

Virginia State Crime Commission

“Romeo and Juliet” Laws

2007

“ROMEO AND JULIET” LAWS

A Crime Commission member’s constituent sent a letter requesting the possibility of Virginia adopting a “Romeo and Juliet” law, which would be a legislative effort to ameliorate the sex offender registry requirement for teenagers convicted of consensual sex crimes. The member requested the Crime Commission staff to look into the feasibility of adopting a “Romeo and Juliet” law in the Commonwealth.

To comply with the study request, Commission staff reviewed applicable law from Virginia and the states that have adopted “Romeo and Juliet” measures. Under existing Virginia law, an individual convicted of specific sex crimes must register as a sex offender. Such crimes include carnal knowledge, sodomy, indecent liberties, and the production and distribution of child pornography. Under Virginia law, it is possible for an 18 year-old to be convicted of these consensual sex acts, which require registration as a sex offender for a period of ten years. Currently, it is also possible for a 17 year-old to take a provocative picture of his girl/boyfriend and be convicted of producing child pornography, which carries a designation of “violent sexual offender” and a lifetime registration requirement.

The Florida legislature recently passed a “Romeo and Juliet” law, which effectively allows those convicted of very narrowly defined sexual criminal acts to be removed from the Florida sex offender registry. Under Florida’s scheme, an offender must petition the court to be removed from the registry if (i) the victim was between the ages of 14-17, (ii) the perpetrator was no more than four years older than the victim, and lastly, (iii) the perpetrator must have no other criminal, sexual convictions. Furthermore, this relief only applies to violations of Florida’s “sexual battery” statute and the “lewd and lascivious” behavior statute (similar to our indecent liberties statute). This “Romeo and Juliet” law is also applied retroactively. Georgia, on the other hand, has removed teenage consensual sexual conduct as a registerable offense.

In 2006, the Georgia General Assembly amended their code section as it relates to sodomy and statutory rape. Specifically, in the sodomy statute, where the victim is (i) at least 13 but less than 16 years of age and (ii) the perpetrator is 18 years of age or younger and is no more than four years older than the victim, the perpetrator is now guilty of a misdemeanor and shall not be subject to the Georgia registry requirements. Likewise, in the statutory rape section, if the victim

is (i) at least 14 but less than 16 years of age, and (ii) the person convicted of statutory rape is 18 years of age or younger and is no more than four years older than the victim, the perpetrator is guilty of a misdemeanor. However, unlike the Florida provision, the amended sections are not applied retroactively.

If a "Romeo and Juliet" law in Virginia is desired, the Florida scheme is preferable because (i) the Georgia method is significantly broader than the Florida scheme and automatic and (ii) the Florida method is case-specific and would require an individual to petition the court, allowing more flexibility in each case if there are important facts that need to be considered. The Commission declined to pursue any legislation regarding a "Romeo & Juliet" law.