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LOUISIANA

Sex offenders file lawsuit against state officials

*Plaintiffs: Rights
infringed upon*

By Laura Maggi
Staff writer

People who must register as sex offenders because they were convicted of engaging in oral sex for money filed a lawsuit against state officials Tuesday night, arguing the requirement is unconstitutional and discriminatory.

Only in Louisiana can people convicted of selling their bodies be required to register as a sex offender, according to the lawsuit filed by the Center for Constitutional Rights. The nine plaintiffs include women from New Orleans and the surrounding areas, as well as transgender women and a man.

The registration requirement only affects people prosecuted under the state's crime against nature by solicitation law, which is used when a person is accused of engaging in oral or anal sex in exchange for money.

People convicted of prostitution, which includes any sex act, aren't required to register. District attorney offices often choose to prosecute people accused of selling vaginal sex under the prostitution law, while using the crime against nature law to prosecute oral or anal sex for money.

The lawsuit, filed by the Center for Constitutional Rights and Loyola University's law clinic, asks the court to find the registration requirement unconstitutional because it violates the plaintiffs' equal protection and due process rights. The groups also argued it constitutes cruel and unusual punishment.

Alexis Agathocleous, an attorney with the Center for Constitutional Rights, called the legal distinction between prostitution and crime against nature "archaic and discriminatory" Wednesday in front of New Orleans' federal court. Louisiana's laws criminalizing certain sexual acts as a "crime against nature" predate statehood, found in law books dating back to 1805, according to the lawsuit.

"This distinction is indefensible and unconstitutional," Agathocleous said. "There is no public safety rationale for this

distinction; there is just a long history of distaste for certain sexual acts, homophobia and discrimination."

The lawsuit was filed against state and local officials, including Governor Bobby Jindal, Attorney General Buddy Caldwell and New Orleans Police Superintendent Ronal Serpas. A spokeswoman for Caldwell said the office cannot comment because they haven't seen the lawsuit. Kyle Plotkin, a spokesman for Jindal, said "we expect the Attorney General to defend the laws of Louisiana in court."

The lawsuit was filed anonymously but describes the difficulty the plaintiffs have experienced obtaining work and finding housing because they are registered sex offenders. In Louisiana, the driver's license of a registered sex offender is inscribed with those words in bright orange letters. Registered sex offenders appear in a state database and must notify neighbors of their legal status.

In New Orleans, 36 percent of the people registered as sex offenders are on the registry because of a crime against nature conviction.

The label of sex offender often

keeps people from being able to access drug treatment or domestic violence services, said Deon Haywood, director of Women With A Vision, a New Orleans non-profit organization, which works with women who face this problem.

In a phone conference call, a transgender woman called Eve Doe in the lawsuit said she turned to prostitution after being kicked out of her childhood home. Even though her last conviction for crime against nature dates to 1998, she must register as a sex offender, a label that has prevented her from getting into drug treatment facilities.

"I've worked very hard to change my life and would like some reprieve," she said.

The lawsuit describes other plaintiffs who have been tossed out of homeless shelters, had rocks thrown through their windows and spent hundreds of dollars notifying neighbors of their offense status.

Louisiana is the only state that has separate laws depending on what kind of sex acts a prostitute tries to sell, according to the lawsuit.

The Legislature in the last session changed the penalties for

crime against nature by solicitation to make the first offense a misdemeanor, which matches the potential sentence for first-offense prostitution. Previously, a first conviction of crime against nature was a felony.

But while a person convicted of prostitution is never required to register as a sex offender, a defendant convicted repeatedly of crime against nature by solicitation — which at the second offense becomes a felony — would have to register, according to the lawsuit. Plus, people who were convicted once of crime against nature before last year, when the law was changed, still must remain on Louisiana's sex offender registry.

Chris Bowman, a spokesman for Orleans Parish District Attorney Leon Cannizzaro, said the office generally will charge new cases of prostitution or crime against nature as a first-offense

misdemeanor, even if defendants have prior offenses. Bowman said that will mean that defendants with multiple convictions of first-offense crime against nature will not have to register as sex offenders.

With the exception of crime against nature, all of the other offenses that require registration as a sex offender in Louisiana involve some kind of force, coercion, or exploitation of a minor, according to the lawsuit. These offenses include — for example — rape, aggravated kidnapping of a child or prostitution of a person under 17.