

November 6, 2003

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Tricia Knight  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as "The Sexual Predator Punishment and Megan's Law Expansion Act." (File No. SA2003RF0039, Amdt. #1-S).

### **Background**

Under current law, individuals convicted of aggravated sexual assault, multiple sex crimes, or sex crimes against minors generally serve prison sentences ranging from 12 years to 25 years to life, depending on the specific crime(s) and circumstances. Individuals convicted of certain sex crimes may also be required to pay a fine of \$200 for the first conviction and \$300 for each subsequent conviction. Upon discharge from prison, those serving indeterminate life terms must serve five years on parole supervision, with a possible extension of five years. State law also allows the involuntary commitment of offenders meeting certain criteria to a state hospital for treatment under the Sexually Violent Predator (SVP) program administered by the Department of Mental Health.

"Sex offenders" are required upon release from probation, jail, prison, or other institution to register with the local law enforcement agency in the jurisdiction to which they are released. The information collected by law enforcement as part of the registration is forwarded to the state Department of Justice (DOJ) which uses the information to maintain the Megan's Law database. The public may access this database at local law enforcement offices to view the names and photographs of registered sex offenders in their zip code areas. Other states allow residents to view such information online, as well as provide more detailed information than is currently available to California residents.

## Key Features of the Measure

The proposed initiative has the following major features:

- ***Longer Prison Terms.*** The measure increases the minimum prison sentence for individuals convicted of aggravated sexual assault, multiple sex crimes, and sex crimes against minors. It also lengthens prison sentences by prohibiting the court from dismissing certain alleged sex offenses, and by making individuals convicted of certain sex crimes ineligible for “good behavior” sentence reductions.
- ***Longer and More Intensive Parole Supervision.*** The measure increases the term of parole supervision for “lifers” from the current five years, with a possible additional five years, to an automatic ten years. It also requires the California Department of Corrections to use Global Positioning System (GPS) technology to track individuals required to register as sex offenders while they are on parole supervision.
- ***Annual Driver’s License Renewal for Sex Registrants.*** The measure provides that the Department of Motor Vehicles (DMV) may only issue one-year driver’s licenses to individuals required to register as sexual offenders, thereby requiring such offenders to annually renew their driver’s license.
- ***Increased Fines.*** The proposal raises the existing fine for conviction of specified sex offenses from \$200 to \$300 for the first conviction and from \$300 to \$500 for each subsequent conviction. It requires that revenues from the increased fines be used to fund (1) the use of GPS technology to track registered sex offenders and (2) the creation and maintenance of a Megan’s Law Internet Web site.
- ***New Crime.*** The measure makes it a felony offense, punishable by state imprisonment, to contact or communicate (or attempt to do so) with a minor with the intent to commit certain sex crimes.
- ***Internet-Based Public Access to the Megan’s Law Database.*** Effective July 1, 2005, the measure requires DOJ to establish and maintain an Internet Web site for public access to the state’s Megan’s Law database. It also provides the public more detailed information about registered sex offenders. For example, the public would have access to the primary address of certain sex registrants; whereas under current law it is only possible to know if the offender(s) lives in a particular zip code.
- ***Expanded Definition of SVP.*** The measure broadens the definition of who constitutes an SVP to include offenders who have committed a kidnapping with intent to commit specified sex crimes. It also broadens the definition of

SVP to include individuals convicted of a sexually violent offense against a single victim under the age of 14 years. These changes potentially increase the number of persons who could be involuntarily committed to treatment in a state hospital under the SVP program.

### **Fiscal Effect**

*State Government.* This measure would result in unknown state General Fund costs, potentially ranging from several tens of millions of dollars to in excess of \$100 million annually. Most of this amount represents the immediate and ongoing cost of using GPS technology to track an estimated 10,000 parolees. The estimate also includes one-time and ongoing costs to (1) establish and maintain an Internet-based Megan's Law Web site, (2) screen and potentially provide treatment to a higher number of individuals under the SVP program, and (3) incarcerate and supervise certain sex offenders for longer periods of time. We note that the incarceration and parole supervision costs associated with the longer sentences proposed by the measure most likely would not be significant for 15 to 20 years since most of the offenders targeted by the measure would serve long sentences under current law.

These costs would be partially offset by any revenue generated by the proposed increase in fines. However, based on historical collections, the revenue generated by the proposed increase would most likely be insignificant.

There are minor one-time and ongoing costs associated with the issuance of special driver's licenses to sex registrants. These costs would be funded by fees in the Motor Vehicle Account.

*Local Governments.* Several provisions of the measure would likely result in costs to local governments. Specifically, local law enforcement agencies would be required to collect additional information on sex registrants and to report this information to DOJ. They would also be required to enforce a newly established crime. Counties would also incur modest costs related to the process of committing additional SVPs to state hospitals for treatment. The fiscal effect of all of these provisions on local governments is unknown, but the statewide cost potentially ranges from a couple million to several millions of dollars depending on the level of staff resources and training required to fully comply with the measure.

*Potential Savings.* The measure could result in state and local savings that partly offset the costs described above. Specifically, these savings could result to the extent that the imposed penalties and more intensive parole supervision proposed by the measure deter offenders from committing specified sex offenses. The magnitude of these savings is unknown.

**Summary of Fiscal Effects**

This measure would result in the following fiscal effects:

- State costs potentially ranging from several tens of millions of dollars to in excess of \$100 million annually.
- Local costs potentially ranging from a couple million to several millions of dollars statewide.
- Both the state and local costs could be partially offset by unknown savings to the extent the measure deters offenders from committing specified sex offenses.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Steve Peace  
Director of Finance