

# Okay to ban sex offenders from social media? Who's next?

written by NARSOL | March 1, 2017

First they came for the Jews, but I did nothing because I'm not a Jew. Then they came for the socialists, but I did nothing because I'm not a socialist. Then they came for the Catholics, but I did nothing because I'm not a Catholic. Finally, they came for me, but by then there was no one left to help me.

— Martin Niemöller —

By Perry Grossman . . . On April 27, 2010, Lester Gerard Packingham Jr. posted a Facebook status:

*"Man God is Good! How about I got so much favor they dismiss the ticket before court even started. No fine, No court costs, no nothing spent. . . . Praise be to GOD, WOW! Thanks JESUS!"*

This post appears entirely ordinary—something that might show up on your own Facebook feed without raising any questions. But when Durham, North Carolina's Police Cpl. Brian Schnee discovered it, he applied for and obtained a search warrant for Packingham's home. A few months later, Packingham was indicted on a felony charge and in May 2012, he was convicted.

The felony charge was not for the traffic ticket he'd avoided—it was for posting about it. In 2002, when he was a 21-year-old college student, Packingham was indicted on two counts of statutory rape for having sex with a 13-year-old

girl that he said he was dating without knowing her age. He was convicted on one lesser count—"taking indecent liberties with a minor." Packingham, who had no prior criminal record, received the shortest allowable sentence (10–12 months), though the judge suspended that in favor of 24 months of supervised release, which Packingham completed without incident. Packingham was also required to register as a sex offender. By the time he celebrated the dismissal of his traffic ticket, Packingham had been not in prison, on parole, or on probation for several years.

He was, of course, still required to register as a sex offender. In 2008, North Carolina made it a felony for any person on the state's sex offender registry to "access" any "commercial social networking website" that the person "knows" does not restrict usage to legal adults. Although the state claims that this law, NCGS §14-202.5, is intended to prevent sexual predators from gathering information about minors, Section 202.5 and related restrictions go far beyond that ostensible purpose and instead, as **Slate's** Mark Joseph Stern [has observed](#), work to drive an unpopular and politically powerless group of people out of public life altogether. The approximately 20,000 people on North Carolina's sex offender registry include people who have been convicted of offenses that do not involve minors or the internet as well as people who, like Packingham, have otherwise served their sentences. But the law does not take this into account. If you're on the list, and you're also on Facebook, you can be charged with a felony. There have been more than 1,000 convictions under this law.

The phrase "commercial social networking web sites" likely telegraphs sites like Facebook, Twitter, Instagram, and YouTube, but the law also prohibits a registrant from "accessing" any site that (1) "derives revenue from advertising"; (2) has functions that "facilitate the social introduction of two or more people"; (3) allows users "to

create personal profiles, e-mail accounts, or post information on message boards”; and (4) permits access to minors. The result is that virtually any website that has a comment or review function and allows minors to use it may be off limits. Under this definition, a registrant could commit a felony by checking basketball scores on ESPN.com, looking up cold remedies on WebMD, posting a résumé on LinkedIn, or listening to Chopin nocturnes on Pandora. A registrant could be sent to prison for simply trying to read this article, regardless of whether she attempts to engage any other readers in discussion, on the merits of North Carolina’s efforts to banish registered sex offenders from public life—a topic on which the public would likely benefit from receiving the views of registered sex offenders. The class of prohibited sites is so broad and vague that when Packingham’s arresting officer was cross-examined as to how he might advise a confused registrant, Cpl. Schnee testified: “If you have a question about whether you can or can’t do something, don’t do it. The best way for them—for somebody not to get in trouble is to not do something.” In other words, perhaps it’s better for registered sex offenders to avoid the internet altogether.

*Please continue reading Grossman’s full article at [Slate](#).*