

Tuesday, November 27, 2007

People convicted of sex offenses cannot be banished to live under bridges.

Bill of Rights. (From the public domain.) When one of my clients is charged with such offenses as sexual assault, child pornography distribution and soliciting a minor online for sexual activity, inevitably we end up discussing exposure to registering as a sex offender in the event of a conviction. People required to register as sex offenders do not only face being listed on sex offender registry websites, but -- depending on the state -- also face being banished from living in wide swaths of land that are within specified distances from schools, parks, and various other places where minors tend to be found. In one state -- Florida, I believe -- some registered sex offenders find that living under bridges sometimes is their only remaining alternative to satisfy the living distance requirements. Georgia statutory law designates so many locations -- including school bus stops -- from which registered sex offenders may not live within one thousand feet, that registered sex offenders cannot find houses and apartments in which to live. Fortunately, the Georgia Supreme Court on November 21, 2007, struck down such overly broad residence restrictions, leaving the state's legislators to go back to the drawing board. My quick review of the Georgia Supreme Court's opinion does not suggest that the court will prevent all distance limits on where registered sex offenders live, but that the court found the current statutory residency requirements so overbroad as to strike them down wholesale rather than narrowing the statute. However, the Georgia Supreme Court refused to invalidate the statutory provision that create distance limits concerning where registered sex offenders may work. Jon Katz. ADDENDUM: Thanks to Corey Yung for blogging on this case.

Posted by Jon Katz in Criminal Defense at 00:00

Florida is indeed the state that has a few sex offenders living under a bridge:
<http://www.cnn.com/2007/LAW/04/05/bridge.sex.offenders/index.html>
Anonymous on Nov 27 2007, 23:41

Thanks, Steve, as always, for your comments. Have a great rest of the week. Jon
Anonymous on Nov 28 2007, 05:40