



## Proposition 83: A Fact Sheet for Voters

Proposition 83, or Jessica's Law, aims to become the toughest sex offender law in the nation by enhancing punishment and control measures of sex offenders in California. The initiative seeks to impose strict residency restrictions on known sex offenders and require lifetime GPS supervision of all registered sex offenders in the state. Its proponents encourage a yes vote, stating that California's kids deserve the protection of its stringent provisions.

Although several organizations have voiced strong opposition to the law, including the California Coalition Against Sexual Assault, a group of 84 rape-crisis centers and sexual assault prevention programs and the California Attorneys for Criminal Justice, the political interest in tough-on-crime measures has prevented thoughtful discussion on the efficacy, cost and realistic consequences of the initiative should it pass.

Given the serious nature of sex offenses, and the grievous, long-term consequences to sex offense victims, California voters may find security in the imposition of longer mandatory prison sentences and restrictive lifelong monitoring of sex offenders. Although it might seem these controls would procure greater public safety for California, the strategy may not address the real issues that underlie most sex offenses. To better understand Proposition 83 and its potential impacts on public safety, it is necessary to place the initiative in its proper context. This includes a consideration of the known facts about sex offending, the consequences similar laws have had in other states, and the serious impact Proposition 83 may have, if passed.

- According to the U.S. Justice Department, each year there are 60,000 to 70,000 arrests on charges of child sexual assault in the United States. Of these, only about 115 are abductions by strangers. Approximately 90 percent of all child victims of sexual offending know the perpetrator. The perpetrator is not a stranger to the child. Proposition 83 addresses the infrequent situation in which the sex offender is not known to the child.
- Electronic GPS monitoring may be useful for a limited, high-risk population of sex offenders, and the California Department of Corrections and Rehabilitation (CDCR) currently uses GPS supervision of serious sex offenders in pilot programs throughout the state. By requiring all felony sex offenders to wear electronic monitor anklets for life, Proposition 83 will effectively hide the most dangerous offenders among the masses of offenders under supervision.

- There are approximately 90,000 registered sex offenders in California. Proposition 83 does not clearly state whether it will apply retroactively, thereby requiring electronic monitoring of all current sex offenders at a high cost to taxpayers. Lawmakers will have to clarify the law with a 2/3 majority vote should it pass.
- Residency restrictions for sex offenders are already required pursuant to Welfare and Institutions Code section 3003(g)(1). A sexually violent predator and a serious paroled sex offender cannot live within one-quarter mile of a school, and a high-risk sex offender cannot reside within one-half mile of a school, daycare center, or any place where children gather. After implementing residency restrictions, the statewide prosecutors group in Iowa has urged their repeal because they impede the state's ability to manage sex offenders. The residency restrictions in Proposition 83 are problematic for three important reasons:
  - Known registered offenders are often forced into homelessness, thus becoming destabilized, more likely to offend, and more difficult to track.
  - Police experience shows that residency requirements often result in the disappearance of offenders due to homelessness, limiting the ability of the police to effectively supervise sex offenders.
  - Residency restrictions force offenders out of urban centers and into rural and suburban areas where smaller police forces, limited treatment and social programs, and scarce housing options make rehabilitation and supervision more difficult.
- Among sex offenders, pedophiles who molest boys and rapists of women are among those most likely to recidivate. Proposition 83 applies to all registered sex offenders, casting the same net over the most serious offenders, and those who are amenable to treatment or unlikely to recidivate, despite limited resources and staffing.
- CDCR has only 52 specially trained parole officers to supervise 2000 high-risk sex offenders. This means that each specially trained officer is responsible for a caseload of approximately 40 to 1. Proposition 83 will exacerbate this already difficult situation.
- Studies in Colorado indicate that offenders who recidivate do not live closer to schools or childcare centers than non-recidivists, but that positive social support significantly lowers recidivism rates and rule violations. Proposition 83 will not foster access to positive support; on the contrary, social support may be challenged by residency requirements as offenders would be restricted from living with family who live within restricted zones.
- Studies by the Minnesota Department of Corrections confirmed the myriad problems of residency restrictions, prompting the state to develop halfway and three-quarter-way houses to assist in the transition and treatment of sex offenders. These houses have promoted supportive networks within the community, thus

stabilizing offenders and making recidivism less likely to occur. Proposition 83 does nothing to improve the chances for an offender's successful transition into the community, thereby endangering long-term public safety.

After the passage of Senate Bill 1128 in September, a large portion of Proposition 83 was rendered redundant. The signed bill provides for enhanced sentences for child rape and electronic monitoring of serious offenders during parole. The most controversial and problematic provisions of Proposition 83 are all that remain, and California would do better to forego them.

Despite early support for Proposition 83, major California newspapers have now published statements in opposition to the initiative. The San Jose Mercury News, Los Angeles Times, Orange County Register, and Sacramento Bee, among others, urge "no" votes based on their review of highly demonstrative evidence suggesting that Proposition 83 relies on fear-based politics and offers no effective contribution to improve California's public safety. Editorials note that residency restrictions will force offenders into areas where housing and job opportunities are scarce, and electronic monitoring of all felony sex offenders will divert funds and attention away from the most serious offenders.

Only a week before the election, Proposition 83 is finally undergoing scrutiny by law enforcement and victims' advocates. A leader of the California prison guard's union, the California Correctional Peace Officers Association (CCPOA), indicated that he would not vote for the initiative. CCPOA President Mike Jimenez retracted his support for Proposition 83 because the CDCR is not prepared to implement lifetime GPS monitoring of all sex offenders and the residency restrictions would lead to a surge in the number of difficult-to-track homeless offenders. This comes after the CCPOA contributed \$25,000 to support the proposition.

Law enforcement, victims' rights advocates, and statewide media have recognized Proposition 83's false promise of safety and are now advocating against the initiative. There are better methods proven to reduce recidivism among sex offenders. California should seek to implement these measures and avoid wasting its resources on Proposition 83.

### **Sources and Note:**

Sources include the "The Impact of Residency Restrictions on Sex Offenders and Correctional Management Practices," by Marcus Nieto and David Jung, California Research Bureau (August 2006), Iowa County Attorneys Association Statement on Sex Offender Residency Restrictions in Iowa, the California General Election Official Voter Information Guide, California Coalition Against Sexual Assault Public Policy Web site at [www.calcasapublicpolicy.org](http://www.calcasapublicpolicy.org), California Attorneys for Criminal Justice Web site at [www.cacj.org](http://www.cacj.org).

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