

Sex Offenders and Social Media

Criminal Defense Attorney Thomas Carr of Albany, NY discusses New York State laws pertaining to Sex Offenders and Social Media.

A federal judge in Chicago said it is unconstitutional for states to ban all sex offenders from social media sites. The ruling came after an Indiana sex offender who was no longer on probation challenged a state law.

It was a very, very broad ban, if you were a sex offender you couldn't register and you couldn't be on Facebook, said Thomas Carr, a partner with Tully Rinckey PLLC.

In 2008, New York enacted the Electronic Security and Targeting of Online Predators Act (e-STOP). Authorities have since used provisions to take thousands of sex offenders offline. E-STOP requires offenders to register their email addresses, screen names and social media accounts with the state. The information is then provided to social media sites that request the data. New York only prohibits some sex offenders from using the websites as part of probation requirements.

More than two dozen social media websites, including Facebook, ban sex offenders as part of their Terms of Service. The federal ruling does not apply to the sites because they are private companies.

Some sites do not have an outright ban on sex offenders and do not cross-check the information on the state database with their usernames, which is why experts continually suggest parents take steps at home to monitor computer, gaming and smartphone use.

We're always concerned about safety for kids and this is concerning. It really highlights and makes it more important for a parent to be involved with the kid's online presence, said Andy Gliplin, Director of Program Services at CAPTAIN Youth and Family Services. Really take advantage of the parental controls that are out there with a lot of the sites, gaming consoles, and different access points to the internet."