

Registry and other restrictions on “sex offenders” serve punitive, not safety, purpose

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By [Jacob Sullum](#) . . . The U.S. Supreme Court today [declined to hear](#) Louisiana’s appeal of a decision against its [2006 law](#) requiring that people on the state’s sex offender registry carry IDs or driver’s licenses that say “SEX OFFENDER” in orange capital letters. A year ago, the Louisiana Supreme Court [concluded](#) that the requirement amounted to compelled speech and could not be justified by the state’s legitimate interest in protecting public safety. In addition to raising First Amendment issues, Louisiana’s now-moribund law illustrates the longstanding tendency to impose additional punishment on people convicted of sex offenses in the guise of regulation.

The registries themselves, which require sex offenders to regularly report their addresses to local law enforcement

agencies so that information can be made publicly available in [online databases](#) that also include their names, photographs, and physical descriptions, are [primarily punitive](#), exposing registrants to [ostracism, harassment, and violence](#) while impeding their rehabilitation by making it difficult to find employment and housing. There is [little evidence](#) that the sort of public notification practiced by every state [delivers benefits](#) that outweigh those costs. Louisiana's experiment in ritual humiliation, which branded registrants with orange letters they had to display in every transaction that required producing a government-issued ID, compounded those costs without offering **any** plausible benefits.

One problem with sex offender registries is that they cover a wide range of crimes, including many that do not involve violence, force, or physical contact. While people tend to imagine rapists or child molesters when they hear the term **sex offender**, the reality can be quite different, in ways that are important in assessing the danger that a person might pose to the general public or to people in particular age groups. . .

The second line of each record in the state's [registry](#) shows the offender's "tier," which [corresponds](#) to various crimes classified by severity, ranging from Tier 1 (least serious, requiring registration for 15 years) to Tier 3 (most serious, requiring lifetime registration). Further down in the record, you can see the statute under which the registrant was convicted (e.g., "carnal knowledge of a juvenile"), which still omits potentially important details.

The driver's license warning required by Louisiana's law did not provide even that much information, meaning that anyone who saw it was invited to assume the worst. Tazin Hill, the man who challenged the law, completed his prison sentence in 2013. He was [convicted](#) of having sex with a 14-year-old when he was 32, which placed him in Tier 1. But anyone who saw his

license had no way of knowing the nature or severity of his offense. Rebellious at this government-imposed badge of shame, Hill excised the "SEX OFFENDER" label from his license and covered the gap with clear tape, which resulted in the criminal charges that gave rise to this case.

Another problem with sex offender registries is the [mistaken assumption](#) that people who fall into this broad category are more likely to commit additional crimes than, say, robbers, burglars, or arsonists. When it [upheld](#) mandatory "treatment" of sex offenders in prison, for example, the Supreme Court [relied](#) on a highly dubious recidivism estimate that was [repudiated](#) by its original source but has nevertheless been [cited repeatedly](#) by lower courts. The "SEX OFFENDER" stamp on Louisiana driver's licenses, even more than the registry, promoted such erroneous fears by implying that the bearer posed an ongoing threat, no matter the details of his crime, how long ago it occurred, or how he had behaved since he completed his sentence.

The empirically unjustified belief that sex offenders are highly prone to recidivism is [especially inaccurate](#) and damaging when applied to people convicted as minors, who are included in Louisiana's registry and therefore had to carry "SEX OFFENDER" IDs or driver's licenses.

[**Read the complete piece here at Reason.**](#)