

OPINION

The News Journal

Aug 16, 2011

This use of sex offender ban is unfairly punitive

Efforts to stop the eviction of sex offenders living too close to a recently opened Wilmington day care center haven't gone far enough.

Since 2003, the Harriet Tubman Safe House has offered newly released inmates, including sex offenders, a place to stay for free for 30 days. The men can then pay rent to stay on after the 30 days.

In September, the day care center began operating less than 500 feet away, a violation of state law.

As offensive as the tenants' crimes are, they paid their debt to society and earned the right to pursue law-abiding livelihoods. Their home predates the day care center by eight years.

This is not to dismiss the fact that even with treatment a high percentage of sex offenders -- pedophiles particularly -- will recommit their crimes.

But a carte blanche banishing of all sex offenders to be on the run every time they have found legally acceptable housing is vindictive, reactionary and no solution.

"Sex offender" is a widely inclusive term. For this reason, courts have dismissed cases against teenagers on the verge of legal adulthood who have consensual sex with 16-year-old girlfriends. This is the necessary wisdom that should be applied when it comes to pre-existing safe houses.

With no record of criminal or civil violations, these properties deserve to be grandfathered as an appropriate zoning use.

Delaware's ACLU should also seek a mandate requiring municipalities to alert zoning applicants of the location of pre-existing safe houses and a ban on new business licenses that create a violation of state law.

This is fair to all interests, predominantly the safety of children.