

Dissecting Jessica's Law

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Recently the Texas Legislature has proposed several new bills to the Governor; one of those bills is HB 8, otherwise known as Jessica's Law. Jessica's Law is based on Jessica Lunsford a young girl from Florida who was repeatedly raped and eventually murdered by being buried alive in 2005 by a previously convicted sex offender.

In Texas the law will have several provisions: It requires a mandatory 25 year sentence for first time convictions of an aggravated sexual assault with a victim of 14 years old or younger. It provides an option of the death penalty for a second conviction of an aggravated sexual assault. The law will also require GPS tracking devices for the offenders once they are released into the community.

The community reacts to a violent crime such as Jessica Lunsford with anger and sadness. Many of us will applaud a law that is strict on these offenders, but the truth is that this law is flawed by the same provisions that make it so strict.

The mandatory 25 years sentence requires that there be an aggravated sexual assault. Many offenders will hire a good defense lawyer who can and will plea bargain to a less severe charge. The prosecution will still see this as a victory because they have the offender in the system, but it will not be the 25 years that is advertised.

Another questionable provision to this law is the option for the death penalty on a second offense. Besides the moral problems with the death penalty, there are also other factors that make this questionable. Historically, the death penalty has only been used for capitol murder cases. Now it will be extended to cover sexual offenses. This is an extremely difficult punishment for a prosecution. There needs to be concrete evidence proving without a doubt that the accused is guilty. Evidence in a sexual crime is hard to obtain. It may take weeks or months for a victim to come forward with an outcry. By that time, all physical evidence is gone. This also presents another problem to a victim. An offender who is aware of the possible consequence will try to destroy all evidence. The largest piece of evidence that can identify the offender is the victim. The offender will more than likely have to kill the victim as opposed to letting him/her go free.

GPS tracking is a very high tech way of monitoring an offender. The authorities will know exactly where the offender is at all times. What good does that do? In no way does this eliminate the threat of the offender harming another person. A majority of abuse occurs in the home. The authorities may know that the offender is at home, but the offender may still be abusing a family member.

We all want to protect our children and community. So a law that is more severe on sex offenders sounds like a good idea, but we have to be aware that there are two sides to everything. This law may be strict but it is not the answer. The true answer to protecting our children and community is through education and awareness.