



## Louisiana's Crime Against Nature Law:

# A Modern-Day Scarlet Letter

Louisiana's Crime Against Nature statute, which dates back to the 19th century, is an archaic law founded on moral disapproval of what kinds of sex acts are acceptable. The statute criminalizes sexual conduct considered contrary to the laws of nature because it is nonprocreative and historically associated with homosexuality.

For decades, the Solicitation provision of the Crime Against Nature statute harshly punished individuals who offered or agreed to have oral or anal sex for money by requiring them to register as a sex offender upon conviction, and subjecting them to higher sentences and fines than identical or similar conduct under the prostitution statute.

This was the only instance in which an offense that does not involve children, the use of force, violence, a weapon or lack of consent required registration as a sex offender. Louisiana's prostitution statute has never triggered a registration requirement.

The inclusion of Crime Against Nature by Solicitation on Louisiana's sex offender registry was both discriminatory and unconstitutional, and has disproportionately affected women, people across the spectrum of gender and sexuality, including gay, lesbian and transgender people, African Americans and poor people.

## A Situation Ripe for Abuse and Discrimination

Most of the people convicted of Crime Against Nature by Solicitation law are poor women of color and lesbian, gay, bisexual, transgender and questioning (LGBTQ) people who often must turn to sex work to survive.

The statute brands poor women and LGBTQ people with a modern-day scarlet letter and disproportionately affects members of the black community.

In Orleans Parish, almost 40 percent of registered sex offenders are on the registry because they were convicted under the Crime Against Nature statute - despite the fact that their convictions did not involve any force, lack of consent or children. Furthermore, 75 percent of those registered are women, and 79 percent of them are African American.



*Example of a Louisiana state identification card for individuals convicted prior to June 2011 under the Crime Against Nature statute labeled with "SEX OFFENDER."*

Police officers and prosecutors have had complete discretion in applying the statute throughout the entire legal process - from the initial arrest and charges to conviction and subsequent mandatory registration as a sex offender. This creates a situation ripe for abuse and discriminatory enforcement.

## An Unconstitutional and Unjustifiable Law

Harsher punishment for a Crime Against Nature by Solicitation conviction, as compared to a prostitution conviction, serves no rational or legitimate purpose. It simply expresses particular moral disapproval of non-procreative sex acts associated with homosexuality.

Until August 2010, even a first Crime Against Nature by Solicitation conviction triggered a registration requirement. Despite legislative amendments to the law, anyone convicted of a first offense before August 2010 or with a second charge must continue to register on the sex offender registry.

**"I was raped and used myself a lot of times, I never hurt anyone - why am I on the registry as a sex offender?"**

**- Rape survivor charged with Crime Against Nature as a teenager.**



In June 2011, legislation was signed into law that will equalize penalties for a Crime Against Nature by Solicitation and prostitution going forward. The new amendments are a welcome change for the better. However, they are not retroactive and as such, do not offer relief to the hundreds of people currently on the registry solely because they were prosecuted under the statute in the past. Those living branded with this modern-day scarlet letter continue to suffer with the burdens of this injustice.

## A Modern-Day Scarlet Letter

For individuals convicted under the statute, sex offender registration has a devastating effect on every aspect of their lives, including their access to housing, employment, social services, and shelter in the event of an emergency or natural disaster.

Registration is required annually for between 15 years and life. You must carry a state ID with the words "SEX OFFENDER" in bright orange capital letters. If you fail to pay annual registration fees, you are subject to prison time or a \$500 fine.

You must mail neighbors postcards notifying them of your name, address, description and your Crime Against Nature conviction - which requires that you spend additional hundreds of dollars every time you move. Your name, address and photograph will appear on a sex offender website, and you may be required to publish your name and Crime Against Nature by Solicitation conviction in the local newspaper. You must disclose the fact that you are registered as a sex offender to your landlord, employer, school, parks department, community centers and place of worship.

Many individuals have been denied access to homeless shelters and drug treatment because such facilities do not accept those labeled as sex offenders. And in the case of an evacuation in a natural disaster or other emergency, you will not be allowed to stay with your children or family in a publicly-run emergency shelter, and you must present yourself as a registered sex offender in all emergency situations.

**"It's like the scarlet letter.  
I am trying to put that in my past -  
but it's not gonna be in my past  
because it's in my present,  
and it's going to be my future  
for the next 13 years."**

**-52 year-old woman on Registry  
for a Crime Against Nature conviction.**

The sex offender registration requirement that results from a Crime Against Nature by Solicitation conviction ultimately shuts down access to the services necessary for people to live a productive life and to take care of themselves and their families.

## The case of *Doe v. Jindal*

In February 2011, the Center for Constitutional Rights (CCR), Andrea J. Ritchie, Esq., and the Stuart H. Smith Law Clinic of Loyola University New Orleans College of Law filed *Doe, et al. v. Jindal, et al.*, a federal civil rights complaint challenging the continued use of the Crime Against Nature statute that brands people who solicit or agree to oral and anal sex as sex offenders. The complaint was filed in the United States District Court Eastern District of Louisiana in New Orleans on behalf of nine anonymous plaintiffs. Some of the plaintiffs have multiple convictions of Crime Against Nature by Solicitation and must register as sex offenders for the rest of their lives.

The lawsuit alleges that being forced to register as a sex offender because of a Crime Against Nature conviction (which is the only offense requiring registration that includes no element of force, coercion, lack of consent, use of a weapon, or the involvement of a minor) serves no legitimate purpose whatsoever. As such, it is unjustifiable and unconstitutional. CCR further contends that the only reason our clients are registered sex offenders is that they were convicted under the provisions of a 200-year-old statute that condemns non-procreative sex acts and sex acts traditionally associated with homosexuality, solely on grounds of moral disapproval.

## The Louisiana Legislature must:

- Remove individuals who are currently registered as sex offenders under Crime Against Nature by Solicitation from the registry;
- Stop subjecting them to the onerous requirements of the registry law; and
- Expunge their registry records.

**Learn more at: [www.ccrjustice.org/scarletletter](http://www.ccrjustice.org/scarletletter)**