

**“The Sexual Predator
Punishment and Control Act:
Jessica’s Law”**

Adopted by voter initiative
November 2006 (Proposition 83)

Summary Of Jessica's Law

- Adds to and amends sections to State law relating to sex offenders and sexually violent predators.
- Provides for GPS monitoring for felony sex offenders.
- Has residency restrictions and allows the County to adopt more stringent residency restrictions.

Residency Restrictions

- State law prohibits a registered sex offender from residing within 2000 feet of any public or private school or park. (Penal Code § 3003.5(b))
- State law provides that a county may adopt a local ordinance that “further restricts the residency” of registered sex offenders. (Penal Code § 3003.5(c))
- As of October 2008, seventeen cities and three counties had enacted ordinances limiting where sex offenders may live.

Residency Restriction Limitations

- Ordinance does not prohibit sex offenders from “being” near where children are.
- According to the Sex Offender Management Board^[1]
 - Approximately 90 percent of child victims know their offenders.
 - Majority of evidence and research does not demonstrate a connection between where an offender lives and recidivism.
 - There is a lack of suitable housing options for sex offenders.
 - Residency restrictions may threaten public safety rather than enhance it because it increases “transiency” (homelessness).
 - Homelessness tends to increase the risk sex offenders will reoffend.

[1 The Board was established by the Legislature in 2006 and is required to file reports with the Governor and Legislature on issues relating to sex offender laws in California.]

Jessica's Law is Not Retroactive

- Jessica's Law has prospective effect only.
- Probably does not affect persons convicted of sex offenses prior to effective date of ordinance who have current permanent residence – not required to move.
- Challenges to Jessica's Law are pending before the California Supreme Court – these cases may impact residency restrictions.

Options For Board Consideration

- Adopt a local ordinance providing for more restrictive residency requirements.
 - Specify additional residency limitations from specified locations.
 - Determine distance restrictions.
- Or -
- Direct staff to monitor effectiveness of existing 2000 feet residency restriction and monitor pending Supreme Court cases to determine impact, if any, on residency restrictions.