

Senate Speech

I stand before you today as living proof that our current system of tracking violent sex offenders is failing, and failing miserably. My wife, Kimberly Boyd, was killed on September 12, 2005 by a released sex offender. A sex offender that had been on the streets for 3 months invisible, invisible because neither the Cherokee County Sheriff's Department or his probation officer even knew he had been released from the state prison system. This is an inexcusable and a grave mistake that can never be allowed to happen again. It happened because the current system did not allow for previously convicted sex offenders who are newly convicted for a non sex offender crime. This rapist was released as a forger, which was his latest offense, and the proper tracking never happened. The proper tracking never happened because the system sent notification of release to the probation officer via REGULAR MAIL, which never got to the probation officer. The probation officer never knew it was sent and the GA DOC had no way of knowing whether it was received because they did not bother to send the notification via certified mail. The proper tracking never happened because the head of the Sex Crimes Division in Cherokee County never got notified because the system did not do background checks on inmates being released; therefore, the "system" saw a forger being released, not a previously convicted rapist and child molester. The proper tracking never happened because the only two departments responsible for knowing of this animal's whereabouts still thought he was in prison and therefore did not even know to issue a SECOND warrant for his arrest for his absconding for the SECOND time in a row (He had failed to register his known address in May of 2004, which was his first time after being released from prison for the rape and molestation). No second warrant was issued, therefore he was able to walk into a Cherokee County Courtroom to answer charges of "Failing to Register as a Sex Offender," on August 14, 2005, and the only department who knew of his release, the Cherokee County DA's office, did not bother to ask him if he had reported his address to the appropriate authorities upon being released from prison in June after serving time for forgery. He was in a courtroom to answer charges for absconding back in May of 2004 while he was at that very minute absconding for the second time and know one in the courtroom, DA nor Judge, bothered to determine

whether he was currently registered or if his probation officer or the Sheriff's Department knew of his current address. He was not properly tracked because the system did not check for any outstanding warrants on an inmate BEFORE releasing an inmate. Brian Clark had an outstanding warrant for violating probation in Cobb County. Had the "system" mandated this check, then Brian Clark would have been handed over to Cobb County, not released into society. The same justice system in Cherokee County allowed this rapist bond after his actions had already showed that he could not be "trusted" with the current "honor" system of permitting the convicted sex offender 10 days to report his address and whereabouts. His known whereabouts are very important because when there is a sex crime committed in any area, the first people the police look into are the recently released sex offenders. If the whereabouts of Brian Clark had been known on September 6, 2005, when another Acworth lady had been violently assaulted and raped, the police would have found that Brian Clark was living less than two miles from the scene of the crime, the only black male living on a street with four other REGISTERED sex offenders who were all white males. The police would have had the very necessary information of the only black male, recently released sex offender living in the same area of where the crime was committed. It doesn't take a criminal science degree to figure out that at the very least the police would have been looking for Brian Clark to at least question him about the crime and therefore Brian Clark would not have had the confidence to brazenly walk around in broad daylight and attempt to commit the exact same crime less than a mile from the other scene in less than a week after the other rape. The "system" not notifying the appropriate officials started a domino effect that stopped with the death of my wife.

This rapist was also a drug addict and he knew the easiest way to rob people of their money without getting caught was to force them to any ATM machine. ATM machines offer no way of asking for help if someone is being made to make a withdrawal. My wife was forced to an ATM machine during open banking hours at 9:25 in the morning, and she had no way to alert anyone in the bank that she and they were being robbed and that her life was in danger. Brian Clark had also forced the lady on September 6, 2005 to make a withdrawal at an ATM machine. Gaping holes in our current procedures on handling sex offenders and the lack of safety precautions at ATM

machines are costing more and more people their lives every year. You as elected officials have an obligation and an allegiance to the 98 percent of our population who are law abiding citizens to protect our rights. These citizens who pay taxes, work their jobs, vote, and adhere to the civil laws and structure of society and are necessary cogs in the gears of our communities. These people have the right to live; they have the right to work and to mingle freely within our society without fear. My wife had the right to continue living. She had the right to continue nurturing and influencing our three children. She had the right to continue being my soul mate well up into old age. These are the rights you are foremost responsible for protecting and these are the people you owe your loyalty to. You do not owe your loyalty or allegiance to the 2 percent of the population who choose to break laws. Who choose to take life, choose to take property, and choose to take someone's dignity and self-respect. These individuals have chosen for themselves to forfeit their rights to mingle freely within society. They have chosen to not adhere to the ideals of a successful family, a successful community, a successful society and country. They have chosen to forfeit all that you have vowed to protect and to uphold. They do not deserve any do overs or redos. Once they have chosen to inflict their evil upon innocent men, women, and children it cannot be undone. My wife can never take another breath, enjoy the blissful happiness of her family, and we can never see her smile and laugh and enjoy being loved ever again. These rights were taken by an individual who chose not to respect the sanctity of life and family. We owe him and those like him nothing but a life in a maximum security prison and if they ever get out, we owe them a lifetime of GPS tracking. We owe them this because they chose it for themselves and you, our elected officials, owe it to us, the law abiding society, because we have the right to live, we have the right to know where evil lurks amongst us, we have the right to share our lives with our husbands and wives, and we have the right for our children to have both a mother and a father. My family will suffer the repercussions of this animal's deadly actions for generations. Death is too kind for this individual. He does not get to sit in a cell for at least a guaranteed 25 years and have constant reminders thrown at him of what kind of vile individual he is and to be reminded of the vile actions he inflicted on innocent women and children. He deserves to be tormented by the choices that he made. Instead, we are left to be tormented by the choices he made. We are left here to forever miss the

most precious soul in our lives. We are left here to relive the horror of Kim's last hour. We are left here to live through the knowledge that her death was preventable.

We are also left here most specifically; to make sure that this travesty never happens again! That is my passion in this life now. That will be Kimberly Diann Boyd's legacy! Her life and death is serving you notice! You are here to do what she can no longer do for herself. You are here to make sure the Brian Clarks in society are never free to roam amongst us undetected and free to inflict their evil. You are here to protect the millions of Kimberly Boyds, and the millions of children who deserve to live a safe and secure life without fear of a predator pouncing on them at any time. You are here to uphold justice and to preserve the American way of life and that way of life has the right to be protected from individuals who have chosen not to honor it. You now have the duty to protect those who honored life, honored family, and honored the God given right to live without fear. I am here today to ask you to vote for a bill that will help plug some of those gaping holes that exist in our current system of tracking sex offenders. If we as a society and we as public officials and law enforcement agencies do not know where these sex offenders are, how are we ever going to be able to prevent repeating crimes like the one that happened to my wife on September 12, 2005? Brian Clark served 18 months for statutory rape and child molestation and upon being released, never bothered to honor the honor system. If he had to serve 25 years, my wife would still be here today. If he had a GPS tracking system on his ankle and the law enforcement agencies knew of his whereabouts, his crime spree would have ended on September 6, 2005 and my wife would be here today. Had he been made to register BEFORE leaving prison and had his probation officer been notified, my wife would be here today. Had my wife been able to ask for help at the ATM machine instead of helplessly watching any chance of survival fade away as she drove away from that bank at gun point, she would still be here today. I am here to ask you to pass House Bill 1059 and any future bills regarding ATM safety so that we as a society and law enforcement agencies will have a fighting chance to protect us. This law must include that ALL released violent sex offenders have GPS tracking for life, not just child molesters. I and you no longer have the opportunity to provide a safe environment for Kimberly. We failed her. The system and the people running it failed her. What we can only do for her now is to ensure that no other mothers, wives, sisters,

and daughters have to fall victim to her fate. We can only see to it that none of you husbands and fathers and brothers have to live through the pain that I and my family now have to live with daily. This law will go a long way in preventing other Kimberly Boyds. This must be her legacy. Her life and her death will have served a purpose greater than her ending. My wife was a hero that day traveling down that stretch of hwy 41. She refused to go quietly. She refused to be a passive victim. Much like those brave souls that fought their hijackers and forced that plane down into a Pennsylvania field, she refused to let this animal inflict his evil and then escape yet again undetected to be free to inflict other innocent souls. It is because of her that I am here and it is because of her that you have to pass this bill into law. There is no one more fitting than a devoted wife, a caring and compassionate mother of three, a loving sister and daughter to name such a law after, for it is the other thousands and thousands of other "Kimberly Boyds" who we must now protect. You must pass House Bill 1059, Kimberly's Law, into law. Your duty, obligation to your own family, and your obligation to those who have perished because of inadequate tracking demand it.