either associated with no substantive difference in the rate of sex offenses, or was associated with a higher rate.**

The underlying theory behind residency restrictions is that individuals convicted of sex offenses choose to live in close proximity to places where children congregate because

of the availability of potential victims. Thus, by examining the re-offending patterns of individuals with convictions for sex offenses, research has provided an indirect way of examining the potential effectiveness of residency restrictions. Zandbergen and colleagues⁷ found that, controlling for recidivism risk indicators, individuals who have been convicted of sex offenses in Florida who recidivate are no more likely to reside in close proximity to schools and daycares than those who do not recidivate. Rydeberg and colleagues⁸ showed that while many paroled individuals with sex offense convictions in Michigan and Missouri were in violation of residency restrictions at any one time, they were no more likely to choose housing options proximal to areas where children congregate compared with individuals who had non-sex offense related convictions - both before and after passage of residency restrictions in those states. Similarly, Duwe and Donnay⁹ examined recidivists who were previously convicted of a sex offense and who were released during a 12-year period during which the state of Minnesota did not have residency restrictions and found that not one made direct contact with their victim through a local school, park, playground, or other location included in Minnesota's residential residency laws.¹⁰ **In totality, these studies show that the assumptions underlying residency restrictions policies are flawed and are unlikely to prevent individuals with sex offense convictions from re-offending.**

It should be noted that imposing residency restrictions on people convicted of sex offenses also comes with a number of collateral consequences. First, the restrictions are challenging to implement and enforce. Research has found that a large percentage of individuals bound by these restrictions reside in restricted areas.¹¹ For example, Socia¹² found that in some jurisdictions as many as 50% of individuals who were subject to these laws were in violation of the restrictions at any given time. Second, residency restrictions may make it harder for supervising officers to regularly monitor high-risk individuals because compliance forces supervisees to spread out into rural

areas, may encourage offenders who are not able to comply to abscond, and forces offenders who cannot otherwise find housing to report false addresses.¹³ Third, residency restrictions often lead to collateral consequences for individuals subject to them, including housing and job instability, barriers to accessing social services, and social stigma, which can interfere with successful re-entry.¹⁴ For example, in a survey of people on the sex offender registries in Oklahoma and Kansas, over half reported needing to relocate as a result of residency restrictions,¹⁵

and in Indiana, one-third were precluded from living with family members.¹⁶ To stay compliant with the proximal restrictions of the laws, individuals are often forced to move into rural areas that lack employment opportunities and are located far away from critical social services, such as treatment programs for sexual offending. **These unintended consequences result in cutting offenders off from pro-social ties, such as family support, steady employment, and stable housing, which are proven to encourage desistance.**¹⁷

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Endnotes

- ¹ Mancini, C., Shields, T., Mears, D.P., & Beaver, K.M. (2010). Sex offender residence restriction laws: Parental perceptions and public policy. *Journal of Criminal Justice*, 38, 1022-1030.
- ² Zandbergen, P., Levenson, J., & Hart, T. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37(5), 482-502.
- ³ Huebner, B. M., Kras, K. R., Rydberg, J., Bynum, T. S., Grommon, E., & Pleggenkuhle, B. (2014). The Effect and Implications of Sex Offender Residence Restrictions. *Criminology & Public Policy*, 13, 139-168; Nobles, M., Levenson, J., & Youstin, T. (2012). Effectiveness of residence restrictions in preventing sex offense recidivism. *Crime & Delinquency*, 58(4), 491-513.
- ⁴ Huebner et al., 2014; Nobles et al., 2012.
- ⁵ Socia, K. M. (2015). State residence restrictions and forcible rape rates: A multistate quasi-experimental analysis of UCR data. *Sexual Abuse*, 27(2), 205-227.
- ⁶ Socia, K. M. (2012). The efficacy of county-level sex offender residence restrictions in New York. *Crime and Delinquency*, 58, 612-642.
- ⁷ Zandbergen et al., 2010.
- ⁸ Rydberg, J., Grommon, E., Huebner, B., & Pleggenkuhle, B. (2017). Examining the correlates of sex offender residence restriction violation rates. *Journal of Quantitative Criminology*, 33, 347-369.
- ⁹ Duwe, G., & Donnay, W. (2008). The impact of Megan's Law on sex offender recidivism: The Minnesota experience. *Criminology*, 46(2), 411-446.
- ¹⁰ Duwe & Donnay, 2008.
- ¹¹ Rydberg et al., 2017; Socia, K. M. (2011). The policy implications of residence restrictions on sex offender housing in Upstate NY. *Criminology & Public Policy*, 10, 351-389.
- ¹² Socia, 2011.
- ¹³ Merriam, D. (2008). Residency Restrictions for Sex Offenders: A Failure of Public Policy. *Planning & Environmental Law*. 60(10), 3.
- ¹⁴ Levenson, J.S., & Cotter, L.P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-178; Tewksbury, R. (2007). Exile at home: The unintended collateral consequences of sex offender residency restrictions. *Harv. CR-CLL Rev.*, 42, 531.
- ¹⁵ Tewksbury, R., & Mustaine, E. E. (2009). Stress and Collateral Consequences for Registered Sex Offenders. *Journal of Public Management & Social Policy*, 15(2).
- ¹⁶ Levenson, J. S., & Hern, A. (2007). Sex offender residence restrictions: Unintended consequences and community re-entry. *Justice Research and Policy*, 9, 59-73.
- ¹⁷ Levenson, J. S. (2005). Sex offender restrictions. *Sex Offender Law Report*, 45(3), 27.

The strength of the evidence reviewed in this brief is assessed according to our Evidence of Assessment Criteria and Hierarchy of Study Design, which are posted online: robinainstitute.umn.edu/research-brief.