

Testimony of Alderman Steve Olson, City of Franklin
Assembly Bill 759
Relating to management of sex offenders and prohibitions on residency restrictions
Before the Assembly Committee on Corrections and Courts
March 11, 2010

Chairman Parisi, honorable members of the committee, members of the legislature thank you for the opportunity to testify on Assembly bill 759. My name is Steve Olson. I'm an alderman in the city of Franklin.

I come before you in opposition of this bill.

Because the City of Franklin has been a target by the state and the city of Milwaukee as a dumping ground for sex offenders, I've worked for the last six years to make certain that NO community suffers as we have.

In 2007, the City of Franklin became the second community to enact an ordinance restricting where sex offenders could reside and areas in which their presence is prohibited. Our ordinance applies only to offenders convicted of sex crimes against children. Make no misunderstanding. The city enacted this ordinance in response to the large outcry and support from OUR citizens to do just what we've done. Since we enacted the ordinances, our citizens have stood with us in protecting their children in our own small way. It is inconceivable to me that state government in Madison would have such superior insight into the unique public safety needs of any community that they could protect a child from a sex offender with this bill. Requiring an over-worked probation agent to make a subjective decision on whether a sex offender is a 100 footer or a 249 footer is at best a waste of time and at worst, legally indefensible. Local ordinances have been well researched and constructed for the benefit of the citizens of each community. They work. They're legal.

I have had the honor to work with several other communities who have sought advice and counsel in crafting similar restrictions to protect their children.

At each opportunity I stressed that each community must act responsibly and be certain that take their own sex offenders and not pass an ordinance that effectively banishes even their own sex offenders. Many communities have heard and understood this and make accommodations for their own sex offenders. Why would the state have any interest in breaking something that works?

I know the arguments that you're hearing. I've heard them over and over again over the last several years.

The DOC will tell you that residency restrictions drive sex offenders underground. I submit to you, honorable legislators, that there is no documented evidence of this claim. The fact that sex offenders continue to try to live in prohibited areas is on its' face evidence of the contrary.

In the City of Franklin resolution opposing this bill you'll find a portion of the Trial Court Decision in *State of Florida v. Schmidt, et al.*, discussing the testimony of experts who have written and testified on sex offender residency laws, concluding that sufficient and conclusive studies on the matter simply do not exist.

In addition, if a sex offender is willing to risk his freedom by not registering, I suggest that the offender is a prime candidate to re-offend and probably should not be in the general population to begin with.

You may think that such ordinances prohibit sex offenders from living where they want. Former Milwaukee Circuit Court Judge John Franke wrote "The notion that there is a right to 'live where we want' has a certain superficial appeal, but on closer analysis it is not a right at all, much less a fundamental one. Our legal traditions have not recognized an individual's right to live wherever he chooses." He wrote this in support of Franklin's enforcement of our residency ordinance.

Ladies and gentlemen, honorable legislators, I submit that these criminals have been convicted of taking the most precious gift that you can give a constituent, that being the sense of personal safety. Any measure of accommodation for sex offenders that minimizes this is un-warranted and a slap in the face of their victims.

I submit to you that this legislation is ill-conceived and will permit dangerous and unfair shifting of the burden of managing the threat of sex offenders from one community to others.

Respectfully, I ask you to consider this. Many, many of the ordinances that you are considering preempting include language that requires that they find areas in their own communities to place their own offenders. If you pass this bill you will undo the solution to the problem you profess to trying to fix.

In 2004 I made a statement to this same committee in consideration of another proposal to deal with predators and I'll reiterate it again. As a community, we'll take care of our own sex offenders; don't give us everyone else's.

I urge you to act in a reasoned and responsible manner to protect our children. Turn back this ill-conceived legislation. Defeat this measure.

I thank you for your time and consideration.

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