

## Sex Offender Registration Law Challenged

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The California Supreme Court was asked Tuesday to strike down a state law that requires people convicted of lewd acts in public to register as sex offenders.

An attorney for a Los Angeles man challenging the law contended it is unfair to require registration in cases that did not involve children or violence.

The lawyer, Jay M. Kohorn, argued that the law violates the right to privacy and the prohibition against cruel and unusual punishment. "It should be declared unconstitutional," he said.

But Los Angeles Deputy Dist. Atty. Dirk L. Hudson defended the statute as constitutional. He cited testimony by law enforcement officers that registration often led them to suspects in subsequent, often more serious crimes. "It's a valid law enforcement tool," he said.

### Oral Arguments

The court heard oral arguments in a habeas corpus proceeding brought by Allen Eugene Reed, convicted and now on probation for soliciting lewd conduct after his arrest in 1979 by an undercover sheriff's deputy in a men's room at a rest stop in Newhall near Interstate 5.

According to court documents, the arrest took place after Reed began masturbating after the officer entered the restroom and the two exchanged greetings. Officials said they had been receiving numerous complaints from families and others about lewd acts and solicitations in and around restrooms in the area.

The law at issue requires registration for several sex-related offenses, ranging from assault to commit rape to soliciting or engaging in lewd conduct.

Reed argued that registrants like himself are forced to "carry the mark of Cain with them the rest of their lives," being subject repeatedly to police investigations, employer inquiries and other questions about their pasts. In briefs to the court, he called registration "harsh and irrational," saying there was no evidence that law enforcement officials gained significant benefits from registration in cases where no violence nor acts against minors were involved.

Kohorn, Reed's lawyer, cited statistics to show that because of the

## SEX: Registration in Lewd Conduct Cases Challenged

Continued from Third Page

threat of registration, many people charged with lewd conduct pleaded guilty to a lesser offense, such as disturbing the peace or trespassing.

He noted that the registration requirement in lewd conduct cases had originated in 1949, when the law forbade nearly all homosexual activity—activity that has since been legalized when it involves consenting adults in private.

In court papers, Reed was described as a 54-year-old college graduate, the father of three children, now divorced and "living in a stable relationship for 10 years with a man."

Reed's cause drew some support from a friend-of-the-court brief filed by Los Angeles City Atty. Ira Reiner. The brief said the registration requirement in lewd conduct cases "has not been shown to be an effective law enforcement tool"—and that the requirement is "suspect" as a violation of the prohibition against cruel and unusual punishment.

A disproportionately high number of defendants in lewd conduct cases seek to plead guilty to lesser offenses, the city attorney's brief said, leading to "an undesirable level of plea bargaining that burdens the criminal justice system."

### Aid in Cases Cited

But Hudson, representing the district attorney's office in the case, presented the court with several written statements from police and sheriff's investigators citing the aid of registration lists in cases involving sexual assault and other serious crimes.

He denied that the requirement was aimed unfairly at homosexuals, pointing out that both female and male prostitutes were frequently arrested for lewd conduct in public—"including front lawns and alleys" in areas like Hollywood—and that registration helped track down repeat offenders.

Hudson also cited the case of William G. Bonin, known as the "Freeway Killer," as evidence of the use of sex-offender registration lists in the investigation of violent crime. Bonin's fingerprints and photograph were contained in sex registrant files, helping lead to his arrest, Hudson said. The prosecutor noted further that in some instances Bonin's first contact with intended murder victims took place in public restrooms.

The city attorney's brief pointed to another celebrated murder case, involving the "Hillside Strangler" investigation. But in that case, the city attorney said, a computerized examination of the fingerprints of thousands of registrants convicted of lewd conduct and indecent exposure had failed to produce the identity of the strangler.