

6-1-2020

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What if Romeo “Facebooked” Juliet: A Call to Reform Internet Solicitation and Juvenile Sex Offender Laws in the “Digital Age”

Erin Heaney*

ABSTRACT

A modern twist on a classic romance: Romeo and Juliet fall in love in the twenty-first century. The same youth, naivety, and passion play out in the digital age. The families fight over bitcoins and Romeo and Juliet exchange tender words of love by iMessage, Tweet, or E-mail. Everything is exactly as expected, but tragedy strikes the couple in a way no one saw coming.

In this contemporary tale of young love, both are spared death, but at a cost. In this version, Romeo is convicted for internet solicitation of a minor and must register as a sex offender for the rest of his life. Not the ending you saw coming? Nevertheless, such is the fate of our young Romeo, living in 2020, if he pursued Juliet through iMessage, Tweets, or E-mail rather than at her balcony window. This unexpected ending to a classic love story is the result of outdated and overbroad internet solicitation statutes prevalent throughout the United States. To prevent the unintended consequences of these laws on adolescent offenders, this Comment recommends that states: (1) revise their statutes to reflect an exception for adolescent offenders; (2) allow the judiciary the discretion to make exceptions on a case-by-case basis; or (3) offer adolescents a meaningful opportunity for review or appeal of their registration requirements after rehabilitation.

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Table of Contents

I. INTRODUCTION	848
II. BACKGROUND	850
A. Internet Solicitation Statutes: “Certain Uses of Computer Prohibited”	851
1. The Goal	851
2. The Language	852
3. How We Understand the Internet: Then & Now	854
a. The Internet of the ‘80s, ‘90s, and 2000s	854
b. Modern Understanding	856
B. Sex Offender Registration	857
1. Before the ‘90s: A Brief History	857
2. Sex Offender Registration: ‘80s to Today	858
C. Increased Use of the Internet	861
D. Adolescent Romance in the Digital Age	863
E. Electronic Solicitation Statutes in the Digital Era	863
1. New Hampshire	864
F. The “Problem” of Youth versus Adult Offenders	865
1. The Supreme Court, Juveniles, and the Eighth Amendment	865
2. Juvenile Brain Development	866
3. Undermining the Juvenile Justice System	867
4. Recidivism	868
5. Lifetime Implications	869
III. ANALYSIS	870
A. Internet Solicitation Statutes are Digital Dinosaurs	870
B. The New Problem of Juvenile Sex Offenders	871
C. The Constitutional Difference Between Adolescents and Adults	871
D. Recommendations	872
1. Revise Statutes to Address Methods Prohibited and the Age of the Offender	872
2. Discretionary Application of Registration Requirements	874
3. Meaningful Review or Appeal Process	875
IV. CONCLUSION	876

I. INTRODUCTION

The sounds of typing overcome the din of a busy household as ROMEO sits on the living room couch, staring at his laptop screen. He smiles, sheepishly, looking up as he thinks of what to say next. Returning his gaze to the screen, he types quickly “WYD?”¹ and awaits a reply. Three

1. The phrase “WYD” is a texting abbreviation generally meaning “what (are) you doing.” See *wyd*, DICTIONARY.COM, <https://bit.ly/2CyYTkH> (last visited Apr. 28, 2020).

little dots appear. He waits, anxiously, for the three little dots to give way to a little grey bubble with a text from his beloved.

ROMEO furrows his brow as the dots disappear, then reappear, then disappear again, before finally receiving the long-awaited message: “NMU?”² At last, JULIET has replied. The conversation continues until, finally, the pair arrange to meet up next Friday after the football game, behind the bleachers, 9:00 pm. ROMEO types, “cool.” JULIET replies, “cul8r.”³ End scene.

But the modern version of the traditional love story as you know it ends there. After meeting up behind the bleachers to have sex, Romeo is arrested and charged with violating the Verona internet solicitation statute. Convicted of this crime, Romeo must register as a sex offender for the rest of his life. Now that is a tragedy that even Shakespeare would not write.⁴

To save the fate of our modern Romeo, this Comment argues that states must revise their respective internet solicitation statutes to reflect the rapid growth of internet-based communication between adolescents.⁵ Part II of this Comment will explain how internet solicitation statutes⁶ became a threat to adolescent communication and romance by examining the statutes themselves.⁷ Part II will also address how societal understanding of the internet has changed during the decades since the statutes were enacted.⁸

Part II then examines why these statutes now pose a threat to adolescent communication: changes to sex offender registries⁹ and the explosion of internet-based communication.¹⁰ Additionally, Part II will address how courts apply internet solicitation statutes to adolescent offenders today¹¹ and the legal distinctions between juvenile and adult offenders.¹² Part III analyzes how the inclusion of juveniles on sex

2. The phrase “NMU” is also a texting abbreviation meaning “Not much, you?” It is often used as a reply to the question “What are you doing?” See *NMU*, DICTIONARY.COM, <https://bit.ly/2W6kR75> (last visited Apr. 28, 2020).

3. The phrase “cul8r” is a texting abbreviation meaning “see you later.” See *CUL8R*, URBANDICTIONARY.COM, <https://bit.ly/2W3mbaJ> (last visited Apr. 28, 2020).

4. For the purpose of this Comment, the author presumes most adolescents implicated by the intersection of sex offender registration and internet solicitation statutes share the following characteristics of Romeo: juvenile, close in age to the “victim,” and are engaged in a consensual sexual relationship. The author recognizes that not all juveniles convicted of internet solicitation fit these characteristics, however, the appropriate application of internet solicitation statutes to such individuals is beyond the scope of this Comment.

5. See *infra* Section II.C.

6. See *infra* Section II.A.

7. See *infra* Section II.A.2.

8. See *infra* Section II.A.3.

9. See *infra* Section II.B.2.

10. See *infra* Section II.C.

11. See *infra* Section II.E.1.

12. See *infra* Section II.F.

offender registries,¹³ despite the constitutional differences between juveniles and adults,¹⁴ compounds the threat internet solicitation statutes pose to adolescent romantic communication.¹⁵ Thus, Part III recommends three courses of action to remedy the problem of punishing adolescent sexual communications.¹⁶ Part IV offers concluding statements on the issues raised herein.¹⁷

II. BACKGROUND

Nearly every state has enacted “internet solicitation statutes,” which prohibit the use of computers or the internet to solicit children¹⁸ to engage in sexual conduct.¹⁹ The influx of these statutes began in the 1990s and early 2000s,²⁰ responding to the growing public fear of child sexual exploitation by electronic or technological means.²¹

While state legislatures were enacting new laws to prohibit the internet solicitation of children,²² the federal government was attempting to regulate sex offenders.²³ Thus, the early 2000s introduced laws that protected children from sexual predators but also included children on sex offender registries.²⁴ In 2009, just a few years after juveniles were included on sex offender registries, the Department of Justice estimated that juveniles accounted for more than one-third of all registered sex offenders in the United States.²⁵ Although child sexual exploitation over the internet

13. See *infra* Section III.B.

14. See *infra* Section III.C.

15. See *infra* Section III.A.

16. See *infra* Section III.D.

17. See *infra* Part IV.

18. Throughout this Comment, the terms “children” and “adolescents” refer to legal minors of distinct age groups. In this Comment, the term “children” refers to minors aged 0–12 years and the term “adolescents” refers to minors aged 13–17 years. The terms “minor,” “legal minor,” or “juvenile” refer to individuals under 18 years of age.

19. See *State Laws: Electronic Solicitation or Luring of Children*, NAT’L CONF. ST. LEGISLATURES (Jan. 5, 2015), <https://bit.ly/2F2niml>.

20. See *infra* Section II.A.

21. See DAVID FINKELHOR ET AL., THE CRIMES AGAINST CHILDREN RESEARCH CENTER, ONLINE VICTIMIZATION: A REPORT ON THE NATION’S YOUTH at ix (2000) (noting that “[a]pproximately one in five [children between the ages of 10 to 17] received a sexual solicitation or approach over the Internet in the last year”).

22. See FLA. STAT. § 847.0135 (2009); N.H. REV. STAT. ANN. § 649-B:4 (2009); see also ALA. CODE § 13A-6-122 (2009); GA. CODE ANN. § 16-12-100.2(d)(1) (2007).

23. See Karen J. Terry & Alissa R. Ackerman, *A Brief History of Major Sex Offender Laws*, in *SEX OFFENDER LAWS: FAILED POLICIES, NEW DIRECTIONS* 50, 55 (Richard G. Wright ed., 2d ed. 2015).

24. See Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587 (codified at 42 U.S.C. §§ 16901–91 (2006)).

25. See DAVID FINKELHOR ET AL., JUVENILES WHO COMMIT SEX OFFENSES AGAINST MINORS 1–2 (2009), available at <https://bit.ly/2RAYDQO>. But see Alison Parker & Nicole Pittman, *Raised on the Registry*, HUM. RTS. WATCH (May 1, 2013), <https://bit.ly/1HrFkcV> (explaining that “[i]t is unknown how many persons are subject to registration laws in the United States for crimes committed as children . . . from publicly available national data”);

is still a real concern today,²⁶ the failure of internet solicitation statutes to reflect the immense change to our virtual world has opened the door for unwitting adolescents to become registered sex offenders.

A. *Internet Solicitation Statutes: “Certain Uses of Computer Prohibited”*

Understanding the threat these internet solicitation statutes pose to adolescents communicating in the digital age²⁷ requires an analysis of the statutes themselves. An examination of these statutes will focus on three primary characteristics: their goal,²⁸ their language,²⁹ and what they reflect about societal understanding of the internet.³⁰

1. The Goal

The development of internet solicitation statutes throughout the United States illustrated the growing fears of legislatures and citizens when it came to children and the internet.³¹ In New Hampshire, for example, the principal sponsor of the internet solicitation bill articulated that the goal was to “provide[] additional protection for our youth by increasing penalties for internet crimes.”³²

The New Hampshire legislature generally “viewed individuals who use computer online services or internet services to seduce or solicit children to engage in certain sexual activities as particularly dangerous.”³³ Internet crimes were considered dangerous because they allowed an adult behind the veil of a computer screen to anonymously prowl for children in

HUGH H. HUDSON, WHITE PAPER ON THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006, at 17 (2008); *Map of Registered Sex Offenders*, NAT’L CTR. FOR MISSING & EXPLOITED CHILD. (Nov. 4, 2011), <https://bit.ly/2qqYWsh>.

26. See Sheryl Gay Stolberg & Richard Pérez-Peña, *Wildly Popular App Kik Offers Teenagers, and Predators, Anonymity*, N.Y. TIMES (Feb. 5, 2016), <https://nyti.ms/2rYIhNn>.

27. For the purposes of this Comment, the phrase “digital age” is assumed to have the same meaning as the “information age.” According to Merriam-Webster, the “information age” refers to “time in which information has become a commodity that is quickly and widely disseminated and easily available especially through the use of computer technology.” *Information Age*, MERRIAM-WEBSTER, <https://bit.ly/2zCbKza> (last visited Apr. 28, 2020).

28. See *infra* Section II.A.1.

29. See *infra* Section II.A.2.

30. See *infra* Section II.A.3.

31. See, e.g., *An Act Prohibiting Internet Solicitation and Exploitation of Children: Hearing on S.B. 495 Before the S. Comm. on the Judiciary*, 2008 Legis. Sess. (N.H. 2008) (statement of Sen. Joseph Foster) [hereinafter *Judiciary Comm. on SB 495*]; see also *50 State Survey of Grooming and Child Solicitation Statutes*, A.B.A., (on file with author) [hereinafter *ABA 50 State Survey*].

32. *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Sen. Joseph Foster).

33. *State v. Serpa*, 187 A.3d 107, 111 (N.H. 2018).

the safety of their own homes.³⁴ The fears of parents and law enforcement³⁵ stemmed from the increasing ubiquity of online chat platforms. Indeed, these platforms became increasingly available to children and families with “the advent of low cost computers, easily available communication channels, and large network systems.”³⁶

These online chat platforms also allowed for a level of anonymity, which was the real danger that parents feared for their children.³⁷ Without any identifying feature other than one’s username, users could easily claim they were 16-year-old teens when in fact they were “55-year-old pedophile[s].”³⁸ With these fears in mind, but with little knowledge of the developing technology, citizens looked to their respective legislatures for protection.³⁹

2. The Language

States vary widely in the breadth of the devices encompassed by their internet solicitation statutes.⁴⁰ Some statutes employ only a few terms to establish the kinds of internet or “on-line” communications they prohibit.⁴¹ By comparison, other states use exhaustive lists of devices and methods they prohibit.⁴²

Reflecting a general unfamiliarity with the internet and crimes committed therein, some legislatures opted for fewer, broader terms to

34. See Peter Palmer, *Somebody To Talk To?*, GUARDIAN (Mar. 20, 2001, 12:49 PM), <https://bit.ly/2qrljwR>; see also *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Governor John Lynch, New Hampshire) (explaining the need to prevent “sexual predators [from hiding] in the shadows of cyberspace” and to “modernize [New Hampshire] laws to protect [New Hampshire] children from the threats of the 21st century”).

35. See *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Chief Richard Gendron, Hudson Police Dept.) (testifying that “91% or seventy-seven million children have access to the internet today” and “75% of these children have been aggressively solicited” and he explained that he “d[id not] see this ever changing” but instead it would only get worse).

36. MICHAEL L. JAMES ET AL., AN EXPLORATORY STUDY OF THE PERCEIVED BENEFITS OF ELECTRONIC BULLETIN BOARD USE AND THEIR IMPACT ON OTHER COMMUNICATION ACTIVITIES 3 (1993), <https://bit.ly/2znvAzu>.

37. See Palmer, *supra* note 34.

38. *Id.* The author does not intend this statement to reflect a belief that only (or all) 55-year-olds are pedophiles.

39. See Albert J. Grudzinskas, *New Technology Meets Old Law*, in ADOLESCENT SEXUAL BEHAVIOR IN THE DIGITAL AGE 1, 5–6 (Fabian M. Saleh et al. eds., 2014); see also *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Chief Richard Crate, Enfield Police Dept.) (“[W]ith the creation of the internet, a whole new predator has emerged. New technology has made it easier for these individuals to enter our homes and exploit our children. The predators are using technology and the internet to lure and capture new victims for their exploitation.”).

40. See ABA 50 State Survey, *supra* note 31.

41. See N.H. REV. STAT. ANN. § 649-B:4 (2009); see also FLA. STAT. § 847.0135 (2009).

42. See GA. CODE ANN. § 16-12-100.2(d)(1) (2007); see also ALA. CODE § 13A-6-122 (2009).

encompass a problem they did not fully understand.⁴³ For example, New Hampshire law prohibits any person from “knowingly utiliz[ing] a computer on-line service, internet service, or local bulletin board service to seduce, solicit, lure or entice a child” to commit sexual assault, indecent exposure and lewdness, or endangering a child.⁴⁴ Here, the electronic means prohibited are both over- and under-inclusive, allowing courts the discretion to apply either a narrow or broad application of the law.

Similar to the language of the New Hampshire statute,⁴⁵ Florida law largely prohibits the use of the same three electronic mediums for soliciting children.⁴⁶ Yet, the Florida statute slightly expands the list.⁴⁷ In Florida, a “person who knowingly uses a computer Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to: (a) Seduce, solicit, lure, or entice” a child to engage in sexual conduct, violates Florida law.⁴⁸ The inclusion of “electronic data storage” devices allows the statute to incorporate a broader range of technologies that may not yet be known—or even exist—to fall within the statute’s control.

By stark contrast, states like Georgia and Alabama compiled more thorough lists of the different communication methods the acts are meant to encompass.⁴⁹ For example, Georgia law prohibits the intentional or willful use of “a computer wireless service or Internet service, including, but not limited to, a local bulletin board service, Internet chat room, e-mail, instant messaging service, or other electronic device, to seduce, solicit, lure, or entice” a child to engage in sexual conduct.⁵⁰ Unlike New Hampshire or Florida, the terms employed by Georgia demonstrate an attempt to draft a more pointed and specific law.

Even more expansive than the language in the Georgia statute, Alabama law⁵¹ provides an extensive list of both the actions and technologies the statute seeks to prohibit.⁵² First, the statute does not merely address actions which “solicit, entice, or lure” children.⁵³ The Alabama statute instead prohibits any individual who “knowingly, with the intent to commit an unlawful sex act, entices, induces, persuades, seduces, prevails, advises, coerces, lures, or orders” a child to engage in

43. See ABA 50 State Survey, *supra* note 31.

44. N.H. REV. STAT. ANN. § 649-B:4 (2009) (emphasis added).

45. See *id.*

46. See FLA. STAT. § 847.0135 (2009).

47. See *id.*

48. *Id.* (emphasis added).

49. See GA. CODE ANN. § 16-12-100.2(d)(1) (2007); see also ALA. CODE § 13A-6-122 (2009).

50. GA. CODE ANN. § 16-12-100.2(d)(1) (2007) (emphasis added).

51. See ALA. CODE § 13A-6-122 (2009).

52. See GA. CODE ANN. § 16-12-100.2(d)(1) (2007); see also ALA. CODE § 13A-6-122 (2009).

53. See GA. CODE ANN. § 16-12-100.2(d)(1). But see ALA. CODE § 13A-6-122 (2009).

an illicit sexual act.⁵⁴ Unlike New Hampshire, Florida, and even Georgia, Alabama chose to encompass a wide array of actions in setting the scope of child solicitation.⁵⁵

Further, unlike most other states' internet solicitation statutes, Alabama's statute bars a wide variety of specific technologies.⁵⁶ The statute prohibits the use of devices such as: "a computer, on-line service, Internet service, Internet bulletin board service, *weblog*, *cellular phone*, *video game system*, *personal data assistant*, *telephone*, *facsimile machine*, *camera*, *universal serial bus drive*, *writable compact disc*, *magnetic storage device*, *floppy disk*, or any other electronic communication or storage device."⁵⁷ Unlike the New Hampshire, Florida, and Georgia statutes, the Alabama statute's nearly exhaustive list leaves less room for error or ambiguity in the interpretation of internet solicitation. Notably, however, a cautious Alabama legislature still includes a catch-all provision at the end of the list to encompass any current or future technologies unbeknownst to its members.⁵⁸

3. How We Understand the Internet: Then & Now

Since the enactment of internet solicitation statutes, technology and the internet have dramatically changed.⁵⁹ For example, in the early 2000s, DSL technology⁶⁰ increased the speed at which users could connect to the internet.⁶¹ A thorough analysis of just how obsolete many of these internet solicitation statutes have become relies on an understanding of the way society understood technology, then and now.

a. The Internet of the '80s, '90s, and 2000s

In 1980, CompuServe⁶² launched one of the "earliest commercial Internet services" allowing users to sign onto their platform under

54. ALA. CODE § 13A-6-122 (2009) (emphasis added).

55. *See id.*

56. *See* ABA 50 State Survey, *supra* note 31.

57. ALA. CODE § 13A-6-122 (2009).

58. *See id.*

59. *See* Caitlin Dewey, *A Complete History of the Rise and Fall—And Reincarnation!—of the Beloved '90s Chatroom*, WASH. POST (Oct. 30, 2014, 2:01 PM), <https://wapo.st/2RynhIp>.

60. The acronym "DSL" stands for "Digital Subscriber Line" which refers to a "networking technology that provides broadband (high-speed) Internet connections over conventional telephone lines." *DSL: Networking Technology*, ENCYCLOPEDIA BRITANNICA, <https://bit.ly/2Drejaw> (last visited Apr. 28, 2020).

61. *See* Dewey, *supra* note 59.

62. CompuServe, then "the nation's largest vendor of computer services, report[ed] that its subscriber base [grew] . . . to well over 200,000 [people in 1985] . . . and offer[ed] paid subscribers, among other things, a wide selection of what [were] commonly known as electronic bulletin boards." Martin Lasden, *Of Bytes and Bulletin Boards*, N.Y. TIMES (Aug. 4, 1985), <https://nyti.ms/2RQTc6C>. "At CompuServe, there are close to 100 bulletin

usernames that may (or may not) reflect characteristics about the user in real life.⁶³ Services like CompuServe, Prodigy,⁶⁴ and America On-Line (AOL),⁶⁵ offered users what were known as “electronic bulletin boards.”⁶⁶

Electronic bulletin boards were “computerized system[s] used to exchange public messages or files.”⁶⁷ These virtual platforms were understood as electronic counterparts to “real” bulletin boards.⁶⁸ Users could “post” messages to be viewed by any member of the group.⁶⁹ Messages posted on these “bulletin boards” were arranged in order “of subject matter and removed when the quantity [of messages] overload[ed] the system.”⁷⁰ Although most of these messages and message-boards were supervised by the chatroom service provider, conversations could also occur in private chats that were not monitored or censored.⁷¹

More than ten years after CompuServe and other commercial internet services launched, “on-line” communication was still new to the American public.⁷² A 1993 Broadcast Education Association study revealed that “on-line communication [was] so new that few general communication text[books] even mention[ed] its existence.”⁷³ In fact, online communication platforms did not reach peak usage until the mid-to-late-1990s.⁷⁴ Nonetheless, by 1997, AOL users “spent more than a million

boards to choose from . . . [and it is] even possible to ‘chat’ by computer with another computer user live on the other end of the line.” *Id.*

63. See Dewey, *supra* note 59.

64. Prodigy was a “business information and product marketing service for the Internet global web of computer networks.” Peter H. Lewis, *Company News; Prodigy Developing a Service for the Internet*, N.Y. TIMES (Sept. 29, 1994), <https://nyti.ms/2sKINj2>. The service operated at a time when the Internet was described as a “loose affiliation of government, university and corporate computer networks on which information is available free once someone gets access through an Internet host computer.” *Id.*

65. AOL, also known as “America On-Line,” is “one of the largest Internet-access subscription service companies in the United States, providing a range of Web services for users.” AOL, ENCYCLOPEDIA BRITANNICA, <https://bit.ly/2UeELLA> (last visited Apr. 28, 2020).

66. See Dewey, *supra* note 59.

67. *Bulletin-board system*, ENCYCLOPEDIA BRITANNICA, <https://bit.ly/2RvJruY> (last visited Apr. 28, 2020).

68. See JAMES ET AL., *supra* note 36, at 6; see also Peter Kerr, *Now Computerized Bulletin Boards*, N.Y. TIMES (Sept. 16, 1982), <https://nyti.ms/2MUIYBo> (“Before computers, there were cork bulletin boards . . . [t]his is just the electronic equivalent.” (internal quotation marks omitted)).

69. See JAMES ET AL., *supra* note 36, at 6.

70. *Id.*

71. See Palmer, *supra* note 34. Chatrooms offered users a similar experience, providing “online spaces where individuals possessing similar interests might congregate, converse, and even share their physical locations to facilitate meeting in person.” *Internet: Computer Network*, ENCYCLOPEDIA BRITANNICA, <https://bit.ly/2E10aC1> (last visited Apr. 28, 2020).

72. See JAMES ET AL., *supra* note 36, at 4.

73. *Id.*

74. See Dewey, *supra* note 59.

hours chatting each day.”⁷⁵ Despite the new and relatively unfamiliar nature of these communication platforms, they quickly developed a reputation for their “shady, transgressive” possibilities.⁷⁶

b. Modern Understanding

In the decades since the launch and use of electronic bulletin-board systems, the way people accessed and interacted on the internet changed tremendously.⁷⁷ One important change that sparked a new understanding of technology and the internet was the launch of social networking or “social media” websites.⁷⁸ Websites like Friendster,⁷⁹ Myspace,⁸⁰ and Facebook⁸¹ soon spelled disaster for the once popular chatrooms.⁸² Unlike the electronic bulletin boards and chatrooms of the 1990s, in which anonymity was central to the fun and mystique of the platform,⁸³ modern social websites appeal to users for the opposite reason.⁸⁴ On these new platforms “[w]ho you are in real life is frequently . . . the only thing that matters.”⁸⁵ This emphasis on a person’s real identity when communicating online⁸⁶ is an important distinction from the way internet communication was understood in the 1990s and 2000s.⁸⁷

A comparison of the websites frequented by modern internet users and the terms of these internet solicitation statutes themselves exemplifies the drastically different understanding of the internet at the time of drafting than in the modern age. During the 1990s, when many states adopted

75. *Id.*

76. *See id.*

77. *See id.*; *see also* *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Chief Richard Gendron, Hudson Police Dept.) (noting the ongoing changes in technology and explaining that in 2008, the Hudson Police Department was “now seeing text messages” arise in addition to traditional communications over the computer).

78. *See* Dewey, *supra* note 59.

79. Friendster is a popular “online social network” that enables “people to stay in touch with friends, family, school, social groups, activities, and interests, as well as to discover new people and things that are important to them.” *Friendster Company Overview*, BLOOMBERG, <https://bloom.bg/2sHnrmn> (last visited Apr. 28, 2020).

80. Myspace is a popular “online community portal” that allows “users to create a private community where they can share photos, journals, music, and other online media.” *Myspace Inc.*, BLOOMBERG, <https://bloom.bg/2yWvUsf> (last visited Apr. 28, 2020).

81. Facebook is a “social networking website” that “allows people to communicate with their family, friends, and coworkers.” *Facebook Inc.*, BLOOMBERG, <https://bloom.bg/2VIwbbj> (last visited Apr. 28, 2020).

82. *See* Dewey, *supra* note 59.

83. *See id.*

84. *See id.*

85. *Id.* *But see* Jack Nicas, *Oprah, Is That You? On Social Media, the Answer is Often No*, N.Y. TIMES (July 7, 2018), <https://nyti.ms/2KWRelO> (noting how easy it is to make fake accounts on social media websites, and how difficult these accounts can be for the companies themselves to remove).

86. *See* Dewey, *supra* note 59.

87. *See* Palmer, *supra* note 34.

legislation to address issues of the internet, legislatures used terms such as “local bulletin board services” to describe the breadth of prohibited activities.⁸⁸ Legislatures seemed to have used the phrase “local bulletin board services” to refer to the popular medium of internet communication in the 1990s: the chatroom. However, in the digital age, a phrase such as “local bulletin board services” has reached such a level of obsolescence in modern technology that it effectively prohibits an activity that no longer exists.⁸⁹

B. Sex Offender Registration

Although well-intentioned when enacted, these outdated internet solicitation statutes have become a threat to modern teens navigating the nuances of sexual relationships in the digital age. When state internet solicitation statutes do not identify offenders as adults, adolescents communicating with their peers (children in the eyes of the law) can become swept up like “by-catch.”⁹⁰ Understanding the threat internet solicitation statutes pose to adolescents for their online communications first requires an examination of the introduction of juveniles into the sex offender registration system.

1. Before the ‘90s: A Brief History

The evolution of sex offender registration statutes⁹¹ began in the decades prior to the 1990s.⁹² Although the punishment⁹³ of sexual offenders in society was not a novel concept in the early twentieth century, the laws of the United States during this period marked the codification of the societal distaste for sex offenders.⁹⁴ Legislation categorizing and establishing punishment for sex offenders characterized much of the 1930s

88. See N.H. REV. STAT. ANN. § 649-B:4 (2009); see also FLA. STAT. § 847.0135 (2009).

89. See Dewey, *supra* note 59.

90. The term “by-catch” or “bycatch” refers to “the portion of a commercial fishing catch that consists of marine animals caught unintentionally.” *Bycatch*, MERRIAM-WEBSTER, <https://bit.ly/2Oracin> (last visited Apr. 28, 2020). Here, the term “by-catch” is meant to refer to the unintentional nature of a widely applicable statute (like a large fishing net) as it applies to people (like fish) it did not mean to include.

91. For the purposes of this Comment, the phrase “sex offender registration statutes” is used to encompass an array of different statutes that target and regulate the behavior of sex offenders in the United States. Primarily this phrase references statutes that impose requirements of registration, community notification, and residency restriction. See Parker & Pittman, *supra* note 25, at 11.

92. See Terry & Ackerman, *supra* note 23, at 51.

93. The author recognizes that courts have held that sex offender registration itself does not constitute a punishment. See, e.g., *Johnson v. Dep’t of Justice*, 341 P.3d 1075 (Cal. 2015); *People ex rel. J.T.*, 13 P.3d 321 (Colo. App. 2000). However, in the context of this Comment, the author will refer to sex offender registration as a punishment, especially as it is applied to juveniles engaged in consensual peer sexual relationships.

94. See Terry & Ackerman, *supra* note 23, at 51.

and 1940s.⁹⁵ Similar to the rise of cases that evoked public outrage and legislation in the 1990s, “emotionally charged cases of sexual abuse against children [led] to strict policies against sex offenders in the 1930s.”⁹⁶

Beginning in 1937 with the state of Michigan, many states began to implement what was termed “mentally disordered sex offender” (MDSO) legislation.⁹⁷ These laws stemmed from the societal belief that “sexual psychopathy was a disorder that could be diagnosed and treated.”⁹⁸ At the same time, Florida became the first state to pass legislation “that required [sex] offenders of all types to register their addresses with law enforcement and agencies upon criminal convictions in an effort to prevent reoffending.”⁹⁹

In the decades following the enactment of MDSO laws, the United States also began changing the way it viewed victims of sexual violence.¹⁰⁰ Prior to the 1970s, for example, there was a “prevailing negative view of victims of sexual violence” such that most people “viewed the victims of sexual abuse as partially or primarily responsible for their victimization.”¹⁰¹ Starting with the feminist movement in the 1970s, however, the focus shifted to the perpetrator and away from the victim.¹⁰²

2. Sex Offender Registration: ‘80s to Today

This shift in focus from the victim to the perpetrator was compounded by the emergence of multiple high-profile sexual offenses in the 1990s.¹⁰³ In response to this wave of salacious crimes, Washington became the first state to enact legislation requiring convicted sex offenders to register on a public registry in 1990.¹⁰⁴ Many states across the nation, and even the federal government, quickly followed suit. The 1990s thus began a shift to more stringent restrictions on sex offenders in an effort to provide greater protection for children.¹⁰⁵ The three most notable examples of such 1990s

95. *See id.* at 59.

96. *Id.* at 53.

97. *Id.* at 52. MDSO laws offered states a way to “civilly commit sex offenders until they were ‘cured.’” *Id.* Yet, civil commitment for these offenders was not popular for long and, by the late 1940s, was widely opposed by many researchers. *See id.* at 53.

98. *Id.* at 52.

99. Mary K. Evans et al., *Sex Offender Registration and Community Notification*, in *SEX OFFENDER LAWS: FAILED POLICIES, NEW DIRECTIONS* 142 (Richard G. Wright ed., 2d ed. 2015) (“This law used registration to target persons convicted of felonies ‘involving moral turpitude.’”).

100. *See Terry & Ackerman, supra* note 23, at 53–54.

101. *Id.* at 53.

102. *See id.* at 54.

103. *See id.* at 55.

104. *See* WASH. REV. CODE ANN. § 4.24.550 (2005); *see also* Terry & Ackerman, *supra* note 23, at 57.

105. *See Sex Offender Registration and Notification: Research Finds Limited Effects in New Jersey*, NAT’L INST. JUSTICE (Jan. 21, 2009), <https://bit.ly/2RDOjyr>.

legislation, known by the names of the children they seek to remember, include: the Jacob Wetterling Act,¹⁰⁶ Megan’s Law,¹⁰⁷ and the Adam Walsh Act.¹⁰⁸

First, the United States Congress (Congress) enacted the Jacob Wetterling Act to remember Jacob Wetterling, an eleven-year-old boy who was killed by a “strange” man with a gun while biking home.¹⁰⁹ After the death of their son, Jacob’s family started a foundation to protect children from sexual exploitation.¹¹⁰ The Wetterlings pushed for Minnesota to enact a state sex offender law and later lobbied Congress to do the same.¹¹¹ Nearly five years after Jacob’s murder, in 1994, Congress finally passed the first set of federal sex offender laws and enacted the Jacob Wetterling Act.¹¹² The act was “intended to help stem the international trafficking in sexually exploited children, and to strengthen efforts to prevent the sexual abuse of children.”¹¹³ In furtherance of these goals, the act “prohibit[ed] both domestic interstate and foreign travel for the purpose of engaging in a sexual act with a person under 18 years of age.”¹¹⁴ Although the Jacob Wetterling Act was a federal law, Congress encouraged states without existing registration requirements to integrate the act into state law by linking state compliance with its terms to the continued receipt of federal funds.¹¹⁵

Generally, the act required states to implement programs under which persons “convicted of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense to register a current address with a designated State law enforcement agency.”¹¹⁶ The requirement to register with law enforcement once out of prison, or on parole, stemmed from a belief that sex offenders had an extremely high

106. See Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program, 42 U.S.C. §§ 14071–73 (repealed 2006).

107. See Megan’s Law, Pub. L. No. 104-145, 110 Stat. 1345 (1996), *repealed and replaced by* Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587 (2006).

108. See 42 U.S.C. §§ 16901–91 (2018).

109. See Terry & Ackerman, *supra* note 23, at 57.

110. See *id.* (explaining that “many [people] assume[d] that [Jacob’s killer] was one of the sex offenders living in a halfway house” in the neighborhood).

111. See Tanya Rivera, *How Jacob Wetterling’s Case Changed Sex Offender Registry Laws*, WFMY NEWS 2 (Sept. 5, 2016, 7:47 PM), <https://on.wfmy.com/2FV19YU>.

112. See Richard A. Paladino, Note, *The Adam Walsh Act as Applied to Juveniles: One Size Does Not Fit All*, 40 HOFSTRA L. REV. 269, 274 (2011); see also 42 U.S.C. §§ 14071–73 (repealed 2006).

113. H.R. REP. NO. 103-469, 2d Sess., at 1 (1994) (Conf. Rep.), *available at* <https://bit.ly/3g2kww9>.

114. *Id.*

115. See Terry & Ackerman, *supra* note 23, at 57 (noting the act required all states to comply with some level of sex offender registration in order to maintain 10% of the federal funds received from the Omnibus Crime and Safe Streets Act).

116. 42 U.S.C. §§ 14071–73 (repealed 2006).

rate of recidivism.¹¹⁷ With the continuing abuse of children, however, some people felt that these sex offender registration statutes did not go far enough to adequately protect children.¹¹⁸

In fact, that same year another brutal child-abuse case shocked the country: Megan Kanka, a seven-year-old girl, was raped and murdered.¹¹⁹ The search for the rapist-murderer revealed he was a neighbor and a two-time convicted sex offender.¹²⁰ The news of an unknown, recidivist sexual predator living nearby sparked a public outcry for community notification of registered sex offenders.¹²¹ In response to this outcry, in 1996, Congress passed a second federal sex offender law: Megan's Law.¹²² With the adoption of Megan's Law, Congress required states to publicize sex offender registry information.¹²³

Accordingly, Megan's Law required "local law enforcement authorities to notify neighbors about a sex offender's presence in their community."¹²⁴ The wide adoption of "Megan's Laws" by the states illustrated a national consensus that a process to "register, publicize and monitor sex offenders" was the best solution to deal with these "uniquely horrific" crimes.¹²⁵ But the passage of the Jacob Wetterling Act and Megan's Law were not enough to assuage the fears of American parents.

Ten years after the enactment of Megan's Law, Congress passed a much stricter set of federal regulations for sex offenders: The Adam Walsh Act.¹²⁶ In 1981, Adam Walsh, a six-year-old boy, was abducted while shopping at a Florida mall with his mother and later killed.¹²⁷ In response to the death of their son, Adam's parents created a missing children outreach center to lobby for the Missing Children's Act, which was

117. See Wayne A. Logan, *Sex Offender Registration and Community Notification: Past, Present, and Future*, 34 NEW ENG. J. CRIM. & CIV. CONFINEMENT 56, 56–57 (2008).

118. See, e.g., Terry & Ackerman, *supra* note 23, at 57. After Maureen Kanka, Megan Kanka's mother, found out her daughter's murderer was a "recidivist pedophile" and "lived with two other child sexual abusers," Maureen and her husband "wondered how recidivist sex offenders were living in the community without the community's knowledge." *Id.* Thus, she "went on a crusade to change the laws arguing that registration, established by the Wetterling act, was not a sufficient form of community notification." *Id.*

119. See Paladino, *supra* note 112, at 276.

120. See *id.*

121. See *id.*

122. See Terry & Ackerman, *supra* note 23, at 57.

123. See Elizabeth J. Letourneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24 PSYCHOL., PUB. POL'Y, & L. 105, 105 (2018), available at <https://bit.ly/2DmOV7d>.

124. Roger N. Lancaster, *Sex Offenders: The Last Pariahs*, N.Y. TIMES (Aug. 20, 2011), <https://nyti.ms/1LeIIsF>.

125. See *id.* (noting the "abduction, rape, and murder of children" is actually "exceedingly rare").

126. See Paladino, *supra* note 112, at 277; see also 42 U.S.C. §§ 16901–97 (2018).

127. See Olivia B. Waxman, *The U.S. is Still Dealing with the Murder of Adam Walsh*, TIME (Aug. 10, 2016), <http://time.com/4437205/adam-walsh-murder/>.

enacted in 1982.¹²⁸ Although widely known as the “Adam Walsh Act” for the child it remembers, the act is more often referred to by the first title of the act, the Sex Offender Registration and Notification Act (SORNA).¹²⁹

Prior to the enactment of SORNA in 2006, juveniles were not considered equal to adult sex offenders in their requirements to register and notify the communities in which they lived.¹³⁰ On the contrary, juveniles who committed sex offenses were “not a high priority in the [initial] registration and notification legislation” enacted.¹³¹

SORNA thus marked a change in priorities of registration legislation. SORNA provides that “juveniles can be equated with adult sex offenders regarding registration and notification requirements.”¹³² SORNA thus requires “juveniles who are adjudicated delinquent as a result of committing aggravated sexual abuse and were fourteen years of age or older at the time to submit to community notification.”¹³³ Further, SORNA introduced a new system of classifying offenders.¹³⁴ SORNA provided that the classification (risk level) of sex offenders would be determined solely by the crime of conviction, without taking into account any individualized risk factors.¹³⁵ This major change to the consequences for a child or juvenile sex offender occurred during an equally transformative time for these individuals: the increased use of the internet.

C. *Increased Use of the Internet*

The years since the launch of CompuServe in the 1980s marked the categorical increase in computer and internet use by adults and adolescents alike.¹³⁶ Between 1993 and 2007, telecommunications carried by the internet increased from 1% to 97%.¹³⁷ Both adults and children contributed

128. *See id.*; *see also* Sex Offender Registration and Notification Act, Pub. L. No. 109-248, 120 Stat. 590 (2006) (codified as amended in scattered sections of 18 and 42 U.S.C.).

129. *See* Paladino, *supra* note 112, at 271.

130. *See* Francis M. Williams, *The Problem of Sexual Assault*, in *SEX OFFENDER LAWS: FAILED POLICIES, NEW DIRECTIONS* 30 (Richard G. Wright ed., 2d ed. 2015).

131. FRANKLIN E. ZIMRING, *AN AMERICAN TRAVESTY* 147 (Franklin E. Zimring ed. 2004).

132. Williams, *supra* note 130, at 30.

133. Paladino, *supra* note 112, at 271. SORNA also requires registration for crimes that in some jurisdictions may not even constitute a sexual offense. *See* Parker & Pittman, *supra* note 25, at 13. This broad list of offenses includes: indecent exposure, kidnapping, false imprisonment of a child, public urination, rape, incest, indecency with a child by touching, and possession of child pornography. *See id.*

134. *See* Parker & Pittman, *supra* note 25, at 13

135. *See id.*

136. *See* Andrew J. Harris, *Understanding the World of Digital Youth*, in *ADOLESCENT SEXUAL BEHAVIOR IN THE DIGITAL AGE*, 24, 25 (Fabian M. Saleh et al. eds., 2014).

137. *Id.*

to this rapid and remarkable increase in internet use.¹³⁸ Although the increased use of digital technologies has “surely altered the norms, attitudes, and behaviors” of adults, the internet has “fundamentally shaped and defined those of teens and young adults coming of age in the new millennium.”¹³⁹

In less than two decades, the internet became a ubiquitous presence in child and adolescent life.¹⁴⁰ In 1984, “27 [%] of students (from pre-kindergarten through college) used computers at school.”¹⁴¹ Within just five years this “number had increased to 43 [%].”¹⁴² By 2001, “[a]bout 90 [%] of children and adolescents ages 5 [to] 17 (47 million persons) use[d] computers, and about 59 [%] (31 million persons) use[d] the internet.”¹⁴³ As more children and adolescents frequented the internet, at school and at home, it offered an “easy and inexpensive” means of communication.¹⁴⁴ In fact, a 2003 study found that both boys and girls “reported devoting most of their online time to private communication.”¹⁴⁵ The study also noted that “[t]he most commonly reported and time-consuming activity among participants was instant messaging.”¹⁴⁶

Over the last decade, adolescent use of the internet continues to surge. Most recently, a 2018 study revealed that “[s]ome 45% of teens say they use the internet ‘almost constantly.’”¹⁴⁷ Further, the study found that “roughly nine-in-ten teens go online at least multiple times per day.”¹⁴⁸ As a result of this increase in internet usage, society has dramatically changed the “way we consume [information], access information, and interact with one another.”¹⁴⁹ The shift in adolescent communication from the “real world” to the “virtual world” is thus a critical component to the analysis of the intersection between internet solicitation statutes and the inclusion of juveniles on sex offender registries in recent years.

138. *See id.* at 27.

139. *Id.*

140. *See* U.S. DEP’T OF EDUC., NAT’L CTR. FOR EDUC. STATISTICS, COMPUTER AND INTERNET USE BY CHILDREN AND ADOLESCENTS IN 2001: STATISTICAL ANALYSIS REPORT 3 (2003) [hereinafter COMPUTER AND INTERNET USE BY CHILDREN 2001].

141. *Id.*

142. *Id.*

143. *Id.*

144. *See* Janis Wolak et al., *Close Online Relationships in a National Sample of Adolescents*, 37 ADOLESCENCE 441, 453 (2002).

145. Eliseva F. Gross, *Adolescent Internet use: What we expect, what teens report*, 25 J. APPLIED DEVELOPMENTAL PSYCHOL. 633, 642 (2004).

146. *Id.* at 641.

147. Monica Anderson & Jinjin Jiang, *Teens, Social Media & Technology: 2018*, PEW RES. CTR.: INTERNET & TECH. (May 31, 2018), <https://pewrsr.ch/2L9CBbf>.

148. *Id.*

149. Harris, *supra* note 136, at 24.

D. *Adolescent Romance in the Digital Age*

The pervasive use of the internet for communication between adolescents has also changed the way adolescents explore sexual relationships. Given its increased access and use, the internet has become a “key conduit” for adolescents to explore their “emerging sexuality.”¹⁵⁰ Even adolescents themselves describe technology-especially social media-as “an integral part of the courting process.”¹⁵¹

In recent years, the increased use of social networks means that nearly every stage of adolescent relationships is now frequently shared online.¹⁵² Adolescents update their social networks by changing their social media profiles to reflect their relationship statuses.¹⁵³ Everything from flirting to the status of an adolescent’s relationship occurs in the context of social media.¹⁵⁴ In a Pew Research Center study, about half of the adolescents questioned reported they “have expressed their attraction by liking, commenting or otherwise interacting with [their crushes] on social media.”¹⁵⁵ As digital communications “play a role[] in all aspects of teen relationships,”¹⁵⁶ adolescents also use the internet to begin communicating sexual desires rather than merely flirting with their crushes.¹⁵⁷ Adolescents who use digital technology to communicate these interests may, therefore, find themselves subject to their state’s respective internet solicitation statutes.

E. *Electronic Solicitation Statutes in the Digital Era*

The intersection of adolescent communication, sexual relationships, and the internet leave the question of whether internet solicitation statutes encompass these adolescent communications. Answering this question requires an examination of how the courts interpret these statutes. One of the only courts to explicitly address the issue, the New Hampshire Supreme Court’s interpretation of the interplay between internet solicitation and sex offender registration statutes, provides a basis for understanding the modern application of these laws.¹⁵⁸

150. See Christopher W. Racine & Stephen Bates Billick, *Conclusion: Understanding Adolescent Sexual Development and the Law in the Digital Era*, in ADOLESCENT SEXUAL BEHAVIOR IN THE DIGITAL AGE 346, 348 (Fabian M. Saleh et al. eds., 2014).

151. *Dating in the Digital Age*, PEW RES. CTR. (Oct. 1, 2015), <https://pewrsr.ch/1KMpM1E>.

152. See Harris, *supra* note 136, at 38.

153. See *id.*

154. See *Dating in the Digital Age*, *supra* note 151.

155. *Id.*

156. *Id.*

157. See *id.*

158. To the extent no cases were on point in Florida, Georgia, or Alabama, the author assumes that courts in these jurisdictions have not yet contemplated the intersection of

1. New Hampshire

In May of 2018, the Supreme Court of New Hampshire addressed the interplay between the state's internet solicitation statute and juvenile sex offender registration requirements in *State v. Serpa*.¹⁵⁹ In *Serpa*, the defendant was 18 years old when he “use[d] a computer as a medium to propose sex” with the 15-year-old victim.¹⁶⁰ On appeal, the defendant challenged the imposition of the sex offender registration requirement for his internet solicitation conviction because state law did not mandate registration for the underlying charge of sexual assault.¹⁶¹

For sexual assault, New Hampshire law provides an age-based exception to the sex offender registration requirement.¹⁶² This exception also lessens the offense of sexual assault from a felony to a misdemeanor.¹⁶³ Because New Hampshire only mandates sex offender registration for felony sexual assault cases, this exception negates the registration requirement of offenders when the “age difference between the defendant and the victim is ‘4 years or less’ and the victim is ‘13 years of age or older and under 16 years of age.’”¹⁶⁴

The court rejected the defendant's argument and found that the age-based exception did not extend to the conviction for the internet solicitation charge.¹⁶⁵ The court clarified that the “unambiguous language of the statutes” indicated that this age gap exemption applied only to the underlying offense of sexual assault and did not extend to the offense of internet solicitation.¹⁶⁶

In holding that the age-based exception to registration did not extend to the internet solicitation offense, the court relied on the legislative intent underlying the internet solicitation statute.¹⁶⁷ The court noted that “[t]he

internet solicitation and juvenile sex offender registration in the digital age. Accordingly, an analysis of the implementation of these statutes in Florida, Georgia, and Alabama is not possible here.

159. *See State v. Serpa*, 187 A.3d 107, 108 (N.H. 2018).

160. *Id.* Notably, the defendant in this case was 18 years old, and therefore would not be considered a juvenile at the time of the offense. Thus, for the purposes of this Comment, his age will be analyzed for its close relation to the age of the victim (as peers) rather than his status as a juvenile offender.

161. *See id.*

162. *See* N.H. REV. STAT. ANN. § 632-A:4 (2018) (“A person is guilty of a class A misdemeanor . . . when the actor engages in sexual penetration with a person, other than the actor's legal spouse, who is 13 years of age or older and under 16 years of age where the age difference between the actor and the other person is 4 years or less . . . [however, a] person found guilty under subparagraph I(c) of this section shall not be required to register as a sexual offender.”).

163. *See id.*

164. *Serpa*, 187 A.3d at 108; *see also* N.H. REV. STAT. ANN. § 632-A:4(I)(c) (2018).

165. *See Serpa*, 187 A.3d at 110.

166. *See id.* (emphasizing that the two laws “criminalize[d] separate and distinct conduct”).

167. *See id.* at 111.

legislature viewed individuals who use computer online services or internet services to seduce or solicit children to engage in certain sexual activities as particularly dangerous.”¹⁶⁸ Thus, the court was reluctant to extend any exceptions to the serious punishment intended by the legislature, even for adolescents close in age.¹⁶⁹

Significantly, the court recognized that the change in times between the drafting and application of the state’s internet solicitation statute might call for a revision of the state’s laws.¹⁷⁰ The court noted that “given the changes in how young people communicate today, the reasons for the distinction drawn by the [registration requirements for the sexual assault and internet solicitation statutes] may be diminishing.”¹⁷¹ In upholding the sex offender registration requirement for internet solicitation between adolescent peers, the court deferred to the authority of the legislature to make the appropriate changes to the law.¹⁷²

F. *The “Problem” of Youth versus Adult Offenders*

What the New Hampshire Supreme Court recognized in *Serpa* is a novel issue presented by internet solicitation statutes in a time when sex offender registries include juveniles.¹⁷³ The interaction of internet solicitation statutes and juvenile sex offender registration presents the question of whether the legislature intended to encompass both adult and juvenile offenders. Further, this interplay prompts the question of whether adult and juvenile offenders should be punished the same way.

1. The Supreme Court, Juveniles, and the Eighth Amendment

Although the Supreme Court of the United States has not yet answered the question of whether sex offender registration requirements should differ between juveniles and adults,¹⁷⁴ the Court has indicated that these demographics warrant different treatment for severe punishments. In the early 2000s, the Supreme Court decided three precedential cases establishing a constitutional difference between adolescents and adults as to sentencing or punishment.¹⁷⁵ Of the three cases, the Supreme Court first

168. *Id.* (citing *State v. Farrington*, 20 A.3d 291 (N.H. 2011)).

169. *See id.*

170. *See id.* at 112.

171. *Id.*

172. *See id.* (“[I]f changes are to be made [to reflect the change in how adolescents communicate in the digital age], the task is that of the legislature, not this court.”).

173. *See id.* (noting “the changes in how young people communicate today”).

174. *See United States v. Juvenile Male*, 564 U.S. 932, 938 (2011) (declining to reach the merits of the constitutionality of juvenile sex offender registration, noting the Ninth Circuit also lacked authority to do so).

175. *See, e.g., Roper v. Simmons*, 543 U.S. 551 (2005); *Miller v. Alabama*, 567 U.S. 460, 471 (2012); *Graham v. Florida*, 560 U.S. 48 (2010).

considered the constitutionality of imposing capital punishment on juveniles in *Roper v. Simmons*.¹⁷⁶

In *Roper*, the Supreme Court held that imposing the death penalty on juveniles violated the Eighth Amendment prohibition against cruel and unusual punishment.¹⁷⁷ The Court emphasized that adolescent offenders differ from their adult counterparts in three critical ways: maturity, susceptibility to outside pressure, and character development.¹⁷⁸ Thus, the Court held the “Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed.”¹⁷⁹

Since *Roper*, the Court has continued to uphold the distinction between adolescent and adult offenders. In *Graham v. Florida*,¹⁸⁰ the Court considered whether imposing a life-without-parole sentence on juveniles was constitutional.¹⁸¹ In *Graham*, the Court emphasized that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds.”¹⁸² Because of these fundamental differences between adolescents and adults, the Court held that life sentences without the possibility of parole, as applied to juveniles, violated the Eighth Amendment.¹⁸³

Further, in the 2012 case *Miller v. Alabama*,¹⁸⁴ the Supreme Court reaffirmed that juveniles “are constitutionally different from adults . . . [b]ecause juveniles have diminished culpability and greater prospects for reform.”¹⁸⁵ There, the Court stated that juveniles are “less deserving of the most severe punishments.”¹⁸⁶ Further, “[n]o recent data provide[s] reason to reconsider the Court's observations in *Roper* about the nature of juveniles.”¹⁸⁷ Accordingly, legislatures should consider the fundamental differences between adult and adolescent offenders when administering punishments with lifelong consequences.

2. Juvenile Brain Development

As recognized by the Supreme Court, the constitutional difference between juvenile and adult offenders stems from a fundamental difference

176. See *Roper*, 543 U.S. at 569.

177. See *id.*; see also U.S. CONST. amend. VIII.

178. See *Roper*, 543 U.S. at 569.

179. *Id.* at 578.

180. See *Graham v. Florida*, 560 U.S. 48, 68 (2010).

181. See *id.*

182. *Id.*

183. See *id.*

184. *Miller v. Alabama*, 567 U.S. 460, 471 (2012).

185. *Id.*

186. *Id.*

187. *Graham*, 560 U.S. at 68.

in brain development.¹⁸⁸ Studies on juvenile brain development confirm that “children, including teenagers, act more irrationally and immaturely than adults.”¹⁸⁹ These irrational or immature decisions are often due to a greater tendency in children to “make decisions based on emotions, such as anger or fear, rather than logic and reason.”¹⁹⁰

For adolescents, in particular, poor decision-making is due in part to a “present-oriented” line of thinking that “tends to ignore, discount, or not fully understand future outcomes and implications.”¹⁹¹ Generally, “reasoning capabilities increase through childhood into adolescence and younger teens differ substantially from adults in their cognitive abilities.”¹⁹² Despite these basic biological and psychological characteristics of adolescent decision-making, some scholars are reluctant to use these traits to excuse juveniles for their indiscretions and crimes.¹⁹³ This reluctance stems, in part, from a desire to foster the empowerment of adolescents in decisions impacting their own lives.¹⁹⁴ Some of these critics often “assert[] that, by mid-adolescence, teens’ capacities for understanding and reasoning in making decisions roughly approximate those of adults.”¹⁹⁵

Yet, the evolution of these cognitive and psychosocial skills plays a critical role in shaping the choices—even criminal choices—of adolescents.¹⁹⁶ This difference in cognitive ability fundamentally distinguishes adolescents from adults.¹⁹⁷ The continuing development of these decision-making skills also reflects the fact that adolescent criminal behavior is less likely to reflect bad behavior, compared to similar behavior from an adult.¹⁹⁸

3. Undermining the Juvenile Justice System

Beyond ignoring basic biological differences between adults and juveniles, lifetime sex offender registration requirements on adolescents belie the purpose of the juvenile justice system. Separating juvenile and adult courts sought to provide “rehabilitative alternatives to juveniles.”¹⁹⁹

188. *See supra* Section II.F.1.

189. Parker & Pittman, *supra* note 25, at 17.

190. *Id.*

191. *Id.*

192. Laurence Steinberg & Elizabeth S. Scott, *Less Guilty by Reason of Adolescence*, 58 AM. PSYCHOLOGIST 1009, 1011 (2003) (internal citation omitted).

193. *See id.*

194. *See id.*

195. *Id.* These critics likely fear a minimalization of adolescent brain development to the extent that “advocates for adolescent self-determination made this argument in support of adolescent abortion rights.” *Id.*

196. *See id.*

197. *See id.*

198. *See id.*

199. *See Paladino, supra* note 112, at 286.

The Supreme Court also acknowledged rehabilitation to distinguish juvenile and adult offenders in its decisions in *Graham* and *Miller*.²⁰⁰

In *Graham*, the Court noted that juveniles are “more capable of change than are adults” and thus juveniles’ actions “are less likely to be evidence of irretrievably depraved character.”²⁰¹ Similarly, in *Miller*, the Court emphasized that courts imposing the “harshest penalties or sentences” on juveniles “cannot proceed as though they were not children.”²⁰² Although the Court in *Miller* specifically addressed the harshness of imposing life-without-parole sentences on a juvenile compared to an adult, imposing lifetime sex offender registration on juveniles is likewise harsh compared to the same requirement for adults.

4. Recidivism

Juvenile and adult offenders also differ in their respective rates of recidivism. First, notably, studies show that recidivism rates among sex offenders are significantly lower compared to other criminal offenders.²⁰³ This statistic presents a stark contrast to the belief that sex offenders include some of the most dangerous, reoffending criminals in our communities.²⁰⁴

A comparison of the rates of recidivism for adult and juvenile sex offenders demonstrates an even lower likelihood of reoffending among juveniles.²⁰⁵ On the one hand, research has shown a recidivism rate of 13% for adults who commit sex offenses.²⁰⁶ On the other hand, the recidivism rates for youth sex offenders average between 4% and 7%.²⁰⁷ In fact, most juveniles convicted of sex offenses will not go on to commit these crimes as adults.²⁰⁸ Further, “no scientific foundation [exists] for the belief that children who commit sexual offenses pose a danger of future sexual predation.”²⁰⁹ Accordingly, there is no statistical support for the argument that juvenile lifetime sex offender registration makes our communities safer.

200. See *Graham v. Florida*, 560 U.S. 48, 68 (2010); see also *Miller v. Alabama*, 567 U.S. 460, 474 (2012).

201. *Graham*, 560 U.S. at 68 (quoting *Roper v. Simmons*, 543 U.S. 551, 570 (2005) (internal quotation marks omitted)).

202. *Miller*, 567 U.S. at 474.

203. See Lancaster, *supra* note 124; see also Parker & Pittman, *supra* note 25, at 19 (comparing the national recidivism rate of 40% for all criminal offenses with the recidivism rate of 13% for adult sex offenders).

204. See Parker & Pittman, *supra* note 25, at 19.

205. See *id.*

206. See *id.*

207. See *id.*

208. See Williams, *supra* note 130, at 30.

209. Parker & Pittman, *supra* note 25, at 17.

5. Lifetime Implications

Another major difference between punishments imposed on juveniles and adults is that the juvenile will “almost inevitably serve more years and a greater percentage of his life in prison than an adult offender.”²¹⁰ Accordingly, the imposition of a lifelong penalty on both adults and juveniles is “the same . . . in name only.”²¹¹

Depending on the state and the nature of the underlying crime, the impacts of sex offender registration on adolescents can follow them for the rest of their lives.²¹² In many states, these adolescents will face laws that restrict where they can “live, work or walk.”²¹³ Additionally, the inclusion of offenders’ names and personal information on online registries can equate to public stockyards and “digital scarlet letters” for adults—but especially children.²¹⁴

With the dissemination of juvenile offenders’ names and personal information online, the stigma of their offense can follow them anywhere.²¹⁵ This pervasive stigmatization can do “profound damage to a child’s development and self-esteem.”²¹⁶ Additionally, this stigma “lead[s] to fear or mistrust by others, suspicion, rejection, or isolation from family and friends.”²¹⁷ By subjecting adolescents to long-term humiliation and social barriers, registration “exacerbates the psychological difficulties they already experience.”²¹⁸

Because of registration, juveniles experience a prolonged stigma with potentially violent or even deadly effects. In a recent Human Rights Watch report, 52% of interviewed juvenile offenders “experienced violence or threats of violence” both against themselves and family members.²¹⁹ Further, this constant humiliation and social rejection have led many juvenile offenders to attempt death by suicide—some of whom were successful.²²⁰ The severe consequences of a juvenile’s sex offender

210. *Miller v. Alabama*, 567 U.S. 460, 475 (2012) (internal quotation marks omitted).

211. *Id.* (internal quotation marks omitted).

212. *See Lancaster, supra* note 124.

213. *See id.*

214. *See id.*

215. *See Parker & Pittman, supra* note 25, at 29. This widely accessible information can lead to the proliferation of the labels “sex offender,” “child molester,” or “sexually violent predator.” *Id.*

216. *Id.*

217. *Id.* The author recognizes that the dissemination of this personal information is arguably the intent of the registry itself, however, the psychological impact of these labels is troubling when applied to juveniles engaged in consensual sexual relationships, as opposed to sexual predators.

218. *Id.*

219. *Id.* at 33.

220. *See id.* at 30.

registration are onerous and unwarranted, especially given the rehabilitative nature of youth.²²¹

III. ANALYSIS

As technology continues to progress in the digital age, the issue of juvenile sex offender registration is becoming increasingly problematic. An understanding of the changes to the internet, communication, and sex offender registration provides a means of evaluating how the intersection of these laws poses a threat to adolescent sexual relationships.

A. *Internet Solicitation Statutes are Digital Dinosaurs*

Unfortunately for teens navigating sexual relationships in the digital age, internet solicitation laws have not aged well.²²² The continued use of outdated internet solicitation statutes ignores the fact that the internet in the digital age is unrecognizable compared to the internet of the 1980s and 1990s.²²³ Accordingly, the language used to describe the early years of the internet is no longer adequate to address the way adults, teens, or children engage with the internet today.²²⁴

The language legislatures employed in these internet solicitation statutes disregards the fact that the internet is not special anymore. When initially drafted, internet solicitation statutes addressed the *novel* issue of internet communication.²²⁵ Today,²²⁶ however, communicating over the internet is not a novel concept.²²⁷ On the contrary, adolescents use the internet “almost constantly.”²²⁸

With this pervasive use of the internet to communicate, internet solicitation laws effectively punish an adolescent’s choice to use the internet rather than another communication channel to engage in

221. See *supra* Section II.F.3.

222. See *State v. Serpa*, 187 A.3d 107, 108 (N.H. 2018).

223. See *supra* Section II.C.; cf. *Judiciary Comm. on SB 495*, *supra* note 31 (statement of Chief Richard Gendron, Hudson Police Department) (emphasizing the importance of “keep[ing] the laws up to date with technology”).

224. See *supra* Section II.A.3.b.

225. See *COMPUTER AND INTERNET USE BY CHILDREN 2001*, *supra* note 140; see also *JAMES ET AL.*, *supra* note 36, at 4.

226. The term “today” is meant to reflect the time of writing (2020) and the digital age more broadly.

227. See *Anderson & Jiang*, *supra* note 147.

228. See *id.*

consensual,²²⁹ peer sexual relationships today.²³⁰ Punishing adolescents for internet-based communication thus implies there is something inherently more dangerous about e-mail than a landline.²³¹ Because internet solicitation statutes were not originally drafted with such an intent,²³² courts and legislatures must rectify the way these statutes are applied to adolescents communicating on the internet.

B. *The New Problem of Juvenile Sex Offenders*

To effectively modify internet solicitation statutes, legislatures must address both adolescents’ pervasive use of the internet²³³ and the inclusion of adolescents on sex offender registries.²³⁴ Legislatures drafting internet solicitation statutes also did not consider adolescent sexual exploration over the internet or even adolescent internet communication at all.²³⁵ The absence of language limiting the offense to adults²³⁶ underscores this ignorance of adolescent internet communication. Without limiting language, juveniles are thus susceptible to violating the law as they navigate consensual sexual relationships via the internet.²³⁷

When internet solicitation laws were first employed, legislators could not have conceived of their use against juveniles.²³⁸ When legislatures drafted these internet solicitation statutes, “[t]he juvenile sex offender was not a high priority.”²³⁹ Imposing sex offender registration on juveniles for violating internet solicitation statutes, thus highlights the need to reconsider whom these statutes should target.²⁴⁰

C. *The Constitutional Difference Between Adolescents and*

229. Here, the use of the term “consensual” is meant to reference sexual acts to which both parties agree. For the purpose of this proposed modification, the term consensual does not bear its legal meaning, which would only grant the power to consent to older adolescents or adults. The author uses this term to differentiate between sexual advances that are wanted and those that are unwanted. In the latter case, the author would propose that no such similar-age provision bar the imposition of sex offender status on the offender.

230. In other words, the punishment for adolescent peer communication over the internet serves to punish the act of using the internet rather than a deterrence of an improper relationship: the sexual relationship between an adult and child.

231. *See supra* Section II.A.1.

232. *See supra* Section II.A.1.

233. *See supra* Section II.C.

234. *See supra* Section II.B.2.

235. *See Parker & Pittman, supra* note 25, at 4 (“When first adopted, registration laws neither required nor prohibited [the] inclusion of youth sex offenders.”).

236. *See supra* Section II.A.2.

237. *See supra* Section II.D.

238. *See Parker & Pittman, supra* note 25, at 4; *see also supra* Section II.A.1.

239. ZIMRING, *supra* note 131, at 147.

240. *See State v. Serpa*, 187 A.3d 107, 112 (N.H. 2018) (noting “the changes in how young people communicate today” as potential grounds for modifying the law).

Adults

Differences in adult and adolescent culpability, rehabilitation, and recidivism further illustrate how internet solicitation statutes do not adequately address the conduct they seek to prohibit.²⁴¹ Although the Supreme Court has not yet answered the constitutional question of lifetime sex offender registration for juveniles, the Court has repeatedly upheld the constitutional difference between adolescents and adults in terms of the proper punishment for each demographic.²⁴² The recognition of constitutional differences between juveniles and adults in terms of punishment triggers the need to reform state internet solicitation statutes. If any statute fails to discriminate between juvenile and adult offenders in terms of punishment, a threat to juvenile freedom everywhere remains.²⁴³

D. Recommendations

States can correct the problem of encompassing adolescents as by-catch of these internet solicitation statutes by three means.²⁴⁴ Ideally, state legislatures should revise internet solicitation statutes to narrow the methods prohibited and clarify the age of offenders.²⁴⁵ States should also grant judges the discretion to refrain from imposing sex offender status on adolescents found in violation of internet solicitation statutes.²⁴⁶ For states that continue to require juveniles to register as sex offenders, they should adopt a meaningful appellate process in the case of lifetime registration requirements.²⁴⁷

1. Revise Statutes to Address Methods Prohibited and the Age of the Offender

The best solution to the impermissible interplay of internet solicitation statutes and juvenile sex offender registration is for state legislatures to amend their respective statutes to reflect the internet as used

241. *See supra* Section II.F.

242. *See supra* Section II.F.1.

243. *See Paladino, supra* note 112, at 295. The variable state registration requirements can pose an additional problem to juveniles who later move to another state. *See id.* For example, a juvenile who pleads guilty to an offense in one state that does not require sex offender registration but later moves to a state like New Jersey, will be required to register as a sex offender for qualifying offenses if they “move to, become employed, or attend school in New Jersey.” *Id.*

244. The author recognizes that these proposed solutions all face one major obstacle: community apprehension to reform sex offender legislation generally. Even advocates of criminal justice reform are reluctant to speak about—let alone reform—sex offender laws. *See Lancaster, supra* note 124.

245. *See supra* Section II.A.1.

246. *See supra* Section II.B.2.

247. *See supra* Section II.F.3.

in the digital age.²⁴⁸ As the New Hampshire Supreme Court noted in *Serpa*, state legislatures are in a better position than the courts to reflect societal changes—like the pervasive nature of adolescent internet communication—in the law.²⁴⁹

In revising internet solicitation statutes, legislatures should first address the target age of offenders.²⁵⁰ The ideal statute would provide an age minimum for offenders. For example, legislatures may decide that only individuals aged 21 years and older would violate the statute.²⁵¹ Further, in cases of consensual sexual relationships arranged over the internet, in which both parties are adolescents aged 14 to 18,²⁵² no lifetime sex offender registration should be imposed.

An age-based exception is warranted because a consensual sexual relationship between adolescent peers should not be judged equivalent to a sexual relationship between an adult and a child.²⁵³ Admittedly, even adolescent peer intercourse is not harmless,²⁵⁴ however, assigning fault²⁵⁵ to one party in sexual relationships between adolescent peers becomes increasingly difficult.²⁵⁶ Indeed, typically the “exploitation of the young” justification for punishing an adult in these circumstances is missing from adolescent peer sexual relationships.²⁵⁷

In fact, some states already recognize that an adolescent peer sexual relationship should be treated differently than that between an adult and a child.²⁵⁸ Known as “Romeo and Juliet”²⁵⁹ laws, these statutes provide an

248. See *supra* Section II.C.

249. See *State v. Serpa*, 187 A.3d 107, 112 (N.H. 2018) (“[I]f changes are to be made [to reflect the change in how adolescents communicate in the digital age], the task is that of the legislature, not this court.”); see also *supra* Section II.D.

250. See *supra* Section II.A.2.

251. A minimum age of 21 would be consistent with the Supreme Court’s recognition that juvenile offenders are different. See *Roper v. Simmons*, 543 U.S. 551 (2005); *Miller v. Alabama*, 567 U.S. 460, 471 (2012); *Graham v. Florida*, 560 U.S. 48 (2010). Although individuals aged 18–21 years are legal adults, this age group is distinguishable from other age ranges for adults. For example, adults younger than 21 years of age are prohibited from drinking alcohol in all 50 states. See 23 U.S.C. § 158 (2012).

252. Consistent with current “Romeo and Juliet” provisions already in existence.

253. See ZIMRING, *supra* note 131, at 125.

254. See *id.* at 126. It is still “inappropriate to assume that sexual relations between two fourteen-year-olds should be regarded as equivalent to the consensual sex of two persons in their late twenties.” *Id.*

255. To meet the framework of the justice system, one party to the peer sexual relationship will be deemed the defendant, inherently the individual “to blame” for the criminal violation. However, in these relationships there may not be a clear party to blame, if there is one to blame at all.

256. See ZIMRING, *supra* note 131, at 126.

257. See *id.*

258. See FLA. STAT. ANN. § 943.04354 (2008); see also N.H. REV. STAT. ANN. § 632-A:4(II) (2018).

259. See FLA. STAT. ANN. § 943.04354(1)(c) (2008) (providing an exception to sex offender registration for sexual relationships between adolescent peers); see also N.H. REV. STAT. ANN. § 632-A:4(II).

exception from registration when the offender “[i]s not more than 4 years older than the victim . . . who was 13 years of age or older but younger than 18 years of age at the time the person” engages in the prohibited conduct.²⁶⁰

“Romeo and Juliet” exceptions recognize that adolescent peers engaged in sexual activity are typically “less deserving of a registration requirement.”²⁶¹ Further, these provisions “keep ordinary individuals involved in young love from forever being branded sexual offenders.”²⁶² Despite the insinuations of internet solicitation statutes, there is nothing inherently more dangerous about “individuals involved in young love” who send an e-mail rather than those who pass a note in class.²⁶³ The rationale underlying “Romeo and Juliet” provisions should, therefore, extend to adolescents using the internet to engage in consensual, peer sexual relationships.²⁶⁴ Accordingly, legislatures should amend internet solicitation statutes to protect adolescents in sexual relationships from the lifelong impact of sex offender registration.

2. Discretionary Application of Registration Requirements

Recognizing that the exclusion of all “offenders” under the age of 21 may unintentionally shield juvenile predators²⁶⁵ because of their age, legislatures may be reluctant to adopt such changes. Alternatively, legislatures could allow judicial discretion to achieve similar ends. Implementing judicial discretion would acknowledge the difference between juvenile and adult offenders.²⁶⁶ To accomplish this, states should require judges to use discretion and implement validated risk assessments to determine the likelihood of recidivism and the threat each juvenile poses to the community in the long term.

The risk assessment should use criteria to evaluate the risk, culpability, and developmental status of the offender.²⁶⁷ Prior to imposing sex offender registration for juveniles, there should be an evidentiary hearing in which a judge sets forth the relevant factors for when to require

260. *Courson v. State*, 24 So. 3d 1249, 1250 (Fla. Dist. Ct. App. 2009).

261. *State v. Serpa*, 187 A.3d 107, 112 (N.H. 2018).

262. *Courson*, 24 So. 3d at 1250 (internal quotation marks omitted).

263. *See supra* Section III.A.

264. *See supra* Section III.A.

265. Here, the author intends the phrase “juvenile predators” to distinguish juveniles who intend to sexually exploit children from adolescents in consensual, sexual relationships with peers.

266. *See supra* Section II.F.

267. *See ZIMRING, supra* note 131, at 153. Other risk factors courts could consider include, but are not limited to, the following: deviant sexual interests, prior criminal sanctions for sexual offending, sexual offending against more than one victim, sexual offending against a stranger victim, social isolation, uncompleted offense-specific treatment, and problematic parent-adolescent relationships. *See Williams, supra* note 130, at 36.

registration.²⁶⁸ In applying these factors, judges should find by clear and convincing evidence that a “validated risk assessment tool” indicates the juvenile poses a high risk of sexual reoffending.²⁶⁹ The registration requirement should be imposed only if registration is determined to be the least restrictive means of ensuring public safety.²⁷⁰

Requiring a finding of high risk and a lack of suitable alternatives to ensure public safety will allow courts to provide for the interests of both the juvenile and the community.²⁷¹ This discretion would allow judges to balance the likelihood that registration would adequately deter future crime with the harmful effects of registration on juveniles, on a case-by-case basis.²⁷² Although an imperfect solution, this discretion could provide some relief in cases where juveniles would otherwise find themselves equated to middle-aged pedophiles.²⁷³

3. Meaningful Review or Appeal Process

For states that require lifetime registry for those convicted of internet solicitation offenses, juvenile offenders should be offered an opportunity to appeal on a demonstration of reform or rehabilitation. This appeal would recognize a major difference between juvenile and adult offenders: the reformatory capacity of youth.²⁷⁴ Encouraging juvenile offenders’ rehabilitation would also align with the Supreme Court’s reasoning in *Roper, Graham, and Miller*.²⁷⁵

Some states have already adopted measures to allow juveniles relief from sex offender registration. Alabama, for example, allows juvenile offenders less than four years older than their victims to petition for full relief immediately after completing their prison sentence or the court-ordered registration period.²⁷⁶ Similarly, Florida allows juvenile offenders no more than four years older than their victims (older than 13 years old) to petition for immediate relief.²⁷⁷ In contrast, neither Georgia nor New Hampshire provides any specific provisions to appeal sex offender

268. See Parker & Pittman, *supra* note 25, at 61.

269. See *id.*

270. See *id.* (suggesting that registration be required only when “public safety cannot be adequately protected through any means other than the youth being subject to registration”).

271. See *id.*

272. The author acknowledges that the success of this remedy depends heavily on a recognition by judges as to both the harmful effects of registration on juveniles and the significantly low rates of recidivism among juvenile sex offenders.

273. See Dewey, *supra* note 59.

274. See *supra* Section II.F.3.

275. See *supra* Section II.F.1.

276. See ALA. CODE § 15-20A-24 (2017). For more serious offenses, Alabama offers juvenile offenders the opportunity to petition for relief from lifetime registration 25 years after release from prison. See ALA. CODE §§ 15-20A-28(b), 15-20A-34 (2017).

277. See FLA. STAT. ANN. § 943.04354 (2008).

registration imposed in criminal court.²⁷⁸ Neither Georgia nor New Hampshire, however, provide for imposing sex offender registration in juvenile adjudications.²⁷⁹

Although an increased number of states with provisions for appeal would alleviate some of the burden sex offender registration places on juveniles, this solution is not ideal. Without a compelling justification for punishing adolescents engaged in consensual peer sexual relationships (later found in violation of internet solicitation statutes²⁸⁰), any time spent on a sex offender registry is harmful. Nevertheless, a meaningful appeal—after a demonstration of reform—at least provides juvenile offenders a chance they may never otherwise get: to get back their lives.

IV. CONCLUSION

The internet has changed immeasurably in the decades since internet solicitation statutes were drafted.²⁸¹ The intervening years have seen significant changes to the registration of sex offenders, namely: the inclusion of juveniles.²⁸² In response to these societal developments, legislatures must take action to prevent adolescents from becoming the by-catch of these statutes.²⁸³ By failing to address the consequences of internet solicitation statutes, legislatures will continue punishing adolescents for their chosen means of communication: the internet. To prevent this modern tragedy, state legislatures must revise their internet solicitation statutes. Until then, my advice to our modern Romeo is this: go to her balcony, send a carrier pigeon, or use the pony-express; just please do not Facebook Juliet.

278. See *50 State Comparison of Relief from Sex Offender Registration Obligation*, RESTORATION RTS. PROJECT (Nov. 1, 2017), <https://bit.ly/2DnsH4N>.

279. See *id.* Here, juvenile adjudications refer to the proceedings within the juvenile justice system, rather than in adult criminal court. “Adjudication” refers to “the [juvenile] court process that determines . . . if the juvenile committed the act for which he or she is charged . . . [and is] analogous to ‘convicted’ and indicat[ing] that the court concluded the juvenile committed the act.” U.S. DEP’T OF JUSTICE, *Glossary*, OFF. JUV. JUST. & DELINQ. PREVENTION, <https://bit.ly/2SIK4MI> (last visited Apr. 28, 2020).

280. See *supra* Section III.A.

281. See *supra* Section II.C.

282. See *supra* Section II.B.2.

283. See *supra* Section II.B.