



Memorandum

To: Mayor and City Council

Date: February 19, 2008

From: Suja Lowenthal, Second District 

Subject: Sex Offender Registrants and Residency Requirements

REQUESTED ACTION:

Respectfully request the City Attorney draft an ordinance further restricting residency requirements of Penal Code Section 290 sex offenders from residing within 2000 feet or, in the case of Penal Code Section 290 sex offenders classified as high risk, 2500 feet from any licensed child-care facility, and, if determined to be appropriate, limit the number of Penal Code Section 290 sex offenders residing at multi-family residential dwellings. Such ordinance is authorized pursuant to California Penal Code section 3003.5 (c).

BACKGROUND INFORMATION:

California's Megan's Law provides the public with certain information on the whereabouts of sex offenders so members of our local communities may protect themselves and their children.

The State of California's Department of Justice Sex Offender Tracking Program maintains the registered sex offender database. The database is the basis for the information displayed on the Internet website. By law, persons convicted of specified sex crimes are required to register as sex offenders with a local law enforcement agency. They may be classified as high risk depending on their crime. Prior to release from prison, jail, parole, a mental hospital, or on probation, sex offenders are notified in writing of their duty to register and a copy is forwarded to the Department of Justice.

Recently, residents in the Alamitos Beach neighborhood contacted my office and the Mayor's office with concerns about a significant number of Megan's Law registrants at one location, which happens to be approximately 450 feet from two licensed childcare facilities. I am concerned that the California Department of Corrections and Los Angeles County Probation officers may be "clustering" sex offenders in particular locations throughout Long Beach in partnership with certain landlords as a means of managing their caseloads. Such practice subjects a neighborhood to an inordinate number of individuals with potentially violent histories, thus undermining any sense of community while creating an air of fear and intimidation.

Existing law prohibits sex offenders from residing closer than 2,000 feet from K-12 schools or parks and 2,500 feet if they are classified as "high risk". However, this does not preclude local municipalities from further prohibiting them from residing near licensed daycare facilities or living together in a multi-family unit complex.

Once they have served their time, sex offenders should have the right to rehabilitate and re-enter society. However, this does not give government agencies the right to "cluster" caseloads nor these individuals the right to reside together simply because it is convenient. Their proximity to childcare facilities and residence at multi-family unit complexes poses a danger to the health and wellbeing of our communities.

APPLICABLE PENAL CODES

SECTION 3003.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

SECTION 3003.5.

(a) Notwithstanding any other provision of law, when a person is released on parole after having served a term of imprisonment in state prison for any offense for which registration is required pursuant to Section 290, that person may not, during the period of parole, reside in any single family dwelling with any other person also required to register pursuant to Section 290, unless those persons are legally related by blood, marriage, or adoption. For purposes of this section, "single family dwelling" shall not include a residential facility which serves six or fewer persons.

(b) Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290.

SECTION 299

290. (a) Sections **290** to **290.023**, inclusive, shall be known and may be cited as the Sex Offender Registration Act. All references to "the Act" in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the rest of his or her life while residing in California, or while attending school or working in California, as described in Sections **290.002** and **290.01**, shall be required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall be required to register thereafter in accordance with the Act.

(c) The following persons shall be required to register:
Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 187 committed in the perpetration, or an attempt to perpetrate, rape or any act punishable under Section 286, 288, 288a, or 289, Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289, Section 220, except assault to commit mayhem, Section 243.4, paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, or 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd

or lascivious conduct under Section 272, or any felony violation of Section 288.2; any statutory predecessor that includes all elements of one of the above-mentioned offenses; or any person who since that date has been or is hereafter convicted of the attempt or conspiracy to commit any of the above-mentioned offenses.

290.001. Every person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions **Code**, shall register in accordance with the Act.

290.002. Persons required to register in their state of residence who are out-of-state residents employed, or carrying on a vocation in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall register in accordance with the Act. Persons described in the Act who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education **Code**, on a full-time or part-time basis, shall register in accordance with the Act. The place where the out-of-state resident is located, for purposes of registration, shall be the place where the person is employed, carrying on a vocation, or attending school. The out-of-state resident subject to this section shall, in addition to the information required pursuant to Section **290.015**, provide the registering authority with the name of his or her place of employment or the name of the school attended in California, and his or her address or location in his or her state of residence. The registration requirement for persons subject to this section shall become operative on November 25, 2000. The terms "employed or carries on a vocation" include employment whether or not financially compensated, volunteered, or performed for government or educational benefit.