DEPARTMENT: Sheriff  BY: PHONE: 966-3615

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes____ No_X__)  Support and pass a resolution supporting Jessica’s Law the most comprehensive sex offender punishment and control reform ever proposed and will be the toughest sex offender law in the nation.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

⇒ ⇒

COSTS:  () Not Applicable  A. Budgeted current FY $ B. Total anticipated costs $ C. Required additional funding $ D. Internal transfers $  SOURCE:  ( ) 4/5ths Vote Required A. Unanticipated revenues $ B. Reserve for contingencies $ C. Source description: Balance in Reserve for Contingencies, if approved: $  SPECIAL INSTRUCTIONS:  List the attachments and number the pages consecutively: Resolution Media Release FAQ on Jessica’s Law Law Comparison

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CLERK'S USE ONLY

Res. No:  Ord. No:  Absent:  Approved ( ) Denied ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:  ATTEST:  MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California  By:  Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:

This item on agenda as:  Recommended Not Recommended For Policy Determination Submitted with Comment Returned for Further Action

Comment:  C.A.O. Initials:  Bly
MARIPOSA COUNTY RESOLUTION NO. 05-553

A RESOLUTION SUPPORTING JESSICA’S LAW

WHEREAS, the State of California and the County of Mariposa currently place a high priority on maintaining public safety through highly skilled and trained law enforcement as well as laws that deter and punish criminal behavior; and

WHEREAS, sex offenders have very high recidivism rates, prey on the most innocent members of our society, and more than two-thirds of the victims of rape and sexual assault are under the age of 18; and

WHEREAS, child pornography exploits children and robs them of their innocence and is very influential in the actions of sex offenders; and

WHEREAS, the universal use of the Internet has ushered in an era of increased risk to our children by predators using this technology as a tool to lure children away from their homes and into dangerous situations and adequate penalties must be enacted to ensure predators cannot escape prosecution; and

WHEREAS, California must take additional steps to monitor sex offenders, protect the public, provide adequate penalties particularly to those who prey on children, and strengthen existing laws that punish sexual assault; and

WHEREAS, Global Positioning System (GPS) technology is a useful tool for monitoring sexual predators and other sex offenders, and is a cost effective measure for parole supervision; and

WHEREAS, California does not provide for indeterminate commitments, and automatically allows for a jury trial every two years irrespective of whether there is any evidence to suggest or prove that the committed person is no longer a sexually violent predator.

NOW, THEREFORE BE IT RESOLVED that the Mariposa County Board of Supervisors supports and urges the people of California to vote yes on the Sexual Predator Punishment and Control Act of 2006, know as “Jessica’s Law.”

PASSED AND ADOPTED by unanimous vote of the Mariposa County Board of Supervisors, a political subdivision of the State of California on this 6th day of December 2005.

BOB PICKARD, Chairman

ATTEST:                APPROVED AS TO FORM

MARGIE WILLIAMS, Clerk of the Board                   AND LEGAL SUFFICIENCY:

THOMAS GUARINO, County Counsel
FOR IMMEDIATE RELEASE
October 13, 2005

CONTACT: George Runner
Sharon Runner
David Lynch

JESSICA’S LAW SIGNATURE
DRIVE IS LAUNCHED TODAY

Initiative Sponsors are Joined by Governor Schwarzenegger for Kick-Off

SACRAMENTO — Governor Arnold Schwarzenegger, State Senator George Runner (R-Antelope Valley) and Assemblywoman Sharon Runner (R-Antelope Valley), kicked-off the signature drive for the Jessica’s Law campaign in Burbank this morning.

“These dangerous predators have been preying on our most vulnerable for too long,” said Assemblywoman Runner. “Secrecy is their biggest tool to victimize our children and families. As a legislator, mother and now a grandmother, I feel my most important job is to keep these predators away from our children and within our sights.”

Jessica’s Law will keep sex offenders away from schools and places where children frequently play, require lifetime GPS monitoring of sex offenders, strengthen punishments for sex offenders, expand parole periods, and toughen punishments for the use of “date rape” drugs, child pornography and using the Internet to lure children into sex crimes.

The campaign will start collecting signatures today and has until February, 21, 2006 to submit signatures to local counties for verification. The initiative needs to submit 373,816 valid signatures in order to qualify for the ballot.

“We need to equip our law enforcement with the best technology available in order to stop these predators from flying under the radar. Requiring GPS monitoring of sex offenders will be a huge deterrent and prevent many children from being victimized in the future,” said Senator Runner.

Jessica’s Law is the most comprehensive sex offender punishment and control reform ever proposed and will be the toughest sex offender law in the nation. For more information about this landmark initiative, go to www.jessicaslaw2006.com.

#  #  #
CAMPAIGN FOR
JESSICA’S LAW
CHILD SAFETY
Sexual Predator Punishment & Control Act of 2006

Sponsors
Governor Arnold Schwarzenegger
Senator George Runner
Assemblywoman Sharon Runner

Statewide Co-Chairs
San Bernardino County Board of Supervisors Chairman Bill Postmus
San Bernardino County Board of Supervisors Member Gary Ovitt
Corona City Council Member Jeff Miller
Dr. Prem Reddy
Phil Thalheimer, Chair of Southern Californians for Jessica’s Law
Frank Visco

Legislative Co-Chairs
Senator Jim Battin
Senator Jeff Denham
Senator Bob Dutton
Senator Dennis Hollingsworth
Senator Bill Morrow
Senator Chuck Poochigian
Assembly Republican Leader
Kevin McCarthy
Assemblyman Greg Aghazarian
Assemblyman John J. Benoit
Assemblyman Russ Bogh
Assemblyman Dave Cogdill
Assemblyman Bill Emmerson
Assemblywoman Bonnie Garcia
Assemblywoman Shirley Horton
Assemblyman Ray Haynes
Assemblyman Guy Houston
Assemblyman Bob Huff
Assemblyman Jay LaSuer
Assemblyman George Plescia
Assemblywoman Mimi Walters
Assemblyman Mark Wyland

County Co-Chairs
Los Angeles County Sheriff Lee Baca
Los Angeles County District Attorney Steve Cooley
Los Angeles County Board of Supervisors Member Mike Antonovich
Los Angeles County Board of Supervisors Member Don Knabe
Riverside County Board of Supervisors Member Marion Ashley

Regional Co-Chairs
Sacramento County District Attorney
Jan Scully
Anthony Adams
Pat Bates
Tom Berryhill

Founding Sponsors
Rick Gann
Jeff Gibson

Organizational Supporters
California District Attorneys Association
California State Sheriffs Association
California Police Chiefs Association
California Women’s Federation
Mothers Against Predators

Campaign for Child Safety- Jessica’s Law 2006
PPPC ID# 1277423
921 11th Street Suite 110R
Sacramento, CA 95814-2822
Frequently Asked Questions

Why Jessica’s Law?

California has many loopholes in its laws in how we handle sex offenders. Jessica’s Law will close the loopholes and strengthen the penalties for people who commit these heinous crimes on women and children.

There are an estimated 17,000 sex offenders that are missing on Megan’s Law, can Jessica’s Law reduce the number of missing sex offenders?

Yes. Jessica’s Law will keep more sex offenders in prison for longer. Those sex offenders that are released will be required to be monitored for life, which will greatly reduce the number of sex offenders that go missing.

Lifetime Monitoring for Convicted Sex Offenders

Who is eligible?

Every sex offender that has been convicted of a felony and is required to register under Megan’s Law will be monitored for life.

Who will fund the cost of GPS?

Convicted sex offenders required to be monitored by a global positioning system must pay for the costs associated with the monitoring. If the sex offender does not have the ability to pay, then there is a fund from the additional fines and penalties created in Jessica’s Law that would defray these costs.

How much will this cost?

GPS technology is getting cheaper by the day. It will become even more affordable when the federal government passes legislation that would provide financial incentives for states using GPS to monitor sex offenders. This amendment was authored by San Fernando Valley Democrat Congressman Adam Schiff and has already passed the House of Representatives.
How will this help protect our children?

With GPS, we will know where the sex offenders are, but more importantly, they will know that they are being monitored. GPS will serve as a deterrent. In fact, Florida has seen a considerable reduction in recidivism when using GPS tracking technology.

Residency Restrictions

Who is eligible?

Every convicted sex offender required to register with Megan’s Law will be prohibited from living within 2,000 feet of any school or park where children congregate.

Aren’t there currently residency restrictions for sex offenders?

Yes, but it is very limited. Current law generally affects sex offenders who are on PAROLE with residency restrictions. After they have completed parole, the sex offenders are free to live anywhere, even right next door to a school. Jessica’s Law will prohibit all 9,231 sex offenders from living near schools and most parks.

One-Strike Law

California has a one-strike law, how does Jessica’s Law make it stronger?

Jessica’s Law strengthens and closes the loopholes in California’s one-strike law. For example, current law allows for judicial discretion.

Jessica’s Law also closes the loophole by requiring that the one-strike law applies to those offenders that kidnap or break-in to a home with the intent to sexually assault. It doesn’t make sense that an offender can receive a lighter sentence just because he was caught before completing his crime.

Child Pornography

Isn’t possessing child pornography a felony now?

No. Only producing or distributing child pornography is a felony. Possessing child pornography is currently only a misdemeanor no matter how egregious. This will allow district attorneys to charge these individuals with a felony. Child pornography is not a victimless crime. Possessing pictures of such child abuse creates the market for it and this crime needs to be punished appropriately.

Sexually Violent Predators

What is the key difference in Jessica’s Law regarding California’s Sexually Violent Predators law?

There are two key differences:

1) The state can deem someone a sexually violent predator after only one offense instead of waiting for the predator to re-offend creating new victims.
2) Instead of deterno terms where a sexually violent predator receives a new jury trial every two years after he has served his prison sentence and is placed in a state mental facility, the sexually violent predator may now be committed for life unless they can prove that they no longer pose a danger to society.

**Internet Luring**

**Doesn't current law allow law enforcement to pose as decoys on the Internet and arrest these Internet child predators?**

Current law is confusing and ambiguous. Jessica’s Law will make it clear that law enforcement is allowed to pose as children on the Internet and arrest child molesters who attempt to lure children away from the safety of their homes. It will ensure that these Internet predators are punished to the full extent of the law for the crime they were attempting to commit.
## Comparison of Current Law vs. Jessica’s Law

### Mandatory Minimum Sentences for Child Molesters

<table>
<thead>
<tr>
<th>Current Law:</th>
<th>Jessica’s Law:</th>
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<tbody>
<tr>
<td>* Sentences are 15 years to life for offenders that rape a child under the age of 14. The offender must be 10 years older than the child. There is ambiguity in the law.</td>
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</tr>
<tr>
<td>* Sentences are 25 years to life if an offender commits a forcible sex act on either a child or adult and has a prior convicted offense, commits the offense with aggravated assault, among a host of criteria that may be applied as a factor. There is judicial discretion.</td>
<td></td>
</tr>
<tr>
<td>* Closes loopholes in current law and ensures that California has a mandatory minimum of 15 years to life for any offender that rapes a child under the age of 14. The offender must be 7 years older than the child.</td>
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</tr>
<tr>
<td>* For every convicted forcible sex act, the offender will receive consecutive, full-term sentences. (For example, if an offender molest the same child three times, in the span of several hours, the offender will receive 45 years to life or 3 consecutive sentences).</td>
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<tr>
<td>* Closes loopholes in California law by eliminating judicial discretion which ensures all offenders will be sentenced 25 years to life.</td>
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<tr>
<td>* Adds the crime of burglary with the intent to commit a forcible sex crime to the mandatory minimum sentencing of life with the possibility of parole.</td>
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### “Good-Time Credits” for Sex Offenders

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<th>Current Law:</th>
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<tbody>
<tr>
<td>* Allows sex offenders to reduce their prison terms through the use of “good-time credits.”</td>
<td></td>
</tr>
<tr>
<td>* Eliminates the use of “good-time credits” for violent sex offenders, ensuring that they serve a full 15 to 25 years before being considered for parole on their life crime.</td>
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</tbody>
</table>
## GPS Tracking

<table>
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</thead>
<tbody>
<tr>
<td>* Permits the state to use GPS tracking as a condition of parole for convicted sex offenders.</td>
<td>* Requires registered sex offenders released on parole to be placed on a GPS tracking system for life.</td>
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<td></td>
<td>* Requires offenders to pay for their own GPS equipment, if they are financially able.</td>
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## Predator-Free Zone

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<tbody>
<tr>
<td>* Prohibits some offenders convicted of lewd and lascivious conduct against a child from living within one-quarter mile (1320 ft.) of a school, for the duration of their parole.</td>
<td>* Prohibits all registered sex offenders from living within 2000 ft. of a school or park, for the duration of their registration.</td>
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<td></td>
<td>* Allows local governments to include additional sites they deem appropriate, such as children’s museums or water parks.</td>
</tr>
</tbody>
</table>

## “Sexually Violent Predators”

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<tr>
<td>* Requires two offenses before a predator can be classified as “sexually violent.”</td>
<td>* Allows for an offender to be evaluated as a sexually violent predator after one crime, rather than waiting for a second victim.</td>
</tr>
<tr>
<td>* “Sexually Violent Predators (SVP’s)” may be civilly committed to a state hospital for a two year term. District Attorneys may file a new petition every two years demonstrating the offender is still a danger.</td>
<td>* Allows for indefinite commitment to a state hospital (like other states with an SVP program) until the SVP can prove to a court they no longer fit the criteria.</td>
</tr>
<tr>
<td>* SVP’s may run their parole time out while civilly committed, leaving no parole jurisdiction upon release.</td>
<td>* Requires SVP’s parole period to toll while in the state hospital so they serve their parole time after discharge.</td>
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</table>
### Child Pornography

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<tr>
<td>• Possession of child pornography is a misdemeanor.</td>
<td>• Possession of child pornography is a wobbler (alternate misdemeanor/felony).</td>
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<td></td>
<td>• Possession of child pornography is a felony if the offender has a prior conviction of a sex offense.</td>
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### Internet Luring

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<td>• Current law is incomplete in addressing this problem because it waits for direct harm to occur before criminal penalties can be attached.</td>
<td>• Specifically prohibits any contact or communication with a minor for the purpose of engaging in sexual conduct or abuse.</td>
</tr>
<tr>
<td>• Law enforcement attempts to go undercover to capture internet predators are often disallowed by the courts because of loopholes in California law.</td>
<td>• Closes loopholes by allowing law enforcement to act as decoys in order to engage and capture internet predators.</td>
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### “Date Rape” Drug Use

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<tbody>
<tr>
<td>• Imposes an additional three-year prison term for persons who force the use of specified controlled substances in the commission of a felony.</td>
<td>• Imposes an additional five-year prison term for persons who use specified controlled substances (i.e. date rape drugs) in the commission of specified sexual crimes, such as rape.</td>
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</tbody>
</table>

### Increase Parole Terms and Fines

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<tbody>
<tr>
<td>• Provides for parole terms from 3-5 years for various sex offenses.</td>
<td>• Provides for parole terms of up to 10 years for the most heinous sex offenses.</td>
</tr>
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<td></td>
<td>• Increases various fines and penalties.</td>
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