



# DIANNE JACOB

CHAIRWOMAN  
SUPERVISOR, SECOND DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

## AGENDA ITEM

**DATE:** April 6, 2004

**TO:** Board of Supervisors

**SUBJECT:** THE SEXUAL PREDATOR PUNISHMENT AND MEGAN'S LAW  
EXPANSION ACT (DISTRICT: ALL)

### SUMMARY:

On March 11, 2003 the Board of Supervisors took action to request our local State Delegation to introduce and support County sponsored legislation to change State law so that California's Megan's Law database contains the same information as the Alaska sex offender registry, and make that information available to the public over the Internet. Alaska's sex offender registry is much more extensive than the State's current database, including an offender's name, address, photograph, physical description, driver's license number, place of employment and other critical information.

In response to the State Legislature's failure to approve such important legislation, signatures are currently being gathered to place an initiative on the November 2004 ballot that would expand Megan's Law information, which would place critical information about offenders on the Internet. While an initiative may be the most effective course of action, AB 488 is currently being considered by the State Legislature and it would do many of the same things as the initiative, however it does not go far enough. Unfortunately, the current language in AB 488 gives dangerous sexual predators the ability to keep some of their information from being provided to the public on the Internet.

### **Recommendation(s)**

#### **CHAIRWOMAN JACOB:**

1. Adopt a resolution entitled: Resolution of the Board of Supervisors of County of San Diego supporting the Sexual Predator Punishment and Megan's Law Expansion Act
2. Direct the Chief Administrative Officer to draft a letter for the Chair's signature requesting our local State delegation support AB 488 and seek an amendment to enhance the provisions related to high-risk and serious sex offenders, which would make the bill more consistent with the Board action on March 11, 2003.

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**Fiscal Impact**

There is no fiscal impact associated with this request.

**BACKGROUND**

On March 12, 2002 the Board of Supervisors took action to increase the availability of Megan's Law information to San Diego County residents. As a result of the Board's direction, a countywide pin map has been made available to the public and additional Sheriff facilities offer public access to Megan's Law information on computer terminals, as provided by current State law.

On October 1, 2002 the Board of Supervisors took action to introduce and support County sponsored legislation to change State law so that possession of child pornography is a felony, and to change State law so that registered sex offenders that have committed crimes against kids under the age of 18 cannot live within a quarter mile of a school or childcare center.

On December 3, 2002 the Board of Supervisors took action to work with representatives of the San Diego County School Boards Association, Region 18 of the Association of California School Administrators, Parent Teachers Associations and law enforcement agencies to develop a uniform policy that prohibits sex offenders from volunteering in schools.

On January 28, 2003 the Board of Supervisors took action to request a change in State law so that school districts and public libraries have direct access to the entire Megan's Law database, and can process fingerprint background checks without a fee.

On March 5, 2003, the United States Supreme Court decided on *Connecticut Department of Public Safety v. Doe* and *Smith v. Doe*. In both cases, the Supreme Court reversed the Court of Appeals, ruling in favor of Connecticut and Alaska. These decisions pave the way for all States to legally place information on registered sex offenders on the Internet.

On March 11, 2003 the Board of Supervisors took action to request our local State Delegation to introduce and support County sponsored legislation to change State law so that California's Megan's Law database contains the same information as the Alaska sex offender registry, and make that information available to the public over the Internet.

Alaska's sex offender registry contains an offender's name, aliases, address, photograph, physical description, driver's license number, motor vehicle identification number, place of employment, date of birth, crime, date and place of conviction, length and conditions of sentence, and statement as to whether the offender is in compliance with registration requirements, and is available on the Internet.

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Signatures are currently being gathered to place an initiative on the November 2004 ballot to enhance the availability of Megan's law information and increase penalties for sexual predators. Specifically, the Sexual Predator Punishment and Megan's Law Expansion Act would:

- Place the Megan's law database on the Internet and increase the information on registered sex offenders.
- Increase the penalties for child pornography and exploitation.
- Require sex offenders on parole to be monitored by Global Positioning Systems.
- Increase parole periods for sex offenders to up to ten years.
- Require sex offenders to renew their drivers' license annually.

These and other measures in the initiative will take a bold step towards holding sex offenders more accountable and empowering parents with critical information that help protect a child. By moving forward with this initiative, California residents will not have to wait on State Legislators to finally take action on this important issue.

While an initiative may be the most effective course of action, AB 488 is currently being considered by the State Legislature and it would do many of the same things as the initiative, however it does not go far enough. Unfortunately, the current language in AB 488 gives dangerous sexual predators the ability to keep some of their information from being provided to the public on the Internet.

AB 488 would allow the Megan's law website to include a high-risk offender's name, aliases, address, photograph, description, date of birth, crime, date and place of conviction, and enrollment or employment at an institution of higher learning. For serious offenders, AB 488 would allow for the same information to be posted, but it also permits a serious offender to petition the court to have his address withheld from the website. In addition, AB 488 would require a prosecutor to petition the court to have both a high-risk and serious sex offender's motor vehicle identification and place of employment posted on the website. This is wrong. AB 488 must be amended so that it puts the rights of victims and potential victims ahead of the rights of convicted sexual predators.

Today's action would adopt a resolution in support of the Sexual Predator Punishment and Megan's Law Expansion Act. In addition, today's action will register the County's support for AB 488 and seek an amendment to enhance the provisions related to high-risk and serious sex offenders, which would make the bill more consistent with the

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Board action on March 11, 2003. I urge your support.

Respectfully submitted,

DIANNE JACOB  
Chairwoman  
Supervisor, Second District

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