

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 632**

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**Introduced by Assembly Member Chu**

**(Principal coauthors: Assembly Members Sharon Runner and  
Spitzer)**

***(Coauthors: Assembly Members Benoit, Cohn, Goldberg, and Leno)***

February 17, 2005

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An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 632, as amended, Chu. Sex Offender Management Board.

Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified.

This bill would state legislative findings and declarations with respect to the size of, and the need to prevent recidivism within, the registered sex offender population in California. This bill would also state legislative intent to establish a program responsible for overseeing the management of sex offenders.

This bill would create the Sex Offender Management Board under the jurisdiction of the Department of Corrections. The purpose of the board would be to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. The board would be required to conduct a thorough assessment of current management practices for adult sex offenders, and to submit a report

to the Legislature on that assessment. The board would also be required to develop a plan to implement changes in management practices for those offenders, as specified. The board also would serve as a resource for the Legislature and the Governor.

The bill would state that its provisions would only become operative if federal funds are made available for its purposes, and would direct the Director of Corrections to apply for all applicable federal funds for those purposes. The provisions creating the board would be repealed as of January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and declares all of  
 2 the following:

3 (a) There are over 100,000 registered sex offenders in  
 4 California, approximately 20,000 of whom are under some form  
 5 of supervision by the criminal justice system in their  
 6 communities.

7 (b) Preventing recidivism by these individuals while they are  
 8 under supervision and preparing them to live safely in the  
 9 community after the period of supervision ends is a priority for  
 10 the State of California.

11 (c) No state governmental entity currently exists to review,  
 12 understand, and coordinate the multiple policies, laws, and  
 13 agencies addressing the state’s response to sex offenders as well  
 14 as to recommend improvements based upon recognized  
 15 best-practices in the field of sex offender management.

16 (d) Although some sex offenders cannot, or will not respond to  
 17 treatment, the Legislature may be able to successfully reduce  
 18 recidivism within this population through the establishment of a  
 19 sex offender management program.

20 SEC. 2. It is the intent of the Legislature to establish a  
 21 program responsible for overseeing and standardizing the  
 22 comprehensive evaluation, identification, treatment, and  
 23 continued monitoring of sex offenders who are under supervision  
 24 by the criminal justice system in order to reduce recidivism and  
 25 to protect the public at large.

1 SEC. 3. Chapter 3 (commencing with Section 9000) is added  
2 to Title 9 of Part 3 of the Penal Code, to read:

3  
4 CHAPTER 3. SEX OFFENDER MANAGEMENT BOARD  
5

6 9000. As used in this article, the following definitions apply:

7 (a) "Board" means the Sex Offender Management Board  
8 created in this article.

9 (b) "Sex Offender" means any person who is required to  
10 register as a sex offender under Section 290 of the Penal Code.

11 (c) "Treatment" means a set of specialized interventions  
12 delivered by qualified mental health professionals and designed  
13 to address the multiple psychological and physiological factors  
14 found to be associated with sexual offending.

15 (d) "Management" means a comprehensive and collaborative  
16 team approach to regulating, controlling, monitoring, and  
17 otherwise influencing the current and, insofar as is possible, the  
18 future behavior of sex offenders who are living in the community  
19 and are directly under the authority of the criminal justice system  
20 or of another governmental agency performing similar functions.  
21 The overriding purpose of management of sex offenders is to  
22 enhance community safety by preventing future sexual  
23 victimization. Management includes supervision and specialized  
24 treatment as well as a variety of other interventions.

25 (e) "Supervision" means a specialized approach to the process  
26 of overseeing all significant aspects of the lives of sex offenders  
27 who are being managed, as described in subdivision (d). This  
28 approach includes traditional methods as well as techniques and  
29 tools specifically designed to respond to the risks to community  
30 safety raised by sex offenders. Supervision is one component of  
31 management.

32 9001. (a) The Sex Offender Management Board is hereby  
33 created under the jurisdiction of the Department of Corrections,  
34 which shall consist of ~~19~~ 15 members. The membership of the  
35 board shall reflect, to the extent possible, representation of  
36 Northern, Central, and Southern California as well as both urban  
37 and rural areas. Each appointee to the board, regardless of the  
38 appointing authority, shall have the following characteristics:

1 (1) Substantial prior knowledge of issues related to sex  
2 offenders, at least insofar as related to his or her own agency's  
3 practices.

4 (2) Decision-making authority for, or direct access to those  
5 who have decision-making authority for, the agency or  
6 constituency he or she represents.

7 (3) A willingness to serve on the board and a commitment to  
8 contribute to the board's work.

9 (b) The membership of the board shall consist of the following  
10 persons:

11 (1) State government agencies:

12 (A) One member who represents the California Department of  
13 Justice, appointed by the Speaker of the Assembly. He or she  
14 shall be an authority in policy areas pertaining to sex offenders  
15 and shall have expertise in dealing with sex offender registration,  
16 notification, and enforcement.

17 (B) One member who represents the Department of  
18 Corrections, appointed by the Governor, with an expertise in  
19 parole ~~polices~~ *policies* and practices.

20 (C) One member who represents the Board of Prison Terms,  
21 appointed by Governor.

22 (D) One California state judge, appointed by the President pro  
23 Tempore of the Senate.

24 (E) One member who represents the State Department of  
25 Mental Health who is a licensed mental health professional with  
26 recognizable expertise in the treatment of sex offenders,  
27 appointed by the President pro Tempore of the Senate.

28 (2) Local government agencies:

29 (A) Two members who represent law enforcement, appointed  
30 by the Governor. One member shall possess investigative  
31 expertise and one member shall have law enforcement duties that  
32 include registration and notification responsibilities.

33 (B) One member who represents prosecuting attorneys,  
34 appointed by the President pro Tempore of the Senate. He or she  
35 shall have expertise in dealing with adult ~~and juvenile~~ sex  
36 offenders.

37 (C) One member who represents probation officers, appointed  
38 by the Speaker of the Assembly.

39 (D) One member who represents public defenders, appointed  
40 by the Speaker of the Assembly.

1 (3) Nongovernmental agencies:

2 (A) Two members who are licensed mental health  
3 professionals with expertise in the treatment of sex offenders and  
4 represent sex abuse victims and victim treatment providers,  
5 appointed by President pro Tempore of the Senate.

6 (B) Two members who are recognized experts in the field of  
7 sex abuse and represent sex abuse victims and rape crisis centers,  
8 appointed by the Speaker of the Assembly.

9 (C) One member who is a clinical polygraph examiner with a  
10 specialization in the administration of postconviction polygraph  
11 testing for sex offenders, appointed by the Governor.

12 (c) The board shall appoint a presiding officer from among the  
13 members appointed pursuant to subdivision (b). The presiding  
14 officer shall serve in that capacity at the pleasure of the board.

15 (d) Each member of the board who is appointed pursuant to  
16 this section shall serve a term of four years. Members shall serve  
17 without compensation. If a member fails to complete his or her  
18 term, a new member shall be appointed by the appointing  
19 authority of the outgoing member to serve for the remainder of  
20 the outgoing member's term.

21 (e) If a board member is unable to adequately perform his or  
22 her duties or is unable to attend more than three meetings in a  
23 single 12 month period, he or she is subject to removal from the  
24 board by a majority vote of the full board.

25 (f) Any vacancies on the board as a result of the removal of a  
26 member shall be filled by the appointing authority of the  
27 removed member within 30 days of the vacancy.

28 (g) The board may create, at its discretion, subcommittees or  
29 task forces to address specific issues. These may include board  
30 members as well as invited experts and other participants.

31 (h) The board shall hire a coordinator who is a policy research  
32 specialist. This position shall be a full-time state civil service  
33 position.

34 (i) In the course of performing its duties, the board shall, when  
35 possible, make use of the available resources of research  
36 agencies such as the Legislative Analyst's Office, the California  
37 Research Bureau, the California State University system,  
38 including schools of public policy and criminology, and other  
39 similar sources of assistance.

1 9002. (a) The California Sex Offender Management Board  
2 shall address any issues, concerns, and problems related to the  
3 community management of adult sex offenders. The main  
4 objective of the board, which shall be used to guide the board in  
5 prioritizing resources and use of time, is to achieve safer  
6 communities by reducing victimization. To that end, the board  
7 shall do both of the following:

8 (1) Conduct a thorough assessment of current management  
9 practices for adult sex offenders residing in California  
10 communities. A report on the findings of this assessment shall be  
11 submitted to the Legislature and the Governor by January 1,  
12 2008. Areas to be reviewed shall include, but not be limited to,  
13 the following:

14 (A) The numbers and distribution of offenders.  
15 (B) Supervision practices.  
16 (C) Treatment availability and quality.  
17 (D) Issues related to housing.  
18 (E) Recidivism patterns.  
19 (F) Response to the safety concerns of past and potential  
20 future victims.

21 (G) Cost and cost effectiveness of various approaches.  
22 (H) Any significant shortcomings in management practices.

23 (2) Develop a plan, based upon the findings in the assessment,  
24 to implement changes in management practices for adult sex  
25 offenders under supervision in the community, with the goal of  
26 improving community safety. The plan shall address all  
27 significant aspects of community management including  
28 supervision, treatment, housing, transition to the community,  
29 interagency coordination and the practices of other entities that  
30 directly or indirectly affect the community management of sex  
31 offenders. The completed plan shall be submitted to the  
32 Legislature and the Governor by January 1, 2010.

33 (b) The board shall also serve, insofar as resources permit, as a  
34 source of expert information in the following venues:

35 (1) As a resource for any legislator developing legislation  
36 dealing with matters regarding which the board can provide  
37 consultation and expertise.

38 (2) As a resource for the Public Safety Committees of both  
39 houses of the Legislature and for any other committees for whom  
40 the board's expertise may be useful.

1 (3) As a resource for the Governor's Office and for any  
2 agency within the Executive Branch that may present a request  
3 for assistance.

4 ~~(4)~~

5 (c) The Legislature may task the board with investigating  
6 specified issues and making recommendations, with developing  
7 standards or protocols, or with resolving problems resulting from  
8 complex relationships between two or more agencies whose  
9 responsibilities overlap.

10 ~~(5)~~

11 (d) The board shall conduct public hearings, at it deems  
12 necessary, which provide opportunities for gathering information  
13 and receiving input regarding the work of the board from  
14 concerned stakeholders and the public.

15 9003. The Director of the Department of Corrections shall  
16 pursue all applicable federal funding, including relevant grants,  
17 in order to fund the board. This article shall become operative  
18 only if federal funds are received for this purpose.

19 9004. This article shall remain in effect only until January 1,  
20 2010, and as of that date is repealed, unless a later enacted  
21 statute, that is enacted before January 1, 2010, deletes or extends  
22 that date.