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「性侵害犯罪加害人登記與公告制度與其法律問題」

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3. E.B. and W.P. v. Verniero, 119 F. 3d 1077 (3r Cir. 1997) (notification not punitive and registration not punitive by implication)
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5. Doe v. Gregoire, 960 F. Supp. 1478, 1484 (W. D. Wash. 1997) (registration and notification not punitive)
6. Doe v. Kelley, 961 F Supp. 1105 (W.D. Mich 1997) (registration and notification not punitive)
7. Doe v. Weld, 954 F. Supp. 425 (D. Mass. 1996) (registration and notification not punitive for Level 1 offenders)
8. Rowe v. Burton, 884 F. Supp. 1372 (D. Alaska 1994), appeal dismissed
9. Doe I v. Burton, 85 F3d 635 (9th Cir. 1996) (Registration punitive where dissemination of information will result).

二、州法院(state court cases)

1. State v. Noble, 171 Ariz. 171, 829 P.2d 1217, 1217 (1992) (registration not punitive)
2. In re Appeal in Maricopa County Juvenile Action, 993 P.2d 1248 (Ariz. Ct. Appl. 1996) (registration not punitive)
3. State v. Puckett, 1997 WL 120252 (Conn. March 4, 1997) (mem. decision) (registration imposed as a condition of intensive probation not punitive)
4. Wehr v. State, 698 So 2d 313 (Fla. Ct. App. 1997) (registration and notification not punitive)
5. People v. Starnes, 273 Ill. App 3d 911, 653 N.E.Sd 4, 210 Ill. Dec. 417 (1st Dist. 1995) (registration not punitive)
6. State v. Picknes, 558 N.W.2d 396 (Iowa 1997) (registration and dissemination of registration information not punitive):
7. In re interest of S.M.M., 558 N.W 2d 405 (Iowa 1997) (registration and dissemination of registration information not punitive)
8. State v. Myers, 260 Kan. 669, 923 P.2d 1024 (1996) (registration is remedial, but notification is punitive);

9. State v. Sorrell, 656 So. 2d 1045 (La. App. 1995) (registration ordered is a condition of parole, held not punitive)
10. Opinion of the Justice to the Senate, 423 Mass. 1201, 668 N.E. 2d 738 (1996) (registration and notification not punitive)
11. Doe v. Criminal History Sys. Bd. 1997 WL 100878 (Mass. Super Feb. 25, 1997) (mem. decision) (registration and notification not punitive);
12. State v. Manning, 532 N.W.2d. 244 (Minn. Ct. App. 1995) (registration not punitive);
13. State v. Castello, 138 N.H. 587, 643 A.2d. 531, 533 (1994) (registration is regulatory. Not punitive)
14. Doe v. Poritz, 283 N.J. Super 372, 661 A.2d 1335 (1995) (Doe I), aff'd Doe v. Poritz 142 N.J. 1, 662 A.2d 367 (1995) (Doe II) (registration and notification not punitive)
15. People v. Griffin, 171 Misc. 2d. 145, 652 N.Y.S.2d 922 (Sup. Ct. 1996) (certification and registration remedial, notification enjoined by federal district court, but Third Circuit, Doe v. Patacki, says notification is remedial)
16. People v. Cropper, 110 Misc. 2d. 631, 651 N.Y.S.2d 1019 (1996) (certification and registration remedial, notification enjoined by federal district court, but Third Circuit, Doe v. Pataski says notification is remedial);
17. Doe v. Division of Probation and Correctional Alternatives. 654 N.Y.S.2d 268 (Dutchess County 1997) (certification and registration remedial, notification enjoined by federal district court, but Third Circuit, Doe v. Pataski says notification is remedial);
18. People v. Afrika, 168 Misc. 2d 618, 648 N.Y.S.2d 235 (Sup. Ct. 1996) (registration and notification not punitive);
19. Williford v. Board of Parole, 137 Or. App. 254, 904 P.2d 1074 (1995) (notification not punitive, registration not punitive by implication);
20. Hall v. Board of Parole. 138 Or. App. 177, 906 P.2d 309 (1995) (notification not punitive and registration not punitive by implication)
21. Gress v. Board of Parole and Post Prison Supervision, 143 Or. App. 7, 924 P.2d 329 (1996) (designation of offender as a predatory sex offender is not punitive)

22. Van Doren v Mazurkiewicz, 695 A.2d 967 (Pa. 1997) (registration where only law enforcement is notified is not punitive);
23. Perez v. State, 938 S.W.2d 761 (Tex. App. 1997) (registration ordered as a term of probation is remedial and no ex post facto violation, but this result might change if the offender is ordered to register after his probation is terminated)
24. Kitze v. Commonwealth, 23 Va. App. 213, 475 S.E. 2d.830 (1996) (registration is regulatory not punitive)
25. State v. Munds, 83 Wash. App. 489, 922 P.2d 215 (1996) (registration not punitive);
26. Petition of Wstaville, 69 Wash. App. 401, 848 P.2d 1335 (Div. 1 1993) (registration not punitive)
27. State v. Taylor, 67 Wash. App. 350, 835 P.2d 245 (Div. 1 1992) (registration not punitive)
28. State v. Ward, 123 Wash. 2d 488, 869 P.2d 1062 (1994) (registration not punitive)
29. Snyder v. State, 912 P.2d 1127 (Wyo. 1996) (registration not punitive)

附錄二、認定公告是處罰的判決或見解

一、聯邦法院(federal court cases)

1. Rowe v Burton, 884 F. Supp. 1372 (D. Alaska 1994), appeal dismissed, Doe I v. Burton, 85 F.3d 6S5 (9th Cir 1996)
2. E.B. v. Poritz, 914 F. Supp. 85 (D.N.J. 1996) Rooker-Feldman doctrine precluded Third Circuit from hearing this case on appeal because appellant had a meaningful opportunity to raise the issue in state court
3. E.B. and W.P. v. Verinero, 199 F.3d 1077 (3d Cir. 1997);
4. Doe v. Gregoire, 960 F. Supp. 1478 (W.D. Wash. 1997);
5. Artway v. Attorney General of New Jersey, 81 F.3d 1235 (3d Cir. 1996)

二、州法院 (state court cases:)

- 1.State v. Myers, 260 Kan. 669, 923 P.2d 1024 (1996)
- 2.State v. Calhoun, 94-2567 (La Ct. App. Feb. 23, 1990) (Calhoun I), 669 So 2d 1351, rev' d 96-0786 (La. Ct. App. May 20, 1997) (Calhoun III). 694 So. 2d 909 (1997); and State v. Calhoun, 9~2568 (La. Ct. App. Feb 25, 1996).669 So. ed LS59 (La. Ct. App. 1996) (Calhoun II);
- 3.State v. Payne. 633 So. 2d 701 (La. Ct. App. 1993) (ordered to register as a special condition of probation);
- 4.State v. Babin, 633. So. 2d 701 (La. Ct. App. 1994) (ordered to register as special condition of probation);
- 5.State v. Linson, 654 So. 2d 440 (1995);
- 6.Stare a Bishop, 96-674 (5th Cir. Dec. 50, 1996). 686 So. 2d 1053 (La. Ct. App. 1996);
- 7.Doe v. Attorney General, 425 Mass. 217, 680 N.E.2d 97 (1997), which granted a preliminary injunction to prevent dissemination of information under Section 178I of the Massachusetts SORA because it was punitive under ex post facto and double jeopardy considerations.
- 8.Doe v. Gregoire, 960 F. Supp. 1478 (W. D. Wash. 1997)
- 9.In re Reed, 33 Cal. Rptr. 914, 191 Cal. Rptr 658, 663 P2d. 216 (Cal. 1983)
10. In re King, 157 Cal. App. 2d 554, 204 Cal. Rptr 39 (1984)

附錄三、認定公告不是處罰而有違憲的判決或見解

一、聯邦法院(federal cases)

- 1.Roe v. Office of Adult Probation, 155 F.3d 47 (2d Cir. 1997) (notification not punitive),
rev' g Roe v. Office of Aduld Probation, 938 F. Supp. 1080 (D. Conn. 1996);
- 2.Russell and Stearns v. Gregoire, 124 F.3d 1079 (2d Cir. 1997) (registration and notification
not punitive);
- 3.Doe v. Patacki, 120 F.3d 1263, 1284-1285 (2d Cir. 1997) (Patacki III) (registration and
notification not punitive)
- 4.E.B. and W.P. v. Verniero, 119 F.3d 1077 (3d Cir. 1997) (notification not punitive, so
registration not punitive by implication)
- 5.Doe v. Kelley. 961 F. Supp. 1105 (W.D.Mich. 1997) (registration and notification not
punitive);
- 6.Doe v. Weld, 954 F. Supp. 425 (D. Mass.1996) (registration and notification not punitive
for level I offenders)

二、州法院(state court cases)

- 1.Wehr v. State, 698 So. 2d 515 (Fla. Ct App. 1997) (registration and notification not
punitive)
- 2.State v. Pickens, 558 N.W.2d 396(Iowa 1997) (registration and notification not punitive)
- 3.In re Interest of S.M.M, 558 N.W.2d 405, (Iowa 1997) (registration and notification not
punitive);
- 4.State v. Sorrell, 656 So. 2d 1045 (La. App. 1995) (registration ordered as condition of

- probation not punitive, and registration included notification when imposed);
5. Opinion of the Justice to the Senate, 423 Mass. 1201, 668 N.E.2d 738 (1996) (registration and notification not punitive);
 6. Doe v. Criminal History Sys. Bd., 1997 WL 100878 (Mass. Super. Feb. 25. 1097) (mem. decision) (registration and notification not punitive)
 7. Doe v. Poritz, 283 N.J. Super 372. 661 A.2d 1335 (1995) (Doe I), aff'd as modified, Doe v. Poritz, 142 N.J. 1, 662 A.2d 367 (1995) (Doe II) (registration and notification not punitive);
 8. People v Afrika, 168 Misc. 2d 618, 648 N.Y.S.2d 235 (Sup Ct. 1996) (registration and notification not punitive);
 9. Williford v. Board of Parole, 137 Or. App. 254, 904 P.2d 1074 (1995) (notification not punitive; registration not punitive by implication);
 10. Hall a Board of Parole, 198 Or. App. 177, 906 P.2d 309 (1995) (notification not punitive; registration not punitive by implication)
 11. State v. Driver and Collins, 143 Or. App. 17, 923 F2d 1271 (1996) (no evidence of release date in record, so ex post facto claim cannot be heard).