

NC's new sex offender law is unjust and unconstitutional

written by NARSOL | September 2, 2016

By Mark Joseph Stern . . . A new sex offender law took effect in North Carolina on Thursday, restricting offenders' freedom of movement and association by barring them from libraries, recreational parks, pools, and fairs. The law is designed to replace a previous measure that a federal court ruled unconstitutional in April. It will do nothing to stop sex crimes while continuing to isolate, penalize, and ostracize fully rehabilitated offenders who are attempting to rejoin society.

North Carolina's previous sex offender law was a constitutional monstrosity that essentially gave prosecutors—as well as law enforcement and probation officers—the power to punish offenders who dared to leave their house. Under the statute, offenders could not be present in any place used by children. Its hazy, sweeping regulations [were interpreted](#) to forbid former offenders from attending G-rated movies, eating at fast food restaurants with attached play areas, walking in or near recreational facilities, and going to church. Former offenders were also barred from visiting hospitals, museums, malls, shopping centers, and community colleges, because children might be present. (Bizarrely, the law applied to offenders whose crimes did not involve minors.)

A federal judge struck down most of the previous law, holding that it was unconstitutionally [vague](#) and [overbroad](#) in violation of the First Amendment. So North Carolina simply [re-enacted it](#) with several tweaks. The new version explicitly lists the kind of places where sex offenders may not go and limits its application to offenders whose crimes involved minors. While the old law barred offenders from “any place

where minors gather for regularly scheduled educational, recreational or social programs,” the new one bars them from places where minors “frequently congregate”—including libraries, amusement parks, recreational facilities, and swimming pools. Moreover, the most stringent new provisions apply only to offenders whose crimes involved minors, and only bar offenders from no-go zones when minors are actually present.

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