

NJ sues towns that impose too-tough sex offender restrictions

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FRANKLIN TOWNSHIP, N.J. (AP) _ Since 1969, a Gloucester County man identified in court papers only as "A.B." has lived in a house near a lake here. But his guilty plea in 2000 to molesting three young children living in that home may oust the elderly man and his wife from the house.

The township has passed an ordinance banning sex offenders from living within 2,500 feet of schools, libraries, day care centers, churches, convenience stores and recreational areas.

The lake that lies 2,113 feet from his house qualifies as a recreation area because children use it, the township says.

And it wants him out.

"Kids go up there to fish," Mayor David Ferrucci told The Star-Ledger of Newark for Wednesday's newspapers.

In a bid to prevent the 76-year-old man and his mentally ill wife from being forced out of their home next week, the state Public Defender's Office filed a lawsuit Tuesday challenging the right of municipalities to establish "pedophile-free zones."

If the lawsuit succeeds, it could overturn such laws in as many as 46 New Jersey communities.

The lawsuit alleges that municipalities are not allowed to impose their own restrictions on sex offenders because they are pre-empted by Megan's Law, the state law regulating offenders and enabling parole officers to dictate where an offender can live.

Ferrucci said Franklin's ordinance was carefully worded to "pass legal and constitutional muster," and said the township would fight the lawsuit.

"The purpose of the ordinance is to protect the safety and welfare of the children of Franklin Township," he said.

The lawsuit asserts that allowing communities to pass sex offender restrictions could "create an unworkable, confusing and inequitable patchwork of divergent restrictions on where sex offenders can or cannot live."

"Proliferation of local ordinances would also create the prospect of an unseemly 'race' among municipalities to exclude sex offenders, so that certain communities or areas would become 'sex offender ghettos,'" the lawsuit asserted. "This is clearly not what the



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