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Front Page May 24, 2007

Voters: No to sex offender bylaw

BY MELISSA MCKEON MMCKEON@HOLDENLANDMARK

HOLDEN - It was a hotly debated issue for months, but, in the end, the question of whether to create sex-offender free zones in Holden took little time to discuss - and little time to defeat at the May 21 annual town meeting.

Only a few of the 191 voters present voted in favor of passing a bylaw that would have made registered sex offenders keep their distance from places where children congregate, requiring registered offenders to neither live nor loiter within 1,000 feet of such places. It also would have instituted penalties and fines for violating the law.

It would have made Holden one of only a handful of towns in the state to institute similar bylaws, one of them nearby West Boylston.

Select Board Chair James Jumonville helped craft the bylaw based on West Boylston's, which passed muster with the state Attorney General's office. But many feared such laws will not survive future challenges.

Avery Road resident Jennifer Lish urged the town not to waste money on the "inevitable" legal

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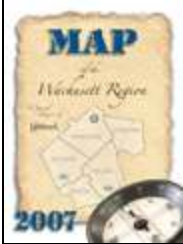


challenges it would face in the future if the bylaw passed.

She also voiced the issue that was at the heart of many opposition arguments: most children are molested not by the stranger who moves in next door or by a loitering pedophile, but by someone they know.



The statistics that bear that out have been often quoted during the debate. Those statistics also show that such bylaws don't reduce the incidences of child sexual abuse, and that communities and states that have enacted such laws are "lining up to review their legislation," according to Selectman Joseph Sullivan.



Sterling Road resident Maureen Floryan cited the case of Iowa, where cities and towns completely lost track of their registered sex offenders after enacting such legislation. The fear that such restrictions would drive a now-monitored population completely off the radar has been one of opponents' arguments against such laws from the beginning.

"The cry has been, "If it saves one child," Floryan said. "In fact, it makes that one child less safe."



Deane Avenue resident Cynthia Bazinet pleaded for voters "not to vote with your gut, but with the facts."

The quiet testimony from the town's police chief, however, was cited and requested by several speakers. Holden Police Chief George Sherrill has spoken against instituting such a bylaw, adding to other arguments the fact that, for police, such restrictions are difficult to impossible to enforce.

"In my heart, I don't believe that this is the bylaw we need," Sherrill said.

Sherrill cited as his sources a criminal justice professor from Anna Maria College, a Northeastern faculty member who was the first



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head of the state's sex offender registry board, and John Bish, the father of murdered teen Molly Bish.

Avery Highs resident Lee Ann Erickson urged voters to devote their time and energy to causes championed by the Bish family, such as the education of professionals and the public on the issue of abuse of children and the elderly and sponsorship of child identification.

"Let's do it the right way," Sullivan urged voters. "Let's educate our children."

Parent Judith Newton of Bull Run said she would also like to see some action to take the place of the defeated bylaw. The bylaw's defeat, she said, implies impotence in the effort to protect children.

"It sends a message to our kids," Newton said.

After the meeting, Jumonville was philosophical about the defeat of the bylaw.

"It had its day in court," he said.

Jumonville brought the law to the select board after a meeting at the Senior Center where experts invited by Holden's state Rep. Lew Evangelidis told two dozen attendees about the problem with sex offenders. How most are never accused or caught, how, of those caught and tried, not all end up having to register, and how those who register are judged at differing risk to offend again.

At that meeting, Jumonville has said, he heard a public cry for some action.

"I felt compelled to do something about it," Jumonville said.

He said he's signed on to help state Rep. Karyn Polito (R-Shrewsbury), who, along with Evangelidis, has filed legislation that would change some of the ways the state governs the sex offender population.

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Jumonville said a yes vote for the bylaw would have helped those efforts.

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"It would give Karyn more strength if a lot of towns were doing it," he said.

Polito's legislation would create similar sex-offender free zones, but it would also stiffen penalties. Evangelidis's legislation would post information about Level 2 offenders on the Internet and keep those who are appealing their level judgment in the public eye.

Jumonville said he believes the outcome might have been different if the bylaw had been voted on at the ballot box.

A second bylaw based on West Boylston's was also on the ballot, placed there by citizens' petition. That item was passed over by town meeting.