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State Appellate Defender Office statement regarding *People v Betts*

The State Appellate Defender Office applauds the decision of the Michigan Supreme Court yesterday in [*People v Paul Betts*](#), holding that the 2011 Sex Offenders Registration Act is unconstitutional ex post facto punishment. With the Court’s decision, SORA’s many requirements cannot be imposed against those whose offenses requiring registration came before the enactment of the 2011 SORA.

“The Court correctly recognized the extreme and unconstitutional burden placed on nearly 40,000 Michiganders by requiring registration with no determination as to who actually poses a risk to the public,” Mr. Betts’ attorney, SADO Managing Attorney Jessica Zimbelman, said.

The Court specifically noted the following portions of the 2011 SORA that supported its conclusion that registration was punishment:

- it restricts where registrants can live, work, and loiter;
- it is comparable to shaming, given the public internet registry and the vast amount of information made public just by registration;
- it resembles parole, given the “significant amount of supervision by the state”;
- it imposes onerous burdens such as immediate in-person reporting requirements based on numerous and often mundane life events;
- it is excessive given the “uncertainty of the 2011 SORA’s efficacy” in reducing recidivism, due to the lack of an individualized assessment of risk.

Yesterday’s decision comes after nine years of litigation, which included multiple briefs to the Michigan Supreme Court and two oral arguments. “This decision recognizes the unjust realities for people forced to register under arcane procedures – constant monitoring and public scorn, all of which comes with little to no effect on public safety,” Zimbelman reflected.

Questions can be directed to Jessica Zimbelman, SADO Managing Attorney at (313) 256-9833.