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Statement of Attorney General Marshall and 15 Other Attorneys General on The American Law Institute's Proposal to Weaken Laws on Sexual Assault, Abuse, and Exploitation, Human Trafficking, and Sex Offender Registration

We are deeply disappointed the American Law Institute Council (ALI) this week approved a severely flawed draft of revisions for the Model Penal Code (MPC) related to laws on sexual assault, abuse, and exploitation; human trafficking; and sex offender registration.

Their initial draft was criticized by the National Association of Attorneys General, as well as the U.S. Department of Justice and the National Center for Missing and Exploited Children (NCMEC) for weakening the tools for prosecuting sex predators, for protecting their victims, and for ensuring the safety of the general public. Over the past several weeks, we engaged with the ALI to encourage positive substantive changes to the proposed draft.

However, their subsequent revisions, which have now been approved by the ALI Council, remained severely flawed, out of step with both contemporary American law and international protocols, and unresponsive to the concerns of those who prosecute these crimes and work with victims on a daily basis. Their proposal will aid predators and make it more difficult to protect victims and the public, with further erosion of deterrence, with only a minimal, if any, improvement to the quality of criminal justice.

Sex crimes are very real dangers in our communities. The laws that we use to prosecute these crimes and protect victims of these crimes are not an academic exercise and they should be crafted to provide actual tools for doing justice, not to provide fodder for conversation at cocktail parties.

The full membership of the ALI will meet to vote on this revised draft in May, and those members have an opportunity to correct what would be a giant step backwards for the prosecution of these sex crimes and the defense of the dignity of the victims. Should they fail, we will advocate against adoption of these misguided revisions within our states.

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