

Sex Offender Registration Law Update #6
April 17, 2008

1. **State v. Jedlicka, 2008 Minn. App. LEXIS 86 (April 15, 2008)**

- **Retroactive Application: Statute Amended to Exclude Offender**

D was convicted of an offense that took place in 2003 and was required to register as a predatory offender. After he was incarcerated for that offense, but prior to his release, the statute was amended to exclude D from registration. The Court held that the amendment should apply retroactively, and that D was no longer required to register.

2. **Wright v. Iowa Department of Corrections, 2008 Iowa Sup. LEXIS 56 (April 11, 2008)**

- **Residency Restrictions**

Even though D was not required to register as a sex offender, he was still subject to Iowa's residency restrictions, based on the definitions in Iowa's code. The Iowa Legislature "chose to make the residency restrictions applicable to a broader category of persons—those who have committed certain criminal offenses against minors", not just those who are required to register.

3. **State v. Meredith, 2008 Minn. App. Unpub. LEXIS 324 (April 8, 2008)**

- *Apprendi*

D was ordered to register as a sex offender even though his conviction was not for an offense listed in the statute. Instead, he was subject to the Minnesota law requiring registration for any "offense arising out of the same set of circumstances [as]..." a listed sex offense. D challenged the trial court's determination that his Child Endangerment conviction 'arose out of the same set of circumstances' as a listed sex offense on *Apprendi* grounds. The Court held that, because *Apprendi* only applies where "punishment" is implicated—and the registration scheme is civil, not punitive—there is no violation of *Apprendi*.

4. **Virsnieks v. Smith, 2008 U.S. App. LEXIS 6908 (7th Cir., April 2, 2008)**

- *Apprendi*

Again, a challenge to a determination that D was subject to a state's sex offender registry. Here, D had been ordered by a Wisconsin court to register based on a non-sex

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offense. D brought an *Apprendi* challenge. The 7th Circuit did not reach the argument, however, deciding that it was not cognizable because D was not “in custody” for the purposes of this Habeas case.

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