

May 10th, 2020

Dear Honorable Chair Filler and Members of the Committee:

I am writing in regards today, in strong opposition, to Michigan HB 5679. I first off would like to thank you for the time and opportunity, to share with all of you, my thoughts and feeling to the horrific bill that the Legislation is trying to past. I want to express to you, not only my beliefs, but my opinion of this bill, along with testimony on how the current Michigan SORA has effected me and my family.

I first would like to talk about two important pieces of historical works, that all US citizens fall under, and what they mean to me. WE THE PEOPLE, the first 3 words of our CONSTITUTION. This means everyone who lives, breaths, works, pay taxes, are an active part of our community and citizens of this great country. We have certain rights and freedoms that our suppose to protect us from harm and any injustices. These are rules to govern our laws and our country. Freedoms that every American is entitled to. The next phrase I would like to bring up, comes from our FOREFATHERS, who wrote our Declaration of Independence. ALL MEN ARE CREATED EQUAL!!!

Michigan SORA does not follow our Declaration of Independence. ALL MEN ARE NOT CREATED EQUAL here in the state of Michigan. SORA has also violated mine and 44,000 other registrants lives, along with our families. Registrants are made out to be the scum of the Earth and moral lepars. We are treated like castaways and are always under punishment, some of us for the rest of our lives. Out of all the crime classes, that we have in our state, Sex offenders are the only one, that is on any type of registry that some of us will be on for the rest of our lives, without the chance of ever being able to get off. We have murderers, drug dealers, arsonist, domestic abusers, and other violent people, that are never put on any type of registry, after they have been discharged from there sentence. These same people, are more likely to commit another crime, then a person who is convicted of a sex offense. A sex offender is punished even further then some of these other people ever will be, but yet sex offenders are less likely to reoffend again. It is alright for a drug dealer and a murderer to live with in 1000 feet of a school. It is alright for a drug dealer to attend a school event, where he could easily sell drugs to a student. Its alright for an assaultive person, who might have assaulted a child, to live by a school or a park. A sex offender can never do this. Our government has created a false preception of a sex offender. They have never given out the true facts and data to the public, but they use sex offenders as a political platform to help get re elected most of the time.

The Michigan SORA has been ruled unconstitutional since 2016. The State has been told, and giving numerous of chances, to fix and bring the SORA up to Constitutional standards, and "Constitutional Muster" as ordered by Judge Cleland. Over 4 years now, the SORA has STILL NOT been brought up to meet the CONSTITUTIONAL Law, that it was suppose to be brought up to. I find it very suspicious, that with over the 4 years that SORA has been in the courts, and the Legislators of this State has had to fix what was required, to the Standards that Judge Cleland ordered, that the Legislators waited until Covid-19 was in full effect, Executive Orders were coming into place, to introduce this new bill. I also found it very suspicious, that it is sent to the House committee for a public hearing, this past week. The House Committee was well aware of the Stay at Home orders, from the Governor, but chose to proceed to go

forth with this hearing. You have put peoples lives in danger, just not only the public, knowing most of us would not attend, due to the risk of the virus, but you also put each members of the committee at risk too. The Attorney General, MSP representative, and Prosecutors, didn't attend this session either, because to the risk that they were being put into. Was this done also, because it is a known fact, that MSP and the AG both have agreed that the Registry is unconstitutional and that HB 5679, does not no where meet the court opinion and ruling of Judge Cleland? Rep. Lower stated that this was a high priority that needed to be taking care of immediately, and that action on this needed to be swift. To me and many others, family and friends who oppose this bill also, seems like the Legislators are trying to get this bill passed, with very little public input, or professional input. MSP representative also stated , in their letter that, under this new bill, that there would be a lot more litigation, because this bill doesn't meet the needs that were discussed. So AS A TAXPAYER, for the STATE OF MICHIGAN, why waste more money, in litigation, that so many people in key positions, already know that this bill is unacceptable, how it has been rewritten and revised? Why not take the time, to follow the recommendations of Judge Cleland, the scientific data, the law professionals, look into prevention methods and research, instead of just changing a few words, crossing a couple of things out here and there, and writing new statutes that actually make the law worse then correction the law and making sure that it works. As Rep LaGrand basically stated at the end of the hearing, there are major areas that must be looked at, and that this process should not be rushed, and that everything needs to be looked at before proceeding with this bill. But what I don't understand, it will be one week from the last hearing, so how have the committee members have had time to look over all the data, all the information that was presented, all the testimonies that were giving and still being writing and giving. To me this looks like we are trying to rush this whole process, and pass this law and be done with it.

As a citizen here in the State of Michigan, what I can't understand, is how has it taken the state over 4 years to make any type of move on the SORA, but it took days for the Legislators to move forward with a lawsuit against the Governor of the State, for violating the State of Michigan Constitutional rights. Reps. Chatfield and Shirkey, moving quickly to try to restore the rights of Michigan citizens. Bring the wrongs of the pandemic forth, and bring justice to the citizens. But what about Sex offenders? Why hasn't there ever been any type of bringing justice for us? Many of us are the same type of tax paying citizens, just like our neighbors, family, and relatives are. Why?? Its because the State believes that we shouldn't have any rights, that were granted to us from the Constitution. Where does it say in the Constitution, everyone can have these rights, except sex offenders.

HB 5679 was introduced by Rep. Lower. This was a very poor and horrific attempt to write a piece of legislation, that not only effect 44,000 registrations here in the state, but the millions of family members and friends also. In April of this year, Rep Lower wrote in article in the Detroit News, talking about the Constitution. In the article, he talked about some about some points that I believe totally go against this bill, the very bill that he wrote." The Constitution is perhaps most important during times of war and emergency. During these times, it serves to protect the people from government overreach, and even from themselves." I believe that this bill is a big overreach. A bill that has been submitted, not really based on true data, but the false fears that are installed, by the government, in regards to the sex offender. Where is the protection for the sex offender that is a citizen of the State? With the registry being available online, to all of the public, we risk on a daily basis, even after we have served our time and sentence, of being harassed, persecuted, our lives threaten, our family and loved ones lives threaten, being denied housing, food, support, a well paying job, etc.... The list goes on and on. Where is

our protection? We ask for protection from our police, our state, our legislators, our government, and instead of being protected, like every other citizen, they turn their backs and do nothing for us. Rep. Lower how is this new bill going to protect us? Its not. Nothing is going to change, if this new bill is passed. Rep Lower also stated in the article, that "the Constitution should protect us. The powers of the executive, legislative, and judicial branches are all administered by mere mortals who live in the present day and are faced with present day pressures. Our Constitutional rights, on the other hand, are not subject to present day pressures, public opinion or fear. They exist whether we are overcomer with fear or not. " HOUSE BILL 5679 does not protect the sex offender, or protects the public, by how it is written. This bill seemed to be written out of fear, and the present day pressure of the courts and public opinion. It seems like this bill was just rushed and thrown together, without looking over all the facts, without going over the work from the previous work committees, previous meeting and rulings. It also seems like maybe someone is up for re election or election to a different post and are trying to have something to stand on.

Rep Lower also stated in this report in April, to the Detroit News, " I know many people would happily trade the protections our Constitution guarantees for a stronger sense of safety and security today. They will likely be very angry with me for writing this. However, I swore an oath to preserve, protect and defend the Constitution of this state and this country, and I intend on upholding that oath of office. No matter how scared or angry we are as a people, the Constitution is designed to protect us from that fear and anger. Without these protections, our system of government, the liberty we are supposed to enjoy and our Constitutional Republic would disappear forever." So with HB 5679, we all know that its to protect and give a stronger sense of safety and security, but how does this bill protect the sex offenders of this state, who are citizens of this state, who have Constitutional rights, along with how does this protect the families, children, and loved ones of this state also? How does these strict requirements protect the safety of the non registrants and public of the state. Its doesn't. Swearing an oath to protect, preserve, and defend the Constitution, doesn't mean that you just protect one class of people, that means you protect EVERYONES RIGHT. So with that being said, how does this new bill, in any way shape or form, protect the State of Michigan and Registrants. As stated it doesn't matter about the public fear or anger, we have to have protections for everyone, to enjoy the freedoms, protections, and Constitutional Republic and rights forever.

Now on to my testimony. I want to talk about how SORA has effected my life and my families life. In 2002, I was convicted of 750.145D2F/750.145C2, I was sentenced to 5 to 20 years. I never had a prior record, not even a traffic ticket. I solicited over the computer to an undercover officer. 3 Months after I was sentenced in Oakland Co. A MSP officer was brought in for the same charge, but it was dismissed in Circuit Court, as he was just having a fantasy. At no time did I ever touch anyone. I did almost 5 1/2 years. Before I was sent to prison, I had to sign the registry paperwork. I was at that time placed on it for life. The tier system was later introduced and I was placed on Tier 2 and dropped to 25 years. Which I had no problem with that, so my new registry release date ended up coming to 2027. When I was released in 2007, I had to pay a 35 dollar registration fee, then it went up to 50 a year, this was not apart of my first agreement. Just getting out, and being tight on bills, if I didn't at times let bills go, to pay the yearly registration fee, I would have been in violation of SORA and sent back. Now you tell a person on parole, do everything you can do to be successful, but at times SORA made it so difficult to survive. So after raising the yearly registration fee, they stated that my ending date was changed again, from 2027 to 2032, that they were no longer counting time of incarceration as part of the time. Violation of Ex post

Facto. In 2019, I was convicted of 750.520C1A (Attempt) I was giving 5 years probation, in a plea deal that I was basically forced to take, because my court appointed didn't want to really fight the case. Even before the PCC in district Court, the CPU Assistant Prosecutor for Macomb Co. told me that she didn't even want to prosecute the case, because there was no evidence, no witnesses, no dna, nothing. But do to the fact that I had a 2002 conviction, and was on the registry, she was going to go forward with the case because that's what the county does. The alleged victim even stated in several cases, that nothing happened. I was told that If I didn't take the deal, they were going to try to use my prior registry case and get me sentenced to 10 to 30 years. So what choice did I have?

So since I have been on the registry, since 2002, I have had to face many of obstacles because of SORA. The money that I must pay on a yearly basis, that no other crime classes have to pay. Decisions on what bill to let go that month, or which family member I was going to ask to borrow money, so I could pay it so I wouldn't be violated. I had lived in Eastpointe. I had to fight with Eastpointe PD on numerous occasions with my registry verifications, including when I first moved to the city. The PD LT. didn't want another sex offender living in the city, so he did everything possible to make sure I didn't move in, including showing me a map with a circle on it, and said you live in the circle, its a school zone, you can't live there. When I told him, that I had contacted MSP and got the all clear from them, he said he didn't care, that I needed to sell the new house that I bought and get the hell out of his city. It took me 5 more days and several calls to MSP and having them work with Eastpointe PD to get everything taking care of. After all of that, I was constantly harassed by Eastpointe PD. They would pull me over, come pounding on my door all the time, follow me around, even question me why I was walking in my side door and not my front door. I had a roommate, that was living with me, and it got to the point that they were harassing him. He reported the harassment and the PD told him that if He didn't like it that he shouldn't be living with a sex offender and that he needed to move out then, that he was also fair game to the harassment, as long as he lived there. I had an officer come to my door the one day, the old church that was 3 blocks over from me was putting in a preschool, and he told me that I had 30 days to move, or else he would violate me for living in a school zone. I got sick of the harassment, and I wasn't going to take my chances anymore, I decided to move out of Eastpointe. I took me 4 months to find a home, that met SORA Regulations. I had to spend more money then I wanted to which has made it difficult to make ends meet at times. I when from paying roughly 500 a month for mortgage to 926 a month in Centerline for my new home. Not only did I have to move back into my parents house at the time, which put a strain on them, my roommate had to bounce from house to house for 4 months also. Job wise. Every one is told to be successful and show that you are working and maintain employment. Do you know how hard it is to maintain employment or find employment, that is not within 1,000 feet of a school or day care. Look at Grand Rapids, 93% of the city is in a school zone, which makes it impossible to find employment or housing. I currently work at a job, that I am not really happy with, making about 30k a year. I have had offers for jobs that would have paid me 60,000 to 70,000 a year. I had the qualifications and the skills, but had to decline the work, because it fell in a safety zone. The one job that I had to decline, was in a safety zone, and the funny thing is the job was right across from the city police department. These jobs that pay a lot more would have helped me be more successful, do the things that I need to do, help take care of my sick mother right now, but guess what, no go for me, more punishment for me because of SORA. I have been harassed by MDHHS, and CPS in the past because my nephews were around me. I was told that I couldn't even visit my family, because my nephews were living with my parents, which they had custodial guardianship of at the time, that since I was on the registry, with no other requirements, that I couldn't be around and CPS told my family that if I was

around, that they would have taken my nephews from my parents. My nephews weren't even alleged victims. So many holiday, family events and outings, picnic and reunions, I had to stay at my place and be alone with no one on the holidays. Imagine being home on Christmas, by yourself eating hotdogs and soup, and not being with your family on the holidays and celebrating with them. Do you know how much depression and stress that causes a person. I have had my fair share of it. Not being able to use my family support network when I needed them, because of the Registry. Now in my current living condition, due to Warren PD causing a huge scene, back in 2018, at my house, my neighbors got checking the online registry and now they have all my information. They have threaten me, made comments, told me that they are going to do whatever it takes to get me out of the neighborhood, etc... The online information, has put my life in danger at times. So how is it protecting me and the safety of the public? I have also lost a job because someone went online and found out my work address, contacted my employer, threaten the business, so they let me go. Its always a constant hassle and leaves me in a state of depression at times, because no matter what I do to succeed and just live my life, I fear what is next to happen because of this registry.

In Closing, Once again, I STRONGLY OPPOSE HB 5679. It does not protect me or the other citizens and family and loved ones that have to deal with the horrific requirements of SORA. We need a bill that has prevention services, better treatment programs and opportunities, educating the public with real true data, A chance to be removed from the registry after a certain amount of time, and not giving a life sentence, and being punished for the rest of our lives, which no other crime class is punished like this. Being to live our lives and be able to have a chance to be a productive part of society. Be able to have that Second chance that many other people are given. Being able to be apart of family activities. Being able to find housing, jobs, education, etc.. without these strict zone requirements, like other ex felons don't have. Cut back all the in person reporting, so we are harass by police while reporting, sitting for hours at a time to just have them register us. Have a mail in registration process like some states have. Take the time and don't rush passing a law that doesn't work or protect.

Sincerely

Daniel Ruddy