

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

354



FROM: Executive Office

SUBMITTAL DATE:
July 14, 2005

SUBJECT: Support positions on state bills that address issues relating to sexually violent predators and the release of convicted felons into local communities.

RECOMMENDED MOTION: That the Board support state legislation relating to sexually violent predators and the release of convicted felons (AB 313, AB 437, AB 784, AB 893, AB 1120, AB 1152, SB 43, SB 277, SB 722, SB 723, SB 1044, SB 1045, SB 1051, SB 1074, SB 1098) and direct the Executive Office and the County's Sacramento representatives to further the Board's position.

BACKGROUND: A number of legislative bills have been introduced in the state legislature that address concerns relating to sexually violent predators and the release of convicted felons. Some of these bills will be dealt with by the legislature when they return in August to complete the first half of the legislative session and others will be revisited when the legislature convenes the second half of the legislative session in January 2006. Attached is a brief description of each bill and its current status.

Attachment

Gary M. Christmas
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Deputy County Executive Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget: Budget Adjustment: For Fiscal Year:
	Current F.Y. Net County Cost:	\$	
	Annual Net County Cost:	\$	

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature *Bill [Signature]*

- Policy
- Policy
- Consent
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Attachment to the Form 11 - Support positions on state bills that address issues relating to sexually violent predators and the release of convicted felons into local communities.

The bills listed herein directly address sexually violent predators; other bills that have a bearing on the release of convicted felons into local communities have been included as well.

Assembly Bills

AB 313 (Ruskin) – Notice: Parole Offices. Existing law requires the Director of Corrections, Director of the Youth Authority, or Director of General Services to notify, in writing, certain state and local officials of any proposed contract to construct, expand, or enter into a lease for, a building in that official's jurisdiction.

AB 313 would require that written notice be accompanied by a response form, to be returned by each local official, if the proposed building is a parole office. The local official would be required to return the form with his or her acceptance or objection to the proposed building, within 45 days. The bill would prohibit the applicable department from entering into a contract for constructing, expanding, or leasing a parole office before all response forms are returned, and before holding a public hearing on any objections raised.

Status: The Senate Appropriations Committee is scheduled to hear AB 313 on August 15.

AB 437 (Parra) – Megan's Law Web Site. This bill would include conviction and release from incarceration dates on the Megan's Law Internet Web site if sufficient funding is available and the Department of Justice has access to the appropriate and pertinent information in this regard. An expansion of the information provided on the Megan's Law Web site would give local citizens more details about sex offenders released in their communities.

Status: AB 437 has been referred to the Senate Appropriations Committee. It will be scheduled for a hearing sometime in August.

AB 784 (Garcia) – Sexual Assault Felony Enforcement (SAFE) Team Programs. This bill would appropriate \$15 million from the State General Fund for distribution to local law enforcement to support local SAFE Team programs to help reduce violent sexual assault offenses through surveillance and arrest of habitual sex offenders and strict enforcement of sex offender registration requirements.

Status: AB 784 was held by the Assembly Appropriations Committee when heard on May 25.

AB 893 (Shirley Horton) – Community Placement of Sex Offenders. This bill would require that when the Department of Mental Health (DMH) or its designee proposes a placement location for a person conditionally released from the sexually violent predator program, DMH or its designee shall consider the age and profile of the victim. The victim's age and profile could be important to the extent that such information could assist officials in avoiding placing conditionally released sex offenders in certain areas or locations within a community.

Status: AB 893 is on the Senate Floor's inactive file. It may be removed from inactive status and taken up on the Senate Floor pursuant to an appropriate motion.

AB 1120 (Benoit) – Sexually Violent Predators. This bill would require the Department of Corrections and Rehabilitation (DCR) to establish an advisory committee of local law enforcement representatives to provide policy expertise and recommendations on issues that require interaction between state parole and local law enforcement. The release of sexually violent predators falls into that category.

The bill would also require the DCR to contact certain law enforcement officials of the county to which a sexually violent predator will be released to parole, regarding the placement and supervision for the parolee and to develop plans for community notification.

Status: The Board has formally endorsed its support for AB 1120. Michael Corbett has testified on behalf of Riverside County.

AB 1152 (La Suer) – Global Satellite Systems. This bill would require parolees defined as high-risk sex offenders to be monitored by a global satellite system (GPS) device for their parole term and require the GPS device to compare the movement of the offenders with crime incidents reported to local law enforcement agencies.

Status: AB 1152 was held by the Assembly Appropriations Committee when heard on May 25.

Senate Bills

SB 43 (Battin) – Megan's Law Internet Web Site. This bill would add a list of specified felony child pornography offenses to the Megan's Law Internet Web site.

Status: SB 43 failed passage by the Assembly Public Safety Committee on June 28.

SB 277 (Battin) – Release of Sex Offenders. This bill would prohibit the placement of any parolee who upon release must register as a sex offender, within one and one-half miles of any public park, day care, preschool, or public or private school, including Kindergarten and Grades 1 through 12.

Status: SB 277 failed passage by the Assembly Public Safety Committee on June 28.

SB 722 (Denham) – Lewd Conduct. This bill would require a person convicted of lewd conduct with a child under the age of 12 to remain on parole for life and require that any such person be electronically monitored in the community.

Status: The Assembly Public Safety Committee took testimony regarding the provisions of SB 722 at its May 3 hearing but took no formal action on the bill. SB 722 is now a two-year bill.

SB 723 (Denham) – Sex Offenders: Community Placement. This bill would prohibit conditionally released patients in the Sexually Violent Treatment Program from being placed within one-quarter mile of a public or private school providing instruction in grades k-12, if the person has previously been convicted of child molestation or continuous sexual abuse of a child. SB 723 would provide a modest safety zone for school children who might otherwise be in close proximity to violent sex offenders with a history of abusing or molesting children.

Status: SB 723 has been referred to the Assembly Appropriations Committee.

SB 1044 (Hollingsworth) – Sex Offenders. Existing law makes it an offense for any person to kidnap or carry away any individual for the purpose of committing any of a list of certain crimes. This bill would add to that list of crimes, certain sex offenses committed in concert, lewd and lascivious acts, and acts of sexual penetration.

Status: SB 1044 was referred to the Senate Public Safety Committee but never taken up for a hearing. The measure is now a two-year bill.

SB 1045 (Hollingsworth) – Sex Offender Registration. This bill would authorize local law enforcement agencies to pool their resources to establish regional registration centers for purposes of sex offender registration, provided that if the regional registration center is not centrally located in the county, there will be a secondary registration site established in that part of the county not adequately served by the main registration site.

Status: The author canceled a scheduled hearing by the Senate Public Safety Committee. The measure is now a two-year bill.

SB 1049 (Hollingsworth) – Sexual Assault Felony Enforcement (SAFE) Teams Program. This bill would appropriate \$15 million from the State General Fund for distribution to county sheriffs for the implementation of county and regional SAFE teams.

Status: SB 1049 failed passage by the Senate Public Safety Committee on May 3.

SB 1051 (Hollingsworth) – Sex Offenders. This bill would 1) prohibit the placement of juvenile wards of the court who have been adjudicated for a sexually related offense in licensed community care facilities located within one-half mile of any public or private school (K-8); and 2) increase the current one-quarter mile of a public or private school (K-8) limitation on the placement of parolees, who have been convicted of specified child sex crimes, to one-half mile.

Status: SB 1051 failed passage by the Senate Public Safety Committee on April 26.

SB 1074 (Hollingsworth) – Parolees. This would require that every high risk sex offender be monitored by a Global Positioning System (GPS) device for the term or his or her parole. In addition, the bill would require the Department of Corrections maintain a database that records the parolee's whereabouts, and upon the request of local law enforcement provide that information for the purpose of comparing the geographic correlation of the parolee's location to sexual offense reports made to local law enforcement agencies.

Status: SB 1074 failed passage by the Senate Public Safety Committee on April 12. The author was granted reconsideration.

SB 1098 (Hollingsworth) – Sexually Violent Predators. This bill would authorize the commitment of a person as a sexually violent predator if he or she was previously convicted of a sex crime against a single victim under the age of 14, if the crime involved substantial sexual conduct or was accomplished by force or duress.

Status: SB 1098 failed passage by the Senate Public Safety Committee on April 12. The author was granted reconsideration.