



U.S. Supreme Court weighs N.C. law banning sex offenders from social media

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The U.S. Supreme Court will hear arguments Monday on whether a North Carolina law banning registered sex offenders from “accessing” social media sites, including Facebook, violates the First Amendment.

In 2010, Lester Packingham Jr. was convicted of violating a North Carolina law that makes it a crime for a registered sex offender to “access” a commercial social networking website open to those under 18.

Packingham was designated a sex offender in 2002 when he pleaded guilty at 21 of having consensual sex with a 13-year-old girl he said he was dating. He received a suspended sentence and he was required to register as a sex offender — a designation that lasts 30 years.

Packingham had no further sex offenses after his conviction.

When a traffic ticket was dismissed, he posted on Facebook that “God is Good! How about I got so much favor they dismissed the ticket before court even started? No fine, no court costs, no nothing spent ... Praise be to GOD, WOW! Thanks JESUS!”

A Durham, N.C., police officer, who had logged onto Facebook to see whether any registered sex offenders had been using the site, found the post by Packingham.

Packingham sought to have the charges dismissed, arguing that the 2008 law infringes on the freedom of speech guaranteed by the First Amendment. But he was convicted and received a suspended sentence.

An intermediate state appellate court overturned his conviction, but the state supreme court reversed that ruling and reinstated his conviction.

The U.S. justices agreed to hear the case.

North Carolina argues the social media law protects children from sexual abuse. “It blinks reality to suggest that sexual predators do not use social media to further their crimes,” the state maintains.

Lawyers for Packingham, now 36, contend that the statute punishes far more speech than “the minuscule fraction” the state is legitimately concerned about.

He is backed by libertarian Cato Institute and the American Civil Liberties Union, which argue the North Carolina law could ban sex offenders from the usefulness of social media, including looking for jobs.

North Carolina appears to be the only state that currently prohibits all registered sex offenders from social media sites. Other states restrict Internet use as a condition of parole or ban from social networking sites only those who commit certain crimes.

In 2015, the Supreme Court struck down a Pennsylvania man’s conviction for communicating, via Facebook, violent threats against his ex-wife and the federal agent who visited him to investigate. The high court said that it was not enough to convict Anthony Elonis solely on the idea that a reasonable person would regard his communications as a threat.