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AMENDED IN ASSEMBLY JANUARY 12, 2006  
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CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1015**

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**Introduced by Assembly Members Chu and Spitzer**  
**(Coauthors: Assembly Members Bermudez, Chavez, Evans,**  
**Shirley Horton, Garcia, Goldberg, Jones, Lieber, Negrete**  
**McLeod, Torrico, and Vargas)**  
(Coauthors: Senators Alquist and Soto)

February 22, 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, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1015, 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 create the Sex Offender Management Board, *as specified*, under the jurisdiction of the Department of Corrections and Rehabilitation. 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 recommendations to improve management practices for those offenders, as specified. The board also would serve as a resource for the Legislature and the Governor.

The provisions creating the board would be repealed as of January 1, 2010.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Chapter 3 (commencing with Section 9000) is  
2 added 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 chapter, the following definitions apply:

7 (a) “Board” means the Sex Offender Management Board  
8 created in this chapter.

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

1 victimization. Management includes supervision and specialized  
2 treatment as well as a variety of other interventions.

3 (e) “Supervision” means a specialized approach to the process  
4 of overseeing, insofar as authority to do so is granted to the  
5 supervising agency, all significant aspects of the lives of sex  
6 offenders who are being managed, as described in subdivision  
7 (d). This approach includes traditional methods as well as  
8 techniques and tools specifically designed to respond to the risks  
9 to community safety raised by sex offenders. Supervision is one  
10 component of management.

11 9001. (a) The Sex Offender Management Board which is  
12 hereby created under the jurisdiction of the Department of  
13 Corrections and Rehabilitation, shall consist of 17 members. The  
14 membership of the board shall reflect, to the extent possible,  
15 representation of northern, central, and southern California as  
16 well as both urban and rural areas. Each appointee to the board,  
17 regardless of the appointing authority, shall have the following  
18 characteristics:

19 (1) Substantial prior knowledge of issues related to sex  
20 offenders, at least insofar as related to his or her own agency’s  
21 practices.

22 (2) Decisionmaking authority for, or direct access to those  
23 who have decisionmaking authority for, the agency or  
24 constituency he or she represents.

25 (3) A willingness to serve on the board and a commitment to  
26 contribute to the board’s work.

27 (b) The membership of the board shall consist of the following  
28 persons:

29 (1) State government agencies:

30 (A) The Attorney General or his or her designee who shall be  
31 an authority in policy areas pertaining to sex offenders and shall  
32 have expertise in dealing with sex offender registration,  
33 notification, and enforcement.

34 (B) The Secretary of the Department of Corrections and  
35 Rehabilitation or his or her designee who has expertise in parole  
36 policies and practices.

37 (C) The Director of Adult Parole Services or his or her  
38 designee.

39 (D) One California state judge, appointed by the Judicial  
40 Council.

1 (E) The Director of Mental Health or his or her designee who  
2 is a licensed mental health professional with recognized expertise  
3 in the treatment of sex offenders.

4 (2) Local government agencies:

5 (A) Three members who represent law enforcement, appointed  
6 by the Governor. One member shall possess investigative  
7 expertise and one member shall have law enforcement duties that  
8 include registration and notification responsibilities, and one  
9 shall be a chief probation officer.

10 (B) One member who represents prosecuting attorneys,  
11 appointed by the Senate Committee on Rules. He or she shall  
12 have expertise in dealing with adult sex offenders.

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

15 (D) One member who represents criminal defense attorneys,  
16 appointed by the Speaker of the Assembly.

17 (E) One member who is a ~~County Chief Executive Officer~~  
18 *county administrator*, appointed by the Governor.

19 (F) One member who is a city manager or his or her designee,  
20 appointed by the Speaker of the Assembly.

21 (3) Nongovernmental agencies:

22 (A) Two members who are licensed mental health  
23 professionals with recognized experience in working with sex  
24 offenders and who can represent, through their established  
25 involvement in a formal statewide professional organization,  
26 those who provide evaluation and treatment for adult sex  
27 offenders, appointed by the Senate Committee on Rules.

28 (B) Two members who are recognized experts in the field of  
29 sexual assault and represent sexual assault victims, both adults  
30 and children, and rape crisis centers, appointed by the Governor.

31 (c) The board shall appoint a chair from among the members  
32 appointed pursuant to subdivision (b). The chair shall serve in  
33 that capacity at the pleasure of the board.

34 (d) Each member of the board who is appointed pursuant to  
35 this section shall serve without compensation.

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

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

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

7 (h) The board shall hire a coordinator who has relevant  
8 experience in policy research. The board may hire other staff as  
9 funding permits.

10 (i) In the course of performing its duties, the board shall, when  
11 possible, make use of the available resources of research  
12 agencies such as the Legislative Analyst's Office, the California  
13 Research Bureau, the California State University system,  
14 including schools of public policy and criminology, and other  
15 similar sources of assistance.

16 (j) Staff support services for the board shall be provided by  
17 staff of the Department of Corrections and Rehabilitation as  
18 directed by the secretary.

19 9002. (a) The board shall address any issues, concerns, and  
20 problems related to the community management of adult sex  
21 offenders. The main objective of the board, which shall be used  
22 to guide the board in prioritizing resources and use of time, is to  
23 achieve safer communities by reducing victimization. To that  
24 end, the board shall do both of the following:

25 (1) Conduct a thorough assessment of current management  
26 practices for adult sex offenders, primarily those under direct  
27 criminal justice or other supervision, residing in California  
28 communities. A report on the findings of this assessment shall be  
29 submitted to the Legislature and the Governor by January 1,  
30 2008. Areas to be reviewed in this assessment shall include, but  
31 not be limited to, the following:

- 32 (A) The numbers and distribution of offenders.
- 33 (B) Supervision practices.
- 34 (C) Treatment availability and quality.
- 35 (D) Issues related to housing.
- 36 (E) Recidivism patterns.
- 37 (F) Response to the safety concerns of past and potential  
38 future victims.
- 39 (G) Cost and cost-effectiveness of various approaches.
- 40 (H) Any significant shortcomings in management practices.

1 (2) Develop recommendations, based upon the findings in the  
2 assessment, to improve management practices of adult sex  
3 offenders under supervision in the community, with the goal of  
4 improving community safety. The plan shall address all  
5 significant aspects of community management including  
6 supervision, treatment, housing, transition to the community,  
7 interagency coordination and the practices of other entities that  
8 directly or indirectly affect the community management of sex  
9 offenders. The board shall provide information to the Legislature  
10 and Governor as to its progress by January 1, 2009. The  
11 completed plan shall be submitted to the Legislature and the  
12 Governor by January 1, 2010.

13 (b) The board shall conduct public hearings, as it deems  
14 necessary, to provide opportunities for gathering information and  
15 receiving input regarding the work of the board from concerned  
16 stakeholders and the public.

17 9003. This chapter shall remain in effect only until January 1,  
18 2010, and as of that date is repealed, unless a later enacted  
19 statute, that is enacted before January 1, 2010, deletes or extends  
20 that date.

21 SEC. 2. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety  
23 within the meaning of Article IV of the Constitution and shall go  
24 into immediate effect. The facts constituting the necessity are:

25 To allow the Governor and the Legislature to make  
26 appointments to the Sex Offender Management Board as soon as  
27 possible to allow the board to begin working on an assessment of  
28 current adult sex offender programs for a report to the  
29 Legislature, which is due on January 1, 2008.