

# Is It Constitutional? Example

What is the policy?	State government has required that any person convicted of a DUI more than once must display a red tag on their car to indicate their offense.	
Is government involved with this policy?	Yes	No
Why?	Government is involved because it is a policy proposed by the state government.	
What level of government is involved?	State government	
What agency of government is involved?	Legislative Branch	
What agency will enforce the policy if passed?	Department of Motor Vehicles	
What rights may be violated by this policy?	Cruel and unusual punishment	
	Privacy	
	Expression	
Where are these rights located in your Constitution?	Right	Where Located
	Cruel and Unusual Punishment	8th amendment to the US Constitution; incorporated to the states through the 14th amendment
	Privacy	Penumbra of the 1st, 3rd, 4th, and 9th amendments to the US Constitution and incorporated to the states through the 14th amendment
	Expression	1st amendment to the US Constitution; incorporated to the states through the 14th amendment
Find and summarize 1-2 articles from newspapers or the Internet that address this or a similar issue.	Article: Drivers Seeing Red: DUI License Plates - <a href="http://www.alcoholalert.com">www.alcoholalert.com</a>	Article: DUI License Plates - A Shameful Trend - <a href="http://www.duianswer.com">www.duianswer.com</a>
	The bill for license plates for DUI offenders is controversial. Critics complain of the potential privacy issues and the possible unconstitutional treatment of people. This also creates issues for family members and friends when they drive the car with the license plate. It will be assumed that they are the drunk driver and they will be labeled for it. Some believe the plates will not even be effective.	These license plates have been called the new scarlet letter. The attempt is to use shame to deter people. This creates the possibility that police officers may just pull over someone if the car has the plate. They would consider the plate to be probable cause and past convictions should not be considered probable cause.

<p>Are there any court cases or rulings relating to this policy or a similar policy?</p>	<p>Case: <i>Goldschmitt v. State</i> (2nd District Court of Appeals, 1986)</p> <p>Second District Court of Appeal ruled on the constitutionality of a DUI offender being required to place a bumper sticker on his vehicle that read "CONVICTED DUI - RESTRICTED LICENSE." The court rejected the claim that this infringed upon the First Amendment. The court also said that the bumper sticker was not cruel and unusual punishment.</p>	<p>Case: <i>Smith v. Doe</i>, 2003</p> <p>This case was about the Alaska Sex Offender Registration Act, where every sex offender must register with the Department of Public Safety. The offender's name, photograph, and physical description are published on the Internet. Claimed the Act was void under the Ex Post Facto Clause of Article I Section 10. The Supreme Court said it did not violate the Ex Post Factor Clause and it is a non-punitive act. They did not feel the label placed was punitive.</p>
<p>Based on your analysis, do you think the policy is constitutional?</p>	<p>Yes</p>	<p>No</p>
<p>Why?</p>		