



Registry Matters Podcast

Episode 150

Recorded 10-24-20

Andy 00:00

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Larry 00:23

Fantastic, Andy.

Andy 00:26

You sound like you're strained?

Larry 00:29

It's the best day of my life.

Andy 00:32

Oh, the best day? Um, can I can I tell you about a pretty significant event that has happened very recently?

Larry 00:37

Sure.

Andy 00:39

In the two days ago, we celebrated a third birthday (birthday). We released the first episode on the 22nd of October.

Larry 00:50

Is that right? I was wondering how we're at 150. But we've actually skipped an issue, an addition or two.

Andy 00:56

years, there's a couple like over the holidays, or just you know, maybe somebody's out of town, and we just can't put it together. But Yep, thank you, Teresa. For Happy birthday, we got a whole bunch of people in chat. Um, but Larry, did you have car troubles?

Larry 01:11

I did. (Andy: Did you get them resolved?) I hope. But you never know, with this modern technology that you're dealing with. See the the 2002 never failed me. When I put the key in the ignition and turned the key, the car always started unless I have a dead battery. But that doesn't hold true with these modern cars because they're so much smarter. And so they require you to depress the brake pedal. And the computer has to recognize that the brake pedal is depressed. And if the brake pedal is not depressed, they won't let you start the car. So you can push the brake pedal to your Blake brakes. And if the if the pedal light will not go off, the the car will not start. And this has been somewhat of a problem with Nissan products in the '17, '18, '19 generation of cars. And it's the second time I've dealt with this. And it doesn't usually fail all at once. You'll go out and try to start the car and you'll be putting pressure on the brake and the thing won't start and you can wiggle around the shift or the play with the brake pedal and you'll finally get the okay to start it. But But finally Thursday night, it failed all together and no amount of effort would cause it to overcome the computer's rejection. And so the

computer is protecting you and the car must not be started. Unless the foot is on the brake.

Andy 02:38

There was some conversations in the in the on the discord server about what kind of car you were driving. And so someone suggested that it might be the Flintstone mobile. And then someone posted a picture of a Model T and I was kind of curious as to which one you may be driving and what color it might be.

Larry 02:54

So actually, I just got rid of the Model T that was about a year and a half ago. When I when I got this contraption. Well, they were reliable.

Andy 03:05

The Model T was reliable?

Larry 03:08

Well, the older the older cars had an element of... Now I'm not implying that the the modern cars are inferior. The modern cars are far safer, but you're better off driving... People say well I love those 57 Chevy are so cool. Yeah, they're cool, but they're death traps. And

Andy 03:26

yes, they have a collapsing steering column thing.

Larry 03:31

That would be the best way to get killed but their theory was because they were so heavy that that protected you, but it also killed you. And so with all the all the the restraint devices and the airbags and the the cars that recognize danger and give you warnings, they're far safer cars, but they're so smart these days that they basic things they can't do for you, I can't regulate my temperature in this car, the way I could with the one with the lever and the knobs. But yet it's supposed to be a very highly sophisticated digital cabin sensor sensors all over the car that tells you what the temperature is and keeps it ideal, but it doesn't. So there are some disadvantages to technology.

Andy 04:13

All right, well, let's let's get things rolling. And first off, let's uh, let's, let's start this off. We have some breaking news there, Larry that you're going to tease that we'll cover at the tail end of the show.

Larry 04:28

So the breaking news is that the Louisiana Supreme Court ruled just three days ago that the Scarlet marking on state identification and driver's licenses in that state does not pass constitutional muster.

Andy 04:47

Do we want to like do a two-minute-deep dive and then then hit it on the back end? like are they going to, let's try it this way? Are they going to ban them from putting the big fat marking on there and there will be no marking?

Larry 05:00

That is not within the scope of what the court can do. The court told them that they couldn't do this, this overt sexual offender in big letters, they can't do. But as we unpack it, we'll see that what they what they can do is what they likely will do and we'll unpack that at the end, a deeper dive.

Andy 05:22

All right. Well, let's look forward to that. That'll be I don't know, that'll be in, I don't know. 40 minutes for an hour or something like that.

Larry 05:28

All right.

Andy 05:30

We should. Let's start over then with a question or question, a question from a listener that asked about buying a home before he gets out of prison because he's considered, quote unquote, homeless at this point, and says:

Listener Question

To whom it may concern, which is most likely you Larry, I am currently in federal prison serving a 15-year sentence for a PFR-type offense. I will be released around Christmas of '26. Like most people, I lost my home due to my arrest. Currently, I am homeless, however, I'm not without financial means, they could donate to the podcast later. However, I'm not without financial means, and also have friends who can help me, I may purchase a home before I'm released, that in itself presents a problem. At what point is an address one's residence is that when you purchase the home or when you sleep at? That that's an interesting question. If I purchase a home before I'm released, my neighbors could very well be unhappy with a PFR living in their community. In Florida, it is very easy to get a license for home and daycare, license for a home daycare, excuse me, I could therefore purchase a home that meets my residency requirements in Florida only to find out that my purchase, find out after my purchase, a neighbor has established an in home daycare and prevents me from moving in. The simple answer is to purchase a wait to purchase home until I am released. However, I do not want to deal with the uncertainty of being homeless. That is a whole menagerie of problems that he's going to have to navigate. So what do you think?

Larry 06:57

Well, I like to, I like the point he's thought this through very carefully. And what we what we can say here is he is in an ideal position. If he's in a position to buy a home, we can assume from that, that he's in a position to rent housing as well, which represents challenges if you're renting from an apartment complex or multifamily housing. But he has options that many don't have, because they don't have any resources at all financially. But in terms of buying a home, I would not advocate that. I would only advocate that for a person in his position, if they really didn't need to live there. And if something came along, they could afford to carry that asset and turn it into an income producing property or something else, because the risk are just so significant, as he's even identified himself, that something could preclude him being allowed to live there. If he lived in my state, they would invent something they would be so irritated that he had a house set up that he wasn't living in that they would want to

find it out of compliance. And they would measure any kind of way that they could and invent something. Here they might say that a bus stop may relocate here, may relocate nearby, a school bus stop that is and I would feel I would feel he would be putting himself in great risk if he puts his assets into deploys assets into this investment. And then they don't allow him to live there. And I know that's not the answer he's looking to hear. But the ideal situation, I think, is to have a sponsor if that's at all possible. That way you can you can get your preapproval and permission from your supervising officer for any significant acquisition, and then you're likely more likely to be able to stay there. Unless you're in one of those states where if if somebody creates a non-complying makes your house non-compliant by creating a childcare, or a park or mini park or something that you have to move out, and that that's pretty rarely done. They those people are usually grandfathered, but it would be it would be tragic for him to do that and and not be able to live there.

Andy 09:17

Yeah, they they two churches moved in basically across the street from me and I was told you can stay but if you leave, you are not coming back.

Larry 09:25

That is correct. You're grandfathered, but you don't have someone in a state about 10 years ago made that argument. They wanted to come back to a place they were grandfathered. And the court said no, the grandfather protected you from having to be forced out. But once you voluntarily left, you relinquish that interest of the grandfather clause, and you they asserted that they that not only were they grandfathered there that they were grandfathered from having to comply with any restrictions, as if they had the right to rove and be free of restraint and the court said none of that that works. So that would be if you leave the case law would be against you in terms of coming back because you abandoned that interest when you left.

Andy 10:08

Because like, so let's just just to run down that just for a second. Let's just say I left here. And but when I came back, I'm in a duplex, and I wanted to move to the house next door, but that one wasn't grandfathered in, but it's just two feet away from my door. Like, what would be the difference? Anyway, I understand like, once you once you leave, that door gets closed, and you can't reopen it, it just be it'd be like, hey, it's just two feet that way. Why? Why is that not okay, but this one is?

Larry 10:35

Well, this one isn't okay. If you if this was a zoning permit, you'd be allowed a non that would be referred to as a non-conforming use, something that was allowed at the time you started doing it, it is no longer conforming to the zoning standards, you're you're you're you're being allowed a non-conforming use. But when you when you cease using it that way, you don't you are not allowed to reclaim that use. So you're done. Once you've once you abandon that that non conforming use.

Andy 11:05

That sounds like a civil regulatory scheme.

Larry 11:10

the the you know where the secret bunker is, he used to have, he had two homes that were side by side. Not too far from where that is it was and Henry County, but he had two homes and they he ran a business out of one of the homes, the business that he runs out of the shop now that but he ran out of the home, he was granted a permit for non-conforming use. But if he had ever moved that, closed that business, which he did, he could never have brought it back even though he had non-conforming use, because he does go through the whole regulatory application process for a variance and they would not have granted it because the neighbors got more affluent around. And they don't want to hear a lot more traffic and all those cars coming by and machines are running next door. They would never have tolerated the second time around.

Andy 11:58

um, let's move over to a question from David. This one popped up on the radar.

Larry 12:07

I'm glad we have all these listeners in prison.

Andy 12:12

Yes, we do keep getting questions for people in prison. And thank you, David for the question.

Listener Question

So I'm from Pennsylvania, though someone emailed me this, this decision that came from there, that a woman I don't know the details behind it. But we're just going to talk about a kind of mostly an abstract anyway, that it appears as though a woman having custody challenges. So she may have you know, she got the kids and then she gets charged with false imprisonment, unlawful restraint. And she was forced to then register as a sex offender even though there was no sexual intent. But it looks like the Supreme Court of Pennsylvania has said that she doesn't have to register, that it's unconstitutional?

Larry 12:49

I believe this is not the Supreme Court, but it is an appellate level court, the Superior Court of Pennsylvania. But this just has been a trend for a number of years with with the false imprisonment. People complain and rightfully so that all I did was rob the liquor store and I locked the, the owner's 17 year old son in the cooler so that he couldn't report me. And they got me for false imprisonment of a minor. And that was in the original Jacob Wetterling act it anybody who imprisoned or kidnapped or or interfered with it was designed to include people who abducted children. And nobody thought about well it needs to be for a sexual reason. But since they're putting people on the sex offender registry for this offense, either the legislature in some cases, or the courts have said there has to be intent shown and proven to commit a sex offenses or statutory scheme breeds that way but it didn't always read that way. My state it's it's false imprisonment, with intent to commit a sexual offense or kidnapping with intent to commit and that that means where we're 95, 98% of the of the abductions of minors are usually noncustodial parents, they will not fall within the zone of having to register as a sexual offender because they will they they weren't kidnapping or imprisoning the

kid for sex. They were kidnapping the kid because they want the kid

Andy 14:27

Okay. All right. So that so that's not this isn't something novel something new this is this is something anyway, who can we can we finish that thought? I have another question for you on that one.

Larry 14:40

Yeah, it's not that new maybe new for Pennsylvania. I don't I don't know the state of law. But it looks like if it is new it they're way behind the time because this has been this has been litigated and decided all over the country for a long time. So I'm not sure what's novel about it. Unless there's something in the 19 pages here that I didn't catch it by very cursory glance before we started recording.

Andy 15:04

But is this something that because our people weren't present when these laws were going down, that we didn't say what about in this kind of condition, you guys are going to register someone that didn't have any sort of sexual intent? Is that that? Does that make sense as a question?

Larry 15:21

It does, to the extent that it didn't break up. But But yes, it does make sense. And our people wouldn't have been there at that time, because at the time, they were passing the Jacob Wetterling act back in '94, then the state's largely within three years, they had three years to comply or forfeit their their Byrne 10% of their Byrne funds. No one was thinking about this, because everybody's first thought would have been, well, this is an ex post facto law, I don't have to worry about it. It doesn't apply to me, and no one would have even been thinking about the need to go raise these type of issues. So you would had to have have a real policy walk that was looking at the legislation, somebody who can imagine things. And there's not that many people that are real true policy wants that looks at things critical and said, Well, what about this or this or this? Because it just requires a level of analysis that most people can't, you're rushing through legislation, you don't you don't think about that you've got 60 days, 90 days, in most cases, to deal with hundreds of pieces of legislation. And if no one has expressed any concern, they largely get rubber stamped if the if the law enforcement apparatus wants them.

Andy 16:34

Okay, okay. Um, and there's, other than us reading every bill that's coming down the pike, there's not much like this is hard to this isn't related to sex offenders. How do we stop this, I'm trying to figure out what mechanisms we the people put in the PFRs put in place to try and make sure that these things don't happen?

Larry 16:55

Well, the first thing is what, which is what many states do they have a program where they monitor, the first thing an advocate will tell you is that we're monitoring the legislation. And that's, that is an important first step, you actually do need to know what legislation has been introduced, and whether or not it's moving and the status of the movement. But monitoring alone won't do any good. Because if it's moving, and all you're doing is

monitoring, all you're going to do is monitor it as it goes to the finish line. So so so step two, after you identify, and began tracking it, and tracking is very important. So I'm not minimizing that. But when your tracking mechanism indicates that it's moved, you need to have another plan, which is how you're going to deal with it, and hopefully derail it or make it better. Sometimes you can't derail you have to make it better. You have to come up with alternative language. And that means having relationships with key people that trust your judgment that they can offer up on amendment to alter the language because something's gonna pass and some things, they're just destined to pass. The public pressure is too great. And there's no way of stopping it all together. An example would be we've talked about many episodes on this podcast through our hundred and 49 previous episodes, we've talked about the statute of limitations and the abolition of the statute of limitation for the great reduction, you can't stop that train. You just can't. Because the victims of the law enforcement apparatus, and the advocates for victims have the upper hand, they can cry all the tears, they can cause all the emotion, they can spew out punchy lines, like justice shouldn't have an expiration date. And the public opinion is behind them because of the sympathy. So therefore, since you need to accept that you can't stop them from adjusting the statute of limitations, you have to try to limit how much damage they do. And that's a philosophy that I share that a lot of a lot of people I have don't share with me. It's an all or nothing for some of them. They say we should kill it, I can't kill it. They're going to pass they're going to alter the statue of limitations. The question is, Do you want my version? Or do you want their version? Okay, what do you want my limitations that I've come up with that a good talking points for our Do you want to hold on to this flawed hope that you can stop it all together? And so what you're asking what you would have to do, you would have to be prepared to have credibility, to offer alternative language with something that is, is on a path to passage. And if you think you can muster the support to kill it, and you might be able to kill some things, a lot of things die. Everything doesn't get passed. I think if you talk to Brenda and Marilyn, they've been very successful in derailing a lot of things, for example, not being allowed to vote at your precinct, because the precinct may be at a school. They've tried that for several years in Maryland and they come in with all these scare tactics, our children are in jeopardy of being around these dangerous people well, but the thing is nothing has ever happened at a school for on election day with a registered person ever in the history of mankind. So how much danger are they really in? Well, that's all an emotional reaction. It's something like that you can possibly derail. But there are other things that you can't derail when you have people like the Speaker of the House. You remember, you remember the wrestling coach, Dennis Hastert that raped all the wrestlers for all those years? Do you remember? Dr. Nasser? Of course, well, when when you have these, or Sandusky, when you have these type of things, it's hard to push against that. Something's gonna pass. And then you have to adjust your strategy to what can you do to make it more livable. And that's where our people differ with us. Because they say that you're a sellout. You know, you're working with with the system. And I just always retort back, but would you rather they write it or me?

Andy 21:07

That's, to me, that sounds like a more gooder strategy to me.

Larry 21:12

Because, because they're going to pass something. And my people were telling me that they have to pass something, and I have that kind of relationship where they'll tell me we're going to have to pass something, you've got to give me something that we can pass. Because if we don't pass what you give us, we're gonna have to pass what they give us. And that, that that's the reality of the situation. And I cannot create those relationships for people who don't have them. If you haven't been in this business for decades, those type of relationships and trust are not going to come about overnight. They've got to have faith in your integrity, that you will actually give them the true facts, rather than emotion because we are not allowed to use emotion. We, we can use it in some, some situations. But most of the time, we have to have facts, they're allowed to use emotion. And that makes it easier for them because they get to they get to manipulate public opinion by emotions, and we don't get to do that.

Andy 22:12

Okay. We'll just touch on this quickly, just mostly as a sort of an announcement PSA sort of thing. Federal Judge rules against Treasury and IRS, again, incarcerated are entitled to stimulus checks. This comes from the CARES act, I believe, of giving everyone their \$1200 bucks, this was sometime in the summertime. And I guess they keep going back and forth on whether incarcerated folks get it or not. But here we go. There's a couple articles here. Here's one from the Washington Post, and another one from Forbes saying that the people locked up are going to get it.

Larry 22:42

The only reason I keep bringing this up is there's two reasons. One is I want anybody who's within the zone of hearing us or reading us to know that they may have an entitlement to some funds that have been appropriated by Congress. The other reason I bring this up, is because I can't help myself that I want to hammer on the people who put their hand on the Bible and say they're going to uphold the law. And their that they don't like people who invent the law, this administration decided on an administrative level that they were going to issue regulations through the Treasury Department, not to give these stimulus payments to people who happen to be incarcerated. That was not in the congressional act. It was in a previous congressional act, I think in the in the Bush stimulus, but it was not in this or maybe in the Obama stimulus. But it was not in this stimulus. But they don't have to put that in there. They did. These people that are pulling the levers on the administrative side in DC right now. They did something that they liked authority to do, and they're being struck down by the courts. Take note of that, folks. I know it bursts of your bubbles. But the people that claim that they respect the rule of law, did not respect the rule of law. And this is not a partisan thing. I would be saying the same thing. If it was any other administration. It's the fact of the matter is they should have been paid the payments. they didn't.

Andy 24:06

All right. So that's like I said from the Washington Post and then Forbes, and then over at law 360.com New prosecutors see justice, not convictions as their goal? Holy poop, Larry justice?

Larry 24:22

What kind of leftist magazine publication crap is this?

Andy 24:27

I don't know. But this seems to be like what I keep trying to figure out like why don't we actually go for justice instead of just convictions? The incentive structure.

Larry 24:36

Well, that just FYI. What, what is justice?

Andy 24:43

Uh, that's a good question. Yeah. How would you define justice? I guess if Yeah, how would you define justice? At least making sure that everyone got a fair shake and you don't run around convicting people that just happened to be a convenient way to put a notch in your belt?

Larry 24:57

That is a great answer. They they actually the Justice would certainly start with not convicting an innocent person, that would be the first rung on the Justice ladder. The next rung would be that the proportionality of the punishment should be something similar to the crime. In other words, if someone comes in a shoplifts a \$5 item from your store, that does hurt you absolutely. The society is harmed when we have people shoplifting and taking hard earned goods away from someone who's working and make a living. But does that justify imposing a years of incarceration for that, and expense, your \$5 item doesn't turn to a \$30,000 annual expense or more, I think 30,000 on the low side of what states spend on incarcerated nowadays, but does that turn into a 30 \$40,000? No. So justice would be a proportional response. And that's where we've lost in this country. We've lost all proportionality, we incarcerate people, for offenses that nobody else in the world does incarcerate for. And we incarcerate people for such lengthy periods of time, that none of the nations that we like to identify ourselves as being most like, and similar to, they don't do what we're doing, but somehow does or we think we're just like them. And they don't do what we do. And that's what's really bizarre to me.

Andy 26:19

I can understand that I was I was having a conversation with someone recently talking about where somebody that has a very serious drug addiction, that they go perform some kind of crime where they rob somebody, something along those lines. It's a systemic problem, that they have the drug addiction that then caused them to go do whatever they have to do to go get the drugs, not terribly different than someone that is super broke, and their kid needs diapers, they're going to go get them diapers, convicting them of robbing for the diapers is just a symptom of the actual problem. And they started to see things in somewhat different light, but it was a little bit of a struggle to get there.

Larry 26:58

Well, Andy, you know that this is the most compassionate, generous country on earth. And if anybody didn't have diapers for your kid, all you would have to do would be stand in front of at store and say, I don't have diapers for my kid, and anybody coming along would buy diapers for the kid, right?

Andy 27:18

Ah, I, I think the answer is like, could you do it? But could you consistently do it, you might be able to go get like, holy crap, this is the first time Look, you know, maybe you as the store manager, you'd be like, Yes, I can help you out. But then when you go back tomorrow to do it again, be like, sorry, I can't maintain this.

Larry 27:39

So Well, that was my snarky point there that People people think that they wouldn't do anything. I can assure you, from personal experience. desperation will drive you to do things that you don't think you would do, or are even capable of doing. Of course, we'd like to think that at my current posture and position a life that I would not go take something from a store. But I'm not going to say I wouldn't do it if I were hungry, because I know that that that desperation drives people to do things that are abnormal.

Andy 28:14

quick little detour. I don't know if I shared this before, but it was right when like lockdown started and I had a batch of toilet paper. And I'm sitting there and I'm like, Oh my god, we're entering into the zombie apocalypse and someone is going to come bust my door down. And I don't have any way to defend myself because, you know, felons, and guns and whatnot. And I'm not like a fighter person anyway. And I'm going to get killed sitting right where I am so that someone can have some toilet paper because there's no toilet paper in the store. Kind of a similar scenario. Like if you can't get it, you're going to go get it from somewhere. And here they're going to come rob me for my toilet paper. And I was very sad by this.

Larry 28:51

How would they know you had it?

Andy 28:54

I would assume that people would start just going door to door and busting things down looking for TP.

Larry 29:00

Uh huh. Well, thankfully that problem has has has abated. You see all you need in stores these days.

Andy 29:07

Yes. Yes, you do. I was just like, I just remember having this like, oh crap. I'm in trouble.

Larry 29:15

Hopefully, the shelf life. I hope the shelf life on toilet paper is very long because I know people who have bought gobs and gobs.

Andy 29:26

Oh, yes. Yes. They have definitely. They have saturated their their own personal pipeline for years to come. They will never ever run out. Over at Politico. We have an article that comes from I believe it's the Florida politico Florida it says final tally group says that 67,000 felons registered to vote in Florida after the repeal of amendment four. That is a staggering number of people that have registered to vote there

Larry 29:53

It was only a fraction of those that would have been eligible up to a restoration of 1.4 million that would have had that that we're hoping to be able to be reregistered. So it's a fraction, a very small fraction.

Andy 30:08

And what was Rush's big worry about letting all these people come in to vote?

Larry 30:14

You said Rush's, not Russia, right?

Andy 30:17

No, I didn't say Russia. I said Rush's

Larry 30:20

Rush's, like his program. So yes, rush, rush and the republicans believe with all their fervor might, that prisoners will vote Democrat in huge numbers. And it frightens them so bad that they're going to lose elections because of allowing felons to vote. And the funny thing is, we've had like two different episodes where we show research that they don't. And intuitively I know it because I've dealt with felons for almost two decades, in one fashion or another, and they tend to be very conservative. So so but but for some reason, they just believe that, that it's gonna be overwhelming that they'll never win another election if former felons are allowed to vote.

Andy 31:08

I do want to like, you know, touch back on the Justice served. If then wouldn't that be them saying, well, we don't want those people voting because they're going to vote against our interests. But this is what the people to represent the people, that's what they would want. So we would want them to be voting is that, that I struggle with this whole, trying to make voting more challenging to people. I personally feel that we should have voting available to everybody on every corner, practically, and just make it so that it's the easiest thing in the world reduce all the friction for people to vote.

Larry 31:43

Well, I kind of agree, but not completely. I believe that there could be incompetent people that are not able to vote that that and I don't know how I'm not the expert in terms of how to determine competency, but there is a such thing as an incompetent person. Would you agree with that, without us having to define it? (Andy: I totally agree that there is.) okay. I'm not sure it's in the best interest of a democratic society to have incompetent people voting. But that has nothing to do with the issue of felons. Because being a felon doesn't make a person incompetent. And the the after you paid your debt to society, it was seemed like you would want the person to fully participate and appreciate the the opportunity and the greatness of a country that recognizes that they're fully restored citizens, it seems like that you would just automatically want that to happen. You paid your debt, now you can vote again, there's two states i think that don't even stop you from voting while you're while you're while you're convicted while you're serving your time. You can vote in prisons, I believe in Vermont, and maybe Maine, in some of those liberal bastions in the northeast. But but but but this this is so bizarre to me that in a

forgiving country where we really pride ourselves on how forgiving a second chance we are, that that there are places where you'd never can vote again. After a mistake, never.

Andy 33:08

Similarly, I guess not similarly, over at Politico in that the California one it says California order to have San Quentin population after showing deliberate indifference. What does deliberate indifference learn?

Larry 33:22

Well, it means it means not only are you indifferent, you did it with some maliciousness almost that that, that when, when there's a banana peeling on the floor, and you don't know about it, you were negligent. If there's a banana peeler on the floor, and you tell the staff don't worry about it, we other things to talk about this deliberate indifference. And that's, that's what that's what they were in the case, we all sat and talked about this, from the beginning of the pandemic, about saving lives, and about options to cutting prison populations dramatically. And I think you opined with your expertise that it needs to be about half from your experience. Well, guess what half what is they're offering here.

Andy 34:11

Yeah, but sure, but up, but I'm like, you know, California and whatever. They were at 180% capacity. So even reducing it by half, we get them to roughly 100% capacity.

Larry 34:23

Well, I don't know the specifics on that. But here, here's the deal. The the governmental structure in California had plenty of warning this was coming. And they continued to not try to do anything. They said they reduced the population to lowest in decades, and I commend them for that. They said the system the California system had been cut by like 21,000 inmates, but this particular prison had significant challenges because of the age of the institution, and the lack of ventilation. And it may not be it that you could just look at all institutions with the same rubric. About what reductions need to be made, because 100 plus year-old institution may present a lot different requirements to keep people reasonably safe than something that has better ventilation, better management. And it's just it's comparing apples and oranges. I mean, we looked those institutions up and other episodes, and I think we found that they were like, 100 years old. Mm hmm. Do you remember that? You remember that? (Andy: Yeah.) These are old prisons. Yeah.

Andy 35:29

And, and not happy places to be.

Larry 35:32

So but they don't have to release anybody. they don't have to release anybody. All they have to do is cut the population. we talked about in pre show the courts did not tell them, they have to release a soul. They just have to cut the population, it may be that they need to make arrangements with other states. They don't have to release a soul. They have to cut the population. That's the order. The court doesn't tell him to release anybody. They could cut the population by a number of mechanisms. There may be states who have surplus capacity. They built a lot of private

prisons, particularly to the Trump administration, they've been building additional private prison space, they may have surplus capacity. There may be county jails all over the state of California and surrounding states that have surplus capacity. So they could look for other places. But all they have to do is cut that prison population. They don't have to release anybody.

Andy 36:23

Okay. All right. Is there anything that you want to banter meander about before we go over to the Louisiana thing? Because I think we are there and I just want to make sure that we haven't missed anything before we hit that.

Larry 36:37

Oh, that that's gonna be fun. I hope you have a lot of questions about that. That's

Andy 36:42

okay, cuz we have stuff we can talk about.

Larry 36:45

We've I've seen email traffic, and I've seen people pronouncing the end of any markings on driver's licenses. And I've seen IMLs coming crashing down. And I've heard it all over the last three days.

Andy 36:58

Ready to be a part of Registry Matters, get links at registrymatters.co. If you need to be all discreet about it, contact them by email registrymatterscast@gmail.com You can call or text a ransom message to (747)227-4477. Want to support registry matters on a monthly basis? Head to patreon.com/registrymatters. Not ready to become a patron? Give a five-star review at Apple podcasts or Stitcher or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting. Without you, we can't succeed. You make it possible. Alright, so the article that we have is from from kfy.com. This is a title of the article is court strikes Louisiana's sex offender ID requirement. And to me later, that almost sounds like it's misleading, right from the start because they didn't strike it. They said they can't do that.

Larry 38:05

Well, they did strike it. They struck that one. (Andy: Okay.) They struck the one that was before them.

Andy 38:14

Okay, can you give me the synopsis of what is going on and where we go from here?

Larry 38:20

Well, Louisiana is one of according to this, I'm getting it straight from the decision. So don't hold me to anything that the court got wrong. But nine states according to the court mark their driver's licenses in some fashion. A couple of those states like Louisiana, Alabama, and I think even Mississippi put the the word sexual offender on there. And that's what was in, in this challenge was the was the marking of the word sexual offender on a driver's license or a state issued identification. Anybody that's required to register was also required to have one of these documents issued by the state. So this is this is what I think is hilarious about it. And

it's not hilarious in a good way. But you have to register with the sex offender registry people with your Law Enforcement Unit. But then, in addition to that, you have to go to the motor vehicle people and get yourself an ID that says sexual offender and the law requires you to carry that in your possession. And, and the punishment for violating in this state, if you fail to register and comply with any part of registration is a maximum of 18 months. And that's it that's under the 50% good time rule because it's not a serious, violent offense. So therefore, you're eligible to be your sentence to be halved. So you're going to serve a whopping nine months if they max you out. They never max anybody out and oftentimes, it's a probated sentence here, well, this you could have, you could have gone and registered in Louisiana. But you didn't get your special identification that you have to have to advertise yourself as a sexual offender. It's punishable by a minimum of two years of incarceration up to 10. So you're registered, but you don't have your sex offender ID now, Isn't that something?

Andy 40:28

Yeah, definitely.

Larry 40:30

That tells you a little bit something about the penalty schemes, and how they vary around the country. Here, they can give you a whopping nine months, I mean, they can give you 18. But you're going to serve a whopping nine. If they max you out. On a first time violation, now they can max you out, if you have a second or subsequent, they can give you a whopping 36 months. If they max you out here. (Andy: that's a lot of time.) Yeah, well, but you cut that in half. So you'd serve 18 if they maxed you out. And Louise, it like they can Oklahoma, they have to give you a minimum of like two or three years. And here, that's the maximum they can give you. So but but what what's what's under attack here, and what was successfully attacked was the sexual offender, whether or not they can force you to carry on identification with the word sex offender words, sex offender. And the state argued that they could, because it's government speech. And government speech has different limitations in terms of what the government can do. And the the accused, Mr. Hill, this was a case actually, for those who are going to be reading us on the transcript, we probably ought to get in a habit of naming the case in case they want to look it up. So the case is *Louisiana v. Hill* from the Lafayette Parish, and it was handed down, like I say, just three days ago. And and he he was they followed information, which is equivalent to an indictment, alleging that he had altered his ID card, but by eradicating the sexual offender, so that it just showed the rest of it, he had altered it, and that also is a crime in Louisiana. And so that was what he was charged with. The state of Louisiana filed charges in April of 2017 charging that he altered an official identification card to conceal his designation as a registered sex offender. That's what they came up doing. And we just can't have that altering these government documents.

Andy 42:56

Can you can you describe government speech?

Larry 43:00

While it's kind of like porn, I can't describe it. But you know it when you see it

Andy 43:07

You described to me earlier... Go ahead, please.

Larry 43:10

Actually, actually it's it's easy, easy to describe you. When you see a public service announcement that the government sponsoring that's government speech, speed limit signs, or any type of notification of an ordinance don't park here that's government speech. And the the, the notations on your driver's license, for example, like a visual visual requirement that you must wear corrective lenses to be safe to drive. That's the government speaking. That's the motor vehicle driver's license Bureau communicating to any law enforcement officer that may encounter you that you need to be wearing your contact lenses or your corrective glasses to be a safe operating vehicle, test government speech and government speech is is pretty much free of all restraint. Because that's the government speaking, the the First Amendment protects, contrary to what Sheriff long butts County, thanks to the First Amendment protects individual speech, and not that means you can refrain from speaking, or the government cannot compel you to speak and carry its message. And what what he argued was that the government was compelling him to carry a message on his driver's license that he preferred not to carry. And the state of Louisiana said, No, it's government speech. So it's our message. And anybody would know that it's our message that you wouldn't advertise on your behalf that you're a convicted sex offender. So clearly, no one thinks you endorsed this the reason why you don't want the government to compel you to speech, what if the government could compel you to put a sign in your yard that espoused a particular public policy that you didn't agree with? Most people driving by your property would assume that you endorse the policy, whatever it is, that that sign. Well, the state said, Well, clearly no one would think that that he's endorsing that, that he approves of this message. So clearly this is government speech. But that broke down on a 6-1 decision by the by the Supreme Court of the state, because they said that it actually it actually is compelled speech. and international Megan's Law came into the equation, because the they argued that the that the failed case on challenging international Megan's Law, they argued that that supported and they said, No, it doesn't, it doesn't support anything of the sort. Because, actually, let's just make my little brief analysis available to the to the to the podcast, I did a summation of what's in the decision, but the international Megan's Law is different, cuz that is a government document. And the court noted here that, that this is, this is a government document, but you are compelled to own one of these under threat of prosecution. No one will prosecute you for not having a passport. You're not required to own or possess a passport. And the passport is the United States, the United States Department of State, asking and alerting foreign governments that you are our citizen, and please let this person pass. And that is government speech, a driver's license on the other hand, or an ID card that you're compelled to carry is different than something that you can optionally purchase. And and it's it's still property of the State Department, they can recall it at any time. And, and this, this is his analysis. It's really good for those who who, who were who are trying to to conclude that the IML is going to come crashing down. I don't see it in this decision. I saw just the opposite. I was trying to get to the quote it says that it says in here, the court solely to provide... it says the court further stated here defendant is not just

required to register his residence and provide information to the government but is instead also required to display the word sex offender words identification card, and performing everyday task he will be he'll have to show identification card to the public. That identification card is branded with the word sex offender, and along with it his name, picture address and other identifying characteristics that branded that that branded identification card is readily associated with him. The court noted that a state identification card is not like a passport or currency. Passports are not routinely viewed by the public. And they serve as a letter of introduction in which the issuing sovereign meaning the United States in our case, not just for the bearer and requests other sovereigns to aid the bearer as a travel control document, and then they cited a case of from 1981. And then if they say well, currency, they held the words In God We Trust printed out that the message is not personalized as when the case of identification card. Furthermore, currency is simply exchanged as currency passes through many hands. identification cards, on the other hand, are proof of identity and are frequent displayed for examination by a cashier, bank teller, grocery store, court, new employer, or air travel, hotel registration, and so forth. And that is the difference of a passport and an identification card. passports are optional. Louisiana doesn't give you any choice If you're a PFR. You must have this document.

Andy 48:28

Yeah. Ah, um, and so now you're carrying the government's message. This is considered compelled speech, then because you're forced to carry this document.

Larry 48:37

That is correct. And then and then that's where the, the analysis gets interesting, because the the level of scrutiny you've heard us talk about, we've talked about rational basis, we've talked about intermediate scrutiny. And we've talked in the last one, strict scrutiny. And, and, and the First Amendment, anything challenging the First Amendment is going to generally be afforded strict scrutiny. So this, this is what they call a content-based restriction. And a content-based restriction is where you have the most protection, the government can say, they can limit particular comments, you cannot tell a minor that you would like to perform a sex act on them. That's a content that we will not tolerate, because you cannot solicit them to break the law. But but you cannot tell the person that you can't have any naughty conversation with a minor. It's just you can't break you can't, so we have to be narrowly tailoring. what you can and can't say to a minor to be able to intrude in speech, where we restrict content. Same thing about fire in a theater. Most of us would agree that probably isn't a great thing for someone to stand up and grab a megaphone and say fire in a theater, and there's no fire. So therefore, it's long been Any incitement to violence is prohibited speech. So that's a content restriction. You can't you can't do you can't do that. But those things have to be narrowly, narrowly tailored. So that you don't intrude beyond the scope of what's legitimately necessary to achieve the government or our society's reasons for the law. So so the court conclusively said, that the state is well within its rights to want law enforcement officers to know when they encounter a person on the registry right away, even before they hit the NCIC that they know that this person has an obligation to register. But they said, to achieve that worthy and lofty goal that it uses words, so those are mine, but to achieve that

legitimate goal, they can do it with a much narrower communication. They don't have to use the term sexual offender. And they cited other states that do it with with coding with, with with more limited, telegraphed, than just simply putting sexual offender on there. So that's what the state of Louisiana if they want to do this, they're going to have to do it in a less conspicuous, more inconspicuous way. And I would expect that that's exactly what they would do. If you're one of only two or three states that has sexual offender on your driver's licenses. And the court says you can't do that. But you can do it in a more humane way. What would you think they would logically do? Throw up their hands and say well Yeah, I guess we can't mark licenses anymore, we give up? Or do you think they would come back with a with a takedown, which would you think would be the logical course of action?

Andy 51:36

Well, since you know, Florida, and Tennessee both have some kind of benign identification on the card, then I would imagine that they will move in that general direction, they're not going to be like, yeah, sorry, we lost. So we're gonna go home?

Larry 51:50

Oh, absolutely. They're not going to do that. And King Alexander who wrote an analysis of this, it's a rather lengthy, but he puts that in there. And I agree with him on that this is something where the law enforcement apparatus will go back to the legislature, and they'll say, Man, this is a striking blow to public safety. You know, now we're going to be encountering these people and we're not gonna know who they are. And it's all hidden from us. And we need some way, the minute we encounter a PFR, we need to know that they are that they're required to register. And they're going to insist that this be restored. And the legislature, if the PFRs are not present, they will be tempted to go as far as they can, to make it as onerous as they can. And to see if it can be if it can be done without a constitutional challenge. They understand the burden is on the challenging party, they understand these challenges are expensive. They take years, this guy was indicted in 2017. Here we are at the end of 2020. And he finally gets a decision. And this is an expedited appeal, because the prosecution was able to appeal. The District Court, which is a rarity, the trial court ruled in favor of his of his motion, he argued to the trial court, this was unconstitutional and trial court issued that it was, and without going through the intermediate Court of Appeals, which most appeals have to flow through. And when when, when a statute in Louisiana is declared unconstitutional, the state was able to go directly to the High Court, it still took three plus years. They know that. So if they reconstitute this, this marking, if you're not there in the capital, convincing them of the best way to do this, that you can live with cuz they're going to do it. If you're not there, helping them come up with something that's as least onerous as possible, they're going to be tempted to come up with a most onerous restriction as possible. And then you're going to have to litigate all over again, because when they pass their new bill, and the governor signs it, and even though it's a Democrat, John Bel Edwards, if this gets to his desk, he is going to sign it, just like any republican governor would do. They're going to sign it, he cannot take the political hit for making law enforcement unsafe and jeopardizing these very important men and women who keep us protected from these vile individuals. He just can't take that kind of hit. So he's gonna sign it, you're gonna have to give him the best

legislation you can, because he will sign it just as Bobby Jindal would have signed it, just as whatever her name was before that. They would have signed it. It doesn't matter. If it gets to the executive, they're going to sign. Oh, I forgot, I wasn't supposed to. I wasn't supposed to say that was I?

Andy 54:44

Probably not. Probably not. Um, I've been receiving questions from people in chat and I think I can ask them to you at this point. I do have one. Let me let me ask you one that I got out of *King's* decision. It has to do with where does this go from here that this this happened at the Louisiana supreme court level?

Larry 55:07

That's correct.

Andy 55:09

Does it go? Like, can there be any further adjudication on this?

Larry 55:16

There could be. What What is unique about most states is that they interpret their constitutions in tandem with the US Constitution. States like Maryland and like New Mexico, we have interpreted that our constitution provides greater protection. But in terms of most state constitutions, in fact, California, they passed one of those great public referendums that said that the California Courts cannot interpret the Constitution of California provide greater protection than US Constitution. So, this decision is predicated upon the US Constitution. Therefore, since it's a US constitutional question, the state could theoretically follow a cert petition asking the Supreme Court to review it. I would hope that they don't do that. I know that's gonna go contrary to what people were thinking. Because somehow or another they think that the whole registry would come crashing down if the US Supreme Court were to rule that to affirm the Louisiana Supreme Court. That is not exactly what would happen. If the US Supreme Court were to affirm this decision that has clearly telegraphed, that it's okay to mark driver's licenses, as long as you do it in a discreet way. Rather than having nine states, I would say within three to four years, we'd have 20-30 states doing the same thing. Because at that point, the states who don't have constitutions that are, they're interpreted to provide greater protection, what all of a sudden have a green light, and guess who would come running with proposals to mark driver's licenses? Because they'll say, Well, according to this decision, from the US Supreme Court, on this Louisiana case, we can mark driver's licenses as long as we do it discreetly. And that's exactly what would start happening. So unless you think that the Supreme Court is going to say that registries come crashing down, the only thing they can do is affirm, they really can't expand this ruling. They can affirm it, or they can they can return it and say it's wrong. But if they affirm it, they've affirmed what Louisiana Supreme Court says. And the Louisiana Supreme Court says it's okay to mark the driver's license as long as you do it discreetly.

Andy 57:26

That's crazy. Okay. Um, so that was that was my first question. Oh, let's see here. So someone in chat said, Does this mean that the subsections are included, like the annual renewal by personal appearance at the OMV? I'm assuming that's the Office of motor vehicles are out as well?

Larry 57:42

No, it doesn't mean that. Not it may be selected. This, this now, realize I'm not licensed to practice law. And I don't study Louisiana law. But if I were a guessing person, which is all I can do with this particular case, I would argue if I were the state of Louisiana, that that the scheme that you're required to get the license would stand. That you still need a unique ID, and that we would just simply take off the sexual offender. So if I were, if I were the executive, Louisiana, I would order the motor vehicle department immediately remove that is not issue anymore with that on there. But I would say that the remaining part of the law stance now being that I'm not an expert in law in Louisiana, it could be that, you know, we've talked about where they're, they're self severability, we've talked about that in a number of episodes, it could be that the gutted the entire law, and that they don't have to get the ID. And if that is the case, then you can be assured that they may even call a special session to fix that, because they're not going to want PFRs running around without identification. So but but I'm guessing, without knowing that, that that'd be a severability. So I would, I would think they would just simply take the that part of it, you would still be required to go to motor vehicles and get yourself an ID. But it was certainly diminished the harm of the idea, but you still you're screwed up because they need they say they need the ID to update your photograph, because you have to do it annually. So you have to pay for one annually. So what they would argue would be that you still need to update your photograph annually in the system, and your address, and all this stuff has to be verified. So they would say that it still serves a compelling interest, even though they can't have the sexual offender. And my guess is they will continue to require you to go in annually pay the money, and that they'll just remove by executive Fiat, the they really have no choice because the court has told them to do that. So the only thing they could do would be to ask for a stay of the order, stay of the of the mandate as it's referred to. So they could they could ask to stay the mandate while they're filing a cert petition the supreme court but my expectation is they would actually just remove the sexual offender and then go back to the legislature and say please come up with something that's a little bit less inconspicuous, and that's what I would expect they would do.

Andy 1:00:00

Another question says, and this is even, I'm pretty sure your answer is going to be, but why do cops even need to know who is a sex offender?

Larry 1:00:09

Well, since I don't advocate for that position, it's hard for me to answer, but I can tell you what I think they would argue. What they would argue would be that when a law enforcement officer encounters a person who's on the registry, not knowing that information, could lose precious moments if they were in place where they were at the pre stages of doing something. So for example, there's nothing against sitting outside the school with binoculars, unless you're planning to move to the next level. So, if you're sitting outside the school with binoculars, and the cop comes along and it says PFR on there, you would probably be a lot more inquisitive than the other person could probably just tell you, I'm watching birds. And you'd probably let that go. So that would be what they would argue that that it would, that it would

impede their ability to act in law enforcement's interests to intervene when they see suspicious behavior, because the mere fact that you're a PFR, they would deem that suspicious, depending on where you're, that's, that's what I would guess they would argue.

Andy 1:01:11

But others, I know that we're 50, independent nations, so to speak, and there's like, not all states have this sort of thing. And they don't necessarily have these kinds of problems. It feels like they're just pushing to have something extra to humiliate you and make life challenging to almost just to trap you with something.

Larry 1:01:31

Of course, that's exactly what they're doing. No pushback from me on that. That's exactly what they're doing. This is an extra cost that the offender has to bear. And in Louisiana, it's horrendous anyway, I mean, these southern states are generally horrendous they were you have it, I think it's Alabama, where you have to pay to publish notices and send them to everybody within so many feet of your residence. Can you imagine how expensive that would be in a densely populated area?

Andy 1:01:58

yeah, right. Can you imagine being like downtown New York, and you've got 10,000 people living here within a, you know, 1000 square feet?

Larry 1:02:05

but, but they they are able to make these laws, because they're, they're separate sovereign.

Andy 1:02:12

And it's very, it's very popular people like, yeah, it's keeping us safe.

Larry 1:02:16

That's what they're saying. But this, this was a difficult the decision, there was one dissent on the seven-member court. And this was a complicated, throwing together an analysis. And the people don't hold me to any typos or anything like that, because I threw it together. But we're recording today. But I tried to explain it in language that most people would understand. So we can shoot that out with the podcast.

Andy 1:02:41

Yes, I will include it. Let's go on to another question. Does this have any effect on the Texas blue cards, which I think is a similar ID card that they have in Texas, compared to this extra ID card that they have in Louisiana?

Larry 1:02:56

I don't think I've ever heard of the Texas blue card. (Andy: I haven't either.) I don't know if I can comment on that. What is a Texas blue card?

Andy 1:03:03

Let's, I mean, even like, still, I think the comment was like this. So, the Texas blue card is similar to an ID card. So let's just go for that premise for the moment that it's a similar ID card with the with a

ruling in Louisiana about that ID card have anything to do with ruling in Texas?

Larry 1:03:19

Well, as we say, from time to time, one state Supreme Court decision is only is only binding in the state. But what I would do if there's significant similarity in the requirement in Texas or any other state, I would, I would argue that this is persuasive. I would say this is a brilliant, well researched, analytical. I mean, this is just, you can't beat it. And although it's not binding here, this is very compelling. I mean, they've hit this spot on this is what you would say it's persuasive authority, but it's not binding. But since I don't know about blue cards, I don't know how closely there's only a few states that really put the sexual offender on there of the states that mark license which they said it was nine states that mark them. only only a few actually put sexual offender

Andy 1:04:11

because Florida just has some sort of code like Florida code and some four-digit number. Will says it says section 88 or code 88 on his something like that. That's you know, they're not they're not laying it out there. I think Oklahoma has almost like a almost like a stop sign that says PFR on it.

Larry 1:04:28

Yeah, Oklahoma was challenged also went to the 10th circuit, as I recall, and I think they upheld Oklahoma's at the 10th circuit if I remember right.

Andy 1:04:36

Yeah, that says and then Alabama just in the last couple years had some pretty egregious kind of marking and that got struck down I find that so interesting that one state would find it Okay, and another one would not. I realize that they're separate and depending on how the cases are litigated all that stuff, but it seems like the two in Alabama and in Oklahoma were very similar and one found it Okay, and one found it not okay.

Larry 1:04:58

Well, what we're talking about to different court systems, we're talking about federal versus state court, the Alabama and Oklahoma cases were in federal court. And this was in state supreme court. The Federal the federal courts that Oklahoma, Oklahoma, and Alabama would be very conservative states. Louisiana would be pretty conservative as well. But this is so egregious that even I think a conservative should be able to understand this. That we just this, this is pretty egregious to mark someone's license that way.

Andy 1:05:36

Did you imply that the the the conservatives are less smart?

Larry 1:05:42

No, what I'm implying is that they're, No, this is not funny, because because I'm trying to be serious. What I'm implying is that they are more deferential to what law enforcement wants to do. That is has nothing to do with smartness. (Andy: I know I was being silly.) The conservatives tend to defer to the judgment of law enforcement when it comes to running prisons, when it comes to something that law enforcement says a tool that they need in terms of interrogation, in terms of basic rights of suspects. That is

where they tend to come down. Because law enforcement knows what's best, we're not experts, therefore, we need them, they keep us between... that it is them and us and they stand between them and us. So therefore, they're a lot more deferential. But But uh, but I think even like with this US Supreme Court decided that the cell phones were, we're not subject to the incident to lawful arrest doctrine, where they can search your car and search your person if they've arrested you for a lawful reason. I think that decision was either nine to 0 or 8 to one. Even the old people in Supreme Court that are mostly technologically challenged, I'm guessing, they understood that you would be carrying stuff on your phone, that would not be indicative of what you would normally carry in your car, when so when they arrest you that they would be getting a trove of information that they wouldn't that you the average person wouldn't carry in their vehicle, so they were able to grasp it. And I think that even the most pro law enforcement person can grasp the concept that what happens when you force the person to run around with sexual offender marked on a government document all the adverse consequences that would that would follow them. I think everyone should be able to comprehend that. Even though you want to be deferential to the cops.

Andy 1:07:33

Yeah, I just seems odd that you would go you know, you're off of supervision, but you're still carrying around, you know, you obviously have your driver's license and you go to the liquor store to buy some stuff and they card you there's no reason that the dude behind the counter needs to know that you're a PFR. There's no reason at all. (Larry: None whatsoever.) Another thing, I'm pretty much just gonna regurgitate what was put I can't necessarily I don't understand that really all this is it says the statute that the defendant was charged under, given the code there, cannot be severed from Louisiana because no order to prosecute defendant other more codes. The state must first prove as an element of the crime that he is required by Louisiana code, whatever, to carry an identification card branded with the word sex offender, I really hope that you can unpack that. translate that, because I'm struggling to even like read it out.

Larry 1:08:24

Well, and I struggled with it as well. That's why I opined that I may be wrong about the interpretation. There's two components of the law. There's the acquire the ID component, that you have to acquire one to complete your registration process. And then he had acquired it, but he altered it. And there's a separate section about the penalty for altering it. And he did he did acquire it. So he complied with the law. And he altered it. So the state argued that, that the requirement that that it was not unconstitutional to require him to obtain the document. And the court said that these are too intertwined, so they came crashing down together, which is the reason why the person has to question, Do I have to get the ID card? Because the court said that they're inextricably connected, that the acquisition and the not altering, or is the way I understood it anyway, was that that that they cannot be decoupled. I'm saying that, since I'm not an expert, I'm guessing what they're going to do, and I'm only making this guess because I know how law enforcement thinks. They're not going to want to not have people carrying ID cards. So, the best strategy for them would be to immediately buy executive action and say, we're not going to put that on there anymore. Therefore, the statute is constitutional. And that would force the person, Mr. Hill, to go

back to the court and say, I thought you people struck the whole thing down and that would give the legislature time to clean it up because they did the court didn't say that they couldn't have an ID. They didn't say that at all. They said they couldn't mark it in this manner. So, if I'm the state and I'm cynical, what I would do is try to buy time. So logically, their course of action would be to try to buy time, which would be to knock off the sexual offender, keep requiring people to get the ID. Force him to go back to court again, if he doesn't like having to get the ID. And then they would say, well, well, gee, we thought we fixed it. And then and then hopefully, the legislature for them would be close enough to in session, they would say, well, you just don't take any further action, because we've got a bill that's gonna clean this up. And that's what they would logically do. And I'm just thinking the way they do. And believe me, if I can think this way, they can think that way. I'm not imparting any secrets to them that they haven't already thought about. Because anything I can think of there at least as smart as I am. So so they're gonna think of the same thing.

Andy 1:10:54
before we get too far out, Brian who is in Louisiana says every five years, he has to send postcards to everyone in 0.3 miles and it costs him approximately \$600 bucks. (Larry: That is really sad.) I just wanted to add that. Yeah. Answer answer me this, Brian. If you can. Who How do you find out who the people are in a third of a mile? (Larry: They do it for you.) Oh, they give you like the list of...

Larry 1:11:21
I don't think they hand it to you. I think they tell you what it cost and and the man does it, you just have to pay the bill.

Andy 1:11:30
Oh, isn't that, that's extortion.

Larry 1:11:35
It's not extortion. They send the notices out and you pay the bill for it.

Andy 1:11:41
Yes. Okay. And if you don't, then you go to prison for not sending out the notifications.

Larry 1:11:46
Oh, no, that they go out anyway, then you go to prison for not paying the charge, the fee.

Andy 1:11:53
That sounds very much like some sort of cartel mob movie mafia kind of sort of thing.

Larry 1:11:58
I think, now I'm not a Louisiana expert, but I think they can actually some of the sheriffs of law enforcement may delay, give you a little more time to come up with the money. But I think at some point, they send them out anyway. But I could be wrong about that. We need a Louisiana expert here. But but they lock you up for not paying the bill.

Andy 1:12:16
He says he brings a money order and it goes to Watch systems. That's so garbage. I think I think I got all the questions from everybody in chat. There's a whole bunch of people and there's a lot of activity, it's kind of hard to keep up with the chat, I'm gonna end up needing to, like split the channel have a question channel or something like that. What else? So ou say that this is a good decision right?

Larry 1:12:41
Oh, it's fantastic. I mean, I take a victory lap and get it. And, of course, I don't want any licenses marked. But I would certainly if it's going to be marked, I would rather it be in a code than to be with sexual offender and orange letters would Wouldn't you?

Andy 1:12:57
totally, totally.

Larry 1:12:58
If you could get a decision out of this out of a conservative state with judges that I do believe have to be elected. I think that this is a remarkable thing that you get six of seven to say sorry, folks, you've gone too far.

Andy 1:13:15
To like come back around and complete a thought, Will is in Tennessee and he has one of these sort of ID cards. It says in Tennessee, a person on CSL community supervision for life have to carry a separate ID card that says PFR on it. But we only have to produce it to law enforcement or parole officers if they demand it. It is a felony to go out without a card on his person. So there's that.

Larry 1:13:41
Well, Will, you're in the wrong state. Why don't you go one of these liberal states like what is it Oregon? Or Vermont? Go to one of these liberal do-good states?

Andy 1:13:52
That sounds like a good place to go. That is all about that. Is there anything else you want to touch on before we start to shut things down?

Larry 1:14:00
No, I think I've butchered this bad enough for for it was very difficult read for me and I told folks as I was trying to decipher it I said I'm gonna do the best I can but this this is they really danced around in this decision.

Andy 1:14:15
And can they send hate mail to crackpot@registrymatters.co?

Larry 1:14:20
Yep, sure, can.

Andy 1:14:24
It let's do a quick plug about the NARSOL conference. And hopefully Richard, you're getting ready to unmute your mic, but I will give you the the pertinent information before we get going too far. So there's a there's a conference that NARSOL is having in the middle of November. It's just about four weeks away. It's on

November 19 and the 21st. It'll be three different sections with six attorneys talking about different litigation. And I hope that he is ready to plug it you have like a couple minutes. Richard, are you ready?

The following section regarding NARSOL's 2020 Webinar Conference was cut for space. More information on NARSOL conferences can be found on narsol.org

Andy 1:17:54

Larry, we did also we got a couple of new patrons this week. Thank you very much to Dave, who's a new patron. But we also had one named Christie who has come back after a hiatus which I don't know when she dropped off. But she did have these words that it says please let me know I re enrolled as a patron I had to step away a bit for because of a bad relationship with a PFR that ended earlier this year. It did not end well. And I'm very very sorry to hear that Christie. But I did miss out on the great insight into the legal justice system this podcast provides and now I get to listen to the RBG Patreon extra Yay. Thank you very much, Christie. I'm very glad that you've come back.

Larry 1:18:30

And I spoke to Christie last week. We're communicating. So we'll we'll be in touch again. I'm working. So all right.

Andy 1:18:39

And lastly, before we shut it down as we have identified a deputy HMFC, I see in the chat and wanted to wish him some well wishes for his health because he's having some struggles.

Larry 1:18:49

Yes, we're glad you showed up early. I was asking was he here and now I'm glad to know he is here.

Andy 1:18:55

Yeah. He is super super. He's not here now. But he you know, he's he's still alive. He was here last week. But he's a it's a really obscure illness. And he described some of it, but just, he's he's struggling. He's a really good dude. And I like having him around. And I think that about wraps it up, Larry, unless you have anything else that you want to talk about before we head out?

Larry 1:19:13

I want to know how the how the people support the podcast because we're getting there, that magic number of 100 we only need like 15 more.

Andy 1:19:23

It's pretty close to that. They would definitely go to as the two other people have found out if you go to patreon.com/registrymatters is how you support the podcast. And if you do get one of these new stimulus checks that maybe they'll eventually approve, you could sign those over to us and we will be most appreciative

Larry 1:19:40

We deeply would. You just mail that to registry matters and we will take care of the processing.

Andy 1:19:47

Perfect. Wait real quick what is uh, are we still headed down the 501(c)3 path?

Larry 1:19:51

We are indeed I've just not been able to focus on until the election but I have I've got that process hopefully, hopefully by early in 2020, we will be a 501(c)3

Andy 1:20:03

Excellent. That'll be, that'll be super neat. And then we'll have like a, will you have like a postage stamp thing like for return addresses and all that kind of fun stuff?

Larry 1:20:13

Well, if we ever get to that volume of mail where it would be worthwhile, but you have to be doing a couple hundred, and we're not anywhere near that yet on our on our distribution we're doing we're distributing 25 transcripts, and some of those are samples, but we are we are growing people. Since the national newsletter went out we've we've gotten a half dozen requests for a sample transcript. So people are figuring out that we exist.

Andy 1:20:36

Oh, and then just to close out on that subject, though, someone reached out to me directly and asked about where is their transcript. If you are a person at the \$15 level, we don't have any automatic mechanisms. If you have somebody that you would like to send it to, please send me the address and the name and the inmate number and all that stuff. And you can text it to 747-227-4477 or email it to registrymatterscast@gmail.com and I will get that forwarded in the right direction so that that person receives the transcript.

Larry 1:21:04

Well, in this particular case, the person actually became the patron themselves, the prisoner did. And we did we did... (Andy: How did he do that?) We don't we don't know that. We don't ask questions. But But what we know. But what we what we wouldn't have known was that the person had made that that was actually the patron and it was was the was the person who needed the transcript. But we have put them on the list. And we apologize for not knowing that. But if you managed to subscribe as if you've managed to become a patron rather than subscribing, then we won't automatically know that because we assume that anybody who becomes a patron is on the outside world.

Andy 1:21:42

Very good. I want to thank everybody that has been attending in chat. It is a huge crowd and lots of thanks to everybody that peppered me with questions so that could feed them to the Master Blaster of all things legal, that Larryinator over there.

Larry 1:21:55

I don't think I did as well as I should have. But this was a complicated issue here. It really is.

Andy 1:22:02

There's nobody else on this planet that could describe it. And even even if you struggle with it, nobody else could describe it Larry.

Franklin Roosevelt (MacArthur Movie Clip) 1:22:08
That is why I am here.

Andy 1:22:13
That almost worked.

Andy 1:22:16
Thank you, Larry, as always, I greatly appreciate it. I hope you have a great night and a great weekend.

Larry 1:22:20
I wasn't expecting you to be that quick on the button.

Andy 1:22:23
I got buttons now. I can just press buttons and make stuff happen. It's easy.

Larry 1:22:29
Alrighty, good night, everyone.

Andy 1:22:32
Take care. Bye.

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