Supreme Court Declines Case of “SEX OFFENDER” Stamp on Driver’s Licenses

In 2020, a Louisiana court struck down a law requiring “sex offender” be stamped on IDs, including in HIV crime cases; that ruling prevails.

October 5, 2021 By Trent Straube

The Supreme Court decided not to hear an appeal of a decision against the state of Louisiana, which wanted to continue a policy that required the phrase “SEX OFFENDER” be stamped in large orange letters on the driver’s licenses and IDs of people on the state’s sex offender registry, reports Reason.com.

After a Louisiana Supreme Court ruled against the policy last year, the state appealed to the U.S. Supreme Court, which declined on Monday to hear the case. This means that the state ruling against the so-called “scarlet letter law” will stand and the stamp will no longer appear on state IDs.

As Reason points out, when people hear the phrase “sex offender,” they often think of violent crimes such as rape and child molestation. However, sex offender registries may also list people convicted in HIV-related cases involving consensual sex, including those in which HIV was not transmitted and in which a person was accused only of not disclosing.

> “Take a moment to think of how you would live with this.” @i_Suttle shares a photo of his ‘SEX OFFENDER” drivers’ licence. #AIDS2018 pic.twitter.com/hnce5bLFdX
>
> — PK (@paulkidd) July 24, 2018

People charged with sex work and solicitation have also been forced to endure the humiliating “SEX OFFENDER” stamp on their driver’s licenses. In fact, as the Louisiana Justice Institute reported in 2013, a class-action lawsuit found that 700 people in the state had been unlawfully placed on the sex offender registry because of Crime Against Nature by Solicitation convictions.

The Louisiana Supreme Court struck down the “sex offender” label policy, USA Today reports, because it amounted to compelled speech, which the First Amendment prohibits. The state argued that the speech was that of the state, not that of the bearers of the IDs.

Robert Suttle @i_Suttle describes cases where condoms were used, viral loads were suppressed, and no HIV transmission occurred...

And yet result in incarceration & sex offender registry for the person living with HIV.

No words for this.#HIVcriminalization #AIDS2018 pic.twitter.com/T6E084qeex

— Bronwyn McBride (@bronwynmcbride) July 24, 2018

HIV advocate Robert Suttle has spoken out against the sex offender registry and the ID policy, including during a presentation at the 2018 International AIDS Conference (AIDS2018). As the Reason article explained and Suttle pointed out, the ID policy humiliates people on the registry and makes it difficult for them to get work or lead a normal life—imagine having to show that driver’s license at a bank, hotel or airport security as proof of identification.

What’s more, research doesn’t show that the policy has any benefit for society or those on the registry.

Only two other states require a phrase like “SEX OFFENDER” to be displayed on IDs, according to Reason. Six states require IDs to show whether a person is a sex offender, but they use symbols or numbers on the IDs, and the general public does not know the codes or where to look for them.

In related news, the Henne Group and Sero Project, which works to fight HIV crime laws, are conducting a study involving people living with HIV (PLHIV). For more details see “National Survey to Assess Attitudes on HIV Criminalization Among PLHIV.”

And for more about HIV crime laws, see “Breaking HIV Laws: A Roundup of Efforts to Decriminalize HIV” or click the hashtag #Criminalization.

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