CURE-SORT NEWS

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Florida Action Committee Files Landmark Federal Constitutional Challenge to Florida's Registry Laws

The Florida Action Committee (FAC), a statewide nonprofit organization advocating for evidence-based criminal justice policies, today announced the filing of a sweeping federal lawsuit challenging Florida's sex offender registration and restriction scheme as unconstitutional.

Filed in the United States District Court for the Northern District of Florida (Case No. 4:26-cv-00388-MW-MJF), the lawsuit seeks declaratory and injunctive relief against Florida Department of Law Enforcement Commissioner Mark Glass, along with fifty counties and municipalities that enforce additional residency and presence restrictions. The complaint argues that Florida's registry has evolved far beyond its original purpose as a public notification system and now functions as a system of perpetual punishment that violates multiple provisions of the United States Constitution.

FAC Spokesperson Teresa Bond explained, "this is not just another challenge to one law or one ordinance. This case asks the courts to recognize what has become increasingly obvious over the past three decades: Florida's registry is no longer a civil regulatory system. It has become a lifetime system of punishment that reaches far beyond any sentence imposed by a judge."

The lawsuit alleges that Florida's registration scheme, together with the network of local ordinances adopted throughout the state, imposes severe and continuing restrictions on where individuals may live, travel, work, and even be present. It further alleges that the cumulative effect of these laws amounts to banishment, perpetual supervision, and punishment long after individuals have completed their court-imposed sentences.

Among the constitutional claims raised in the lawsuit are allegations that Florida's laws violate:

- The Eighth Amendment's prohibition against cruel and unusual punishment;
- The Constitution's Ex Post Facto Clause by retroactively increasing punishment;
- The fundamental constitutional right to interstate travel;
- Due process through vague and undefined criminal prohibitions;
- The First Amendment by restricting protected speech in public places.

Unlike prior litigation that has challenged individual provisions of Florida law, this lawsuit takes a comprehensive approach by asking the court to evaluate the registry as it exists today – not as it existed decades ago when courts first considered these issues. The complaint details how repeated legislative amendments have transformed Florida's registry from a recordkeeping system into one of the most restrictive registration schemes in the nation.

The complaint also documents the practical consequences experienced by FAC's members, including widespread housing instability, barriers to employment, restrictions on family life, obstacles to travel, and high rates of homelessness created by overlapping state and local residency restrictions.

FAC emphasized that the lawsuit does not seek to excuse criminal conduct or diminish the seriousness of sexual offenses. "People who commit crimes should be held accountable" explained Bond, "but once a sentence has been imposed and served, the Constitution still matters. Public safety and constitutional rights are not mutually exclusive. This lawsuit asks the courts to reaffirm that there are limits on how far government may go in continuing to punish people long after they have paid their debt to society."

The organization noted that the litigation has been developed over many months with the assistance of nationally recognized constitutional litigators and is expected to address legal questions that have never before been presented together in a single challenge to Florida's current registry system.

As with any major constitutional litigation, FAC expects the case to proceed through multiple levels of judicial review before a final resolution is reached.

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OPINION

Since 2012, Minnesota has spent $1.3 billion on an illusion of safety

The Minnesota Sex Offender Program is expensive. In the last 14 years, it has cost us $1.3 billion. For that price tag, taxpayers should expect robust public safety benefits, but that's not what we've gotten.

MSOP is a civil commitment program designed to provide treatment, behind double razor wire, after people convicted of sex offenses have finished their prison sentences. It is supposed to rehabilitate. But in its more than 30-year history, nearly 1,000 people have been locked up, and only 37 have ever been fully discharged.

The program was meant to prevent sexual violence, but thirty of fifty states have rejected this approach.

Comparing states with and without civil commitment, empirical research demonstrates that civil commitment delivers no discernible impact on rates of rape and sexual assault. Yet we will spend a whopping $124 million this year to confine about 750 people at MSOP.

There is also the opportunity cost. We lavish funds on MSOP while evidence-based programs to prevent sexual violence and services to support victims are starved for resources.

Civil commitment programs in other states have figured out how to keep costs down without jeopardizing community safety. I don't believe Minnesota should civilly commit people to MSOP, but so long as it does, we owe it to taxpayers to learn from other states.

Take Wisconsin. Drive three hours east of St. Paul, and you will find a program similar to MSOP, with a significantly smaller price tag. Wisconsin spends $79 million annually — about $45 million less than Minnesota.

One reason is due to Wisconsin releasing and reintegrating more than 10 times the number of people as Minnesota. Since 1994, Wisconsin has fully discharged nearly 400 people, and its secure facility currently has a population of 150 residents. You might be wondering whether this huge disparity in releases has made Wisconsin more dangerous than Minnesota. It hasn't. In 2024, Minnesota and Wisconsin had almost the same rates of rape per capita, with Wisconsin's being slightly lower. Minnesota taxpayers should ask policymakers why Wisconsin can do this for less.

So how do we get there?

We can start by preventing millions of dollars being spent every year locking up people who can safely be reintegrated into the community. The system needs to reduce the bureaucratic delay in processing release petitions. Incredibly, it takes about three years to process a petition for release. Each delayed release costs us almost half a million dollars, which is money that could be spent on effective sexual violence prevention. That's the definition of waste.

We need to be proactive in identifying people who don't belong behind the double razor wire. For example, research tells us that the risk of future assaults decreases as people age. People who are sixty or older — about one-third of MSOP residents — pose a particularly low risk. Yet Minnesota doesn't regularly assess which detainees are ready for release. Most states mandate an assessment for each detainee annually, but Minnesota does not. The result? Many people are likely languishing at MSOP who could be released to less expensive community alternatives.

And when those people are identified, MSOP should petition for their release. Our law explicitly allows the Executive Director of MSOP to bring a petition for discharge or transfer at any time, but this prerogative is rarely exercised. That should change immediately.

Imagine what the $1.3 billion spent on MSOP in the past 14 years could accomplish if directed toward evidence-based programs that serve victims, intervene early, and stop harm before it happens.

That is what keeping communities safe looks like.

Eric Janus, Minnesota Reformer
https://minnesotareformer.com/2026/05/27/since-2012-minnesota-has-spent-1-3-billion-on-an-illusion-of-safety/

From the Director's Desk

By Wayne Bowers

A few items to go over, sort of office stuff we need to cover. In July we contacted our non-prisoner membership with a donation letter and we have received commendable response. CURE-SORT has been financially impacted by repeated price increases by the US Postal Service, affecting not only the mailing of our newsletter but also sending out the other information and resources requested by those who contacted us.

The cost of just printing and mailing our newsletter has also continued to rise, now over $1,000 per issue. These are our biggest costs, as all of us who operate CURE-SORT are unpaid volunteers. For those of you incarcerated, your assistance is needed and will be greatly appreciated in helping us continue to send materials to people who greatly value our assistance.

In another part of the letter, review of a new coalition of organizations and like-minded advocates in our field that have a long-range goal of eliminating the registry has continued to plan and work toward that goal. Coordinated by the Restorative Action Alliance, this year has been utilized for preliminary plans, sessions for everyone to share their concerns and thoughts, and in developing a steering committee to develop a blueprint on how to successfully advocate for meaningful policy change. Known as the National Coalition Against Conviction Registries, the participants continue holding monthly meetings to develop strategies to accomplish this important task.

For those who do participate with us, we need to clarify that we do not engage in legal assistance or giving legal advice. Quite a few people send us information they need answered or direction. This is not part of our mission, so look for other organizations who do assist in these issues.

We get quite a few letters with a request to place in the newsletter and many give information about the conditions in their facility. We can't use all of these; we take some to give an idea of what is happening. But there are many topics to cover.

Second Federal Lawsuit Filed Challenging West Virginia's Annual Registry Fee

The National Association for Rational Sexual Offense Laws (NARSOL) has filed a second federal lawsuit in the Southern District of West Virginia challenging the state law that imposes a $125 annual fee on individuals required to register as sex offenders.

The lawsuit, Basham et al. v. Mitchell, filed on behalf of West Virginia's 6,450 registrants, argues that the fee, which became effective on January 1, 2026, constitutes an unconstitutional punitive fine rather than a legitimate administrative cost.

Under W. Va. Code Ann. § 15-12-2(o), registrants must pay $125 annually or face property liens, regardless of their ability to pay. The state expects the fee to generate over $800,000 per year.

According to the complaint, none of the collected fees are earmarked for sex offender registration functions. Instead, the funds will:

- First support mental health counselors, seminars, and training for current and former West Virginia state police employees—whether or not they work with the registry;
- Then fund any other expenses "essential to the general operations of the State Police."

The complaint emphasizes that no fees will be used for "sex offender notification, registration, verification, or compliance."

The complaint, filed under 42 U.S.C. § 1983, raises an Ex Post Facto constitutional claim.

Ex Post Facto Clause (U.S. Constitution, Article I, Section 10)

- Unlike the earlier Kaso v. Mitchell case, this lawsuit does not assert claims under the Eighth Amendment, the Due Process Clause, or the Equal Protection Clause. Instead, it focuses exclusively on the Ex Post Facto Clause.
- Plaintiffs argue that the annual fee constitutes a retroactive punishment because it was enacted in 2025 and later amended in 2026, long after their convictions and sentences became final.
- The complaint contends that the fee is not a genuine regulatory fee but rather a punitive fine because:
  - ○ It is imposed solely because of a past criminal conviction;
  - ○ It can be imposed annually, often for life;
  - ○ Nonpayment triggers a judgment lien against the registrant's property;
  - ○ Revenue is used for state police mental health programs and general operations rather than registry administration.
- Plaintiffs further argue that the statute fails the punitive-effects analysis described in Smith v. Doe and Mendoza-Martinez, asserting that it resembles punishment in purpose and effect.

NARSOL
June 17, 2026

Did you know?

A **U.S. Justice** study found CSA offender rearrest rate for new CSA: 3.3%. All sex offender rearrest rate for new CSA: 2.2%. Sex offenders were less likely than non-sex offenders to be rearrested for ***any*** offense – 43% of sex offenders versus 68% of non-sex offenders.

U.S. Department of Justice, Bureau of Justice Statistics, Recidivism of Sex Offenders Released from Prison in 1994, November 2003, NCJ 198281

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Make checks payable to CURE-SORT, or go to: http://www.cure-sort.org/join--contribute.html

CURE-SORT News is a publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment. CURE-SORTis one of four issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington, D.C.

CURE-SORT
P.O. Box 1022
Norman, OK 73070-1022
(405) 541-8061
e-mail: info@cure-sort.org
web: www.cure-sort.org

Executive Director: Wayne Bowers
Editor: Rob Rector

Connection, Collaboration, and Advocacy: NARSOL 2026

The 18th Annual NARSOL Conference, held June 25–28 in Baltimore, Maryland, once again brought together advocates, impacted individuals and families, attorneys, researchers, and organizational leaders from across the country. Over several days, attendees had opportunities to learn, connect, exchange ideas, and strengthen relationships within an advocacy movement that continues to grow and evolve.

This year's conference offered a diverse mix of plenary presentations and workshops addressing advocacy strategies, legal challenges, employment, prevention, strategic messaging, civil commitment, reentry, and other issues affecting individuals and families impacted by sexual offense laws. Just as valuable as the scheduled sessions were the conversations taking place in hallways, over meals, and between presentations. Those informal connections remain one of the greatest benefits of bringing advocates from different states, organizations, and areas of expertise together.

For CURE-SORT members, gatherings like the NARSOL Conference also reinforce the value of relationships across organizations. While our individual missions, areas of focus, and approaches may differ, we share important common ground in supporting impacted individuals and families, advancing education and informed public policy, encouraging successful reintegration, and promoting approaches that contribute to prevention and safer communities. Collaboration allows organizations to share knowledge, learn from one another, and strengthen advocacy beyond what any one group can accomplish alone.

As a CURE-SORT Board Member, I was honored to participate this year as a plenary speaker, presenting **"An Unlikely Advocate,"** and was deeply surprised and grateful to receive NARSOL's **2026 Advocate of the Year Award** during the conference banquet.

Ultimately, Baltimore was a reminder that progress is built through relationships, persistence, shared knowledge, and a willingness to work across organizational lines. Conferences like NARSOL provide the opportunity to strengthen those connections—and then bring that renewed energy, knowledge, and collaboration back to the work happening in our own organizations and communities.

Shawn Barrera-Leaf
Executive Director of UV4SOR, CURE-SORT Board Member

Member Letter: Second Look Act of 2026

I am writing regarding the Second Look Act of 2026, which was introduced to the US House Judicial Committee on April 28, 2026, and has passed Codes Review.

While I'm no expert on Congress, I believe the next step is markup and presentation to the House for a vote. I believe a vote on this bill before the end of the current term is vital.

The Second Look Act would change the game for federal offenders, especially those with sex offenses. As many federal inmates with sex offenses have lengthy sentences due to mandatory minimums, the Second Look Act would give these individuals a chance to demonstrate their rehabilitation – and does not limit based on charge, as the First Step Act did.

I have started a discussion with inmates here on the importance of their families reaching out to their representatives. And asking for the bill to be advanced. And while this is unlikely before the midterms, I believe now is the time to spread the word and urge family and friends who can vote to spread the word.

Thank you for mentioning this bill and hope any federal person reading will take action.

From William B. Ball, Federal Inmate

Two Members Have Passed Away

Word has been learned of the passing of two persons who have been long supporters of our work.

Kathie Izor of Englewood, CO, was a long member of Colorado CURE and also was a supporter of ours. She passed away in April.

Shelley Rector of Ridgefield, WA, was a long time donor with her family. Her husband notified us of her December 2025 passing when he contacted about a monthly donation she had made.

Our thoughts to these people and their friends and family.

Available Resources from CURE-SORT

We are pleased to offer the following resources. Donations accepted to cover cost of postage and printing. Mail donations to the CURE-SORT, address on Page 3.

One Breath at A Time by Ila Davis ($20)

Non-prisoner only due to facility restrictions

Understanding Offending Behavior by Stephen Price

A collection of 9 of Stephens articles from previous newsletters ($7.00 for the set of 9 articles)

When Someone on the Registry Moves into My Neighborhood

(Member Price $7; Non-Member: $15)

No More Victims - One Man's Journey into Sexual Offending and Recovery. By S. Sands (Ed G), $18. (Includes postage).

Send requests to CURE-SORT (information on third page) or email to egunder@mysecuremailcv67.com or on amazon.com

SUPPORT GROUP

Families & friends for those in civil confinement, contact Eldon Dillingham. Interested persons contact at 404 Walnut St., Wamego, KS 66547 eldoncdilIingham@gmail.com