



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### Senate Bill 421 – Sex Offender Registry Reform: Tiered Registration

#### SUMMARY

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SB 421 would establish a tiered registry for all sex offenders. Proposed tiers are based on seriousness of crime, risk of sexual reoffending, and criminal history. The bill would also establish procedures for termination from the sex offender registry for a registered sex offender who is a tier one or tier two offender who completes his or her mandated minimum registration period under specified conditions.

#### BACKGROUND/EXISTING LAW

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Currently, all sex offenders must register for life under the Sex Offender Registration Act, regardless of the seriousness of the offense. As a result, California has over 100,000 registrants and that number is growing.

#### PROBLEM

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California is one of four states (Alabama, Florida, South Carolina) with a lifetime sex offender registration requirement for all registered offenders. We need a new registration system that focuses attention and resources on high risk and violent sex offenders. Law enforcement cannot protect the community effectively when they are in the office doing monthly or annual paperwork for low risk offenders. Instead, they should be active in the community monitoring high risk offenders.

The stated purposes of sex offender registration are to deter offenders from committing future crimes, provide law enforcement with an additional investigative tool, and increase public protection. However, having a sex offender registry has not effectively deterred people from committing future crimes. Furthermore, the public is overwhelmed by the number of offenders displayed online in each neighborhood and may not know which offenders are serious dangers. We need a system that helps law enforcement solve new sex crimes quickly.

#### SOLUTION

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To improve public safety, SB 421 establishes a tiered registry system for all sex offenders:

- Tier 1: Registration for 10 years for misdemeanor or non-violent felonies;
- Tier 2: Registration for 20 years for serious or violent sex offenses; and
- Tier 3: Registration for life for high risk offenders including but not limited to sexually violent predators, repeat violent offenders, and sex offenses requiring a life term.

Offenders in Tiers 1 and 2 must petition the court for removal from the registry at the end of their designated registration period, it is not an automatic removal. The courts have the ability to deny termination in certain circumstances and the District Attorney may request a hearing to oppose any petition for removal. The local registering law enforcement agency must be informed of petitions for removal. Local law enforcement can still notify the community about an offender in any tier in appropriate circumstances.

Individuals who were granted exclusion for offenses that no longer qualify for exclusion shall receive 30 days' notice from the Department of Justice before being re-posted on the public Megan's Law website. Registering offenders in tiers that are based on the person's individual record and risk of re-offending will allow law enforcement to concentrate their efforts on making sure high-risk and violent offenders comply with the law.

#### SPONSORS

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- Los Angeles County District Attorney's Office
- California Sex Offender Management Board
- California Coalition Against Sexual Assault
- Equality California
- Alameda County District Attorney Nancy O'Malley

## **SUPPORTERS**

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- Alameda County Board of Supervisors
- Alliance for Constitutional Sex Offense Laws
- American Civil Liberties Union
- Asian American Drug Abuse Program
- Association of Deputy District Attorneys
- Association of Los Angeles Deputy Sheriffs
- California Association of Code Enforcement Officers
- California College and University Police Chiefs Association
- California District Attorneys Association
- California Narcotic Officers Association
- California Police Chiefs Association
- California State Association of Counties
- Courage Campaign
- East Bay Community Law Center
- Family Safety Foundation
- Friends Committee on Legislation
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Legal Services for Prisoners with Children
- Los Angeles County Professional Peace Officers Association
- Los Angeles Police Protective League
- National Employment Law Project
- National Housing Law Project
- Immigrant Legal Resource Center
- Professor Ira Ellman
- Returning Home Foundation
- Riverside Sheriffs Association
- Root & Rebound
- Rubicon Programs
- Voice for Progress Education Fund

## **CO-AUTHORS**

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- Senator Anderson (Joint Author)

## **STATUS**

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- Passed out of Senate Public Safety Committee: 6-1
- Pending hearing in Senate Appropriations

## **FOR MORE INFORMATION**

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