

Center for Constitutional Rights

Sex Workers' rights and Human Trafficking

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Public Facing Advocacy Writing

press@ccrjustice.org

June 27, 2012, New Orleans Today, the Center for Constitutional Rights (CCR) filed a federal class action lawsuit seeking to remove from the Louisiana sex offender registry all individuals who are required to register solely because of a Crime Against Nature by Solicitation (CANS) conviction. The suit follows a [recent ruling by a federal court](#), which held the CANS registration requirement to be unconstitutional and ordered Louisiana to cease and desist from placing individuals convicted of CANS on the registry. Today's case asks the court to apply that ruling to anyone placed on the registry solely as a result of a CANS conviction.

The Court unambiguously ruled that forcing someone convicted under the Crime Against Nature by Solicitation statute to register as a sex offender is unconstitutional, said Center for Constitutional Rights Associate Legal Director Bill Quigley. But Louisiana has yet to remove hundreds of people from the registry who are there solely because of one of these convictions. Until that happens, Louisiana is violating the equal protection rights of hundreds of its citizens.

People accused of soliciting sex for a fee in Louisiana can be criminally charged in two ways: either under the prostitution statute or under the solicitation provision of the CANS statute. Until recently, a CANS conviction carried harsher penalties than a prostitution conviction, including the mandatory sex offender registration requirement, even though the statutes outlaw the same conduct. Police and prosecutors have unfettered discretion in choosing which to charge, and the law has disproportionately affected African American women and the LGBT community. The court previously held application of the sex offender registration requirement to nine individuals unconstitutional because it imposed different consequences for a CANS conviction than a prostitution conviction for exactly the same conduct without any rational basis.

"While the legislature has created a procedure for people to individually petition to be removed from the registry, this is no answer to the hundreds of people who have been marginalized by this law, said Deon Haywood, executive director of Women With A Vision, a community-based organization in New Orleans that has led advocacy efforts around this issue. This registration requirement has already been declared unconstitutional. The state not the women and LGBT people who are struggling as a result of this law should correct this unlawful practice. We want justice for the more than 400 people still on the sex offender registry.

Being forced to register as a sex offender has made it much harder for me to find housing and work, said one of the plaintiffs in the lawsuit. This has affected every aspect of my life, is humiliating, and has prevented me from moving on.

As in the earlier case, all plaintiffs in this action are proceeding anonymously for fear of retaliation.

Other people affected by this law have been barred from homeless shelters, physically threatened, and refused residential substance abuse treatment because providers will not accept registered sex offenders at their facilities.

Members of the plaintiff class - many of whom are indigent due in large part to the stigma of being on the registry - should not have to spend another minute or another dime complying with an unconstitutional requirement, added co-counsel Andrea J. Ritchie.

Individuals who are on the registry solely as a result of CANS convictions prior to August 15, 2011, should call this toll-free number: 1-888-873-1154.

Plaintiffs are represented by CCR, the law firm of Kairys, Rudovsky, Messing & Feinberg, LLP, police misconduct attorney Andrea J. Ritchie, and Loyola University New Orleans College of Law Stuart H. Smith Law Clinic & Center for Social Justice.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org.

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666 Broadway
7th Floor
New York, NY 10012

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