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Proposition 83: The Sexual Predator Punishment and Control Act: Jessica's Law

L E G I S L A T I V E A N A L Y S T ' S O F F I C E

Presented To:

Assembly and Senate Public Safety Committees





Major Provisions of Proposition 83

- Increase Penalties for Sex Offenses.*** Proposition 83 increases penalties for specified sex offenses in several ways. For example, the measure expands the definition of certain sex offenses, such as aggravated sexual assault of a child to include offenders who are at least seven years older than the victim, rather than the ten years required under current law. Recently enacted legislation—Chapter 337, Statutes of 2006 (SB 1128, Alquist)—makes similar changes to sentencing law for sex offenders.
- Require GPS Devices for Registered Sex Offenders.*** Under this measure, individuals who have been convicted of a felony sex offense that requires registration and have been sent to prison would be monitored by GPS devices while on parole and for the remainder of their lives.
- Limit Where Sex Offenders May Live.*** This measure bars any person required to register as a sex offender from living within 2,000 feet (about two-fifths of a mile) of any school or park. In addition, the measure authorizes local governments to further expand these residency restrictions.
- Change Sexually Violent Predator (SVP) Law.*** This measure makes more sex offenders eligible for an SVP commitment by (1) reducing from two to one the number of prior victims of sexually violent offenses that qualify as an offender for an SVP commitment, (2) making additional prior offenses “countable” for purposes of an SVP commitment, and (3) requiring that SVPs be committed by the court to a state mental hospital for an undetermined period of time rather than the renewable two-year commitment. Recently enacted legislation—Chapter 337—makes similar changes to statute with regards to countable offenses and undetermined commitment periods.



Fiscal Effects

- State Prison Costs.** Our analysis estimates that this measure would increase the prison population, particularly because specified sex offenders would be sentenced to prison for longer periods, resulting in costs of tens of millions of dollars annually in less than ten years. Our analysis also estimates that this measure could eventually result in additional capital outlay costs to accommodate the increase in the inmate population. The Legislature recently enacted new legislation—Chapter 337—that makes similar changes to statute regarding sentencing laws for sex offenders. This new legislation would result in significantly lower costs for these provisions of Proposition 83.
- State Parole and GPS Monitoring Costs.** The initiative's provisions, requiring specified sex offenders to wear GPS devices while on parole and for the remainder of their lives would result in additional costs for equipment and supervision staff. These provisions would result in costs of tens of millions of dollars annually within a few years, growing to about \$100 million annually after ten years, with costs continuing to increase in subsequent years.
- State SVP Program Costs.** By making more sex offenders eligible for SVP commitments, this measure would result in increased state costs for the following:

 - **Referral and Commitment.** These costs are mainly associated with screening sex offenders referred by the Department of Corrections and Rehabilitation to the Department of Mental Health to determine if they merit a full evaluation, performing such evaluations, and providing expert testimony at court commitment hearings. This measure would increase these court costs probably by the low tens of millions of dollars annually.



Fiscal Effects

(Continued)

- **State Hospital Costs.** State costs to staff, maintain, and operate the mental hospitals could reach \$100 million annually within a decade and would continue to grow significantly thereafter. Additional SVP commitments could eventually result in one-time capital outlay costs of up to several hundred million dollars for the construction of additional state hospital beds.

- ☑ **Court and Jail Fiscal Impacts.** Several provisions of this measure would have unknown net effects on state and local costs associated with court and jail operations. Some provisions, such as those increasing the number of SVP commitment hearings, would result in additional costs. Other provisions, such as those that provide for the indeterminate commitment of SVPs, could result in savings. Furthermore, the measure would result in more sex offenders held in state mental hospitals as SVPs. To the extent that this occurs, these offenders would likely commit fewer crimes in the community, resulting in some court and criminal justice savings.