



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** January 28, 2003  
**TO:** Board of Supervisors  
**SUBJECT:** Necessary Enhancements To Megan's Law (District: All)  
**SUMMARY:**

#### **Overview**

On March 12, 2002 (1) the Board of Supervisors took action to increase the availability of Megan's Law information to San Diego County residents. On October 1, 2002 (6) the Board of Supervisors took action to introduce and support County sponsored legislation to change State law so that possession of child pornography would be a felony, and to change State law so that registered sex offenders that have committed crimes against children cannot live within a quarter mile of a school or childcare center. On December 3, 2002 (27) the Board of Supervisors took action to work with representatives of the San Diego County School Boards Association, Region 18 of the Association of California School Administrators, Parent Teachers Associations and law enforcement agencies to develop a uniform policy that prohibits sex offenders from volunteering in schools.

As a result of discussions with school officials and law enforcement representatives, it is apparent that changes are needed in State law to allow school districts and public libraries direct access to the **entire** Megan's Law database currently provided to law enforcement agencies.

#### **Recommendation(s)**

##### **CHAIRMAN COX AND VICE CHAIRWOMAN JACOB:**

1. Direct the Chief Administrative Officer to draft a letter for the Chairman's signature to our State Delegation requesting introduction of new legislation to change State law so that school districts and public libraries have direct access to the entire Megan's Law database that is currently provided to law enforcement agencies, and include this in the County's legislative program.
2. Direct the Chief Administrative Officer to draft a letter for the Chairman's signature to our State Delegation requesting introduction of new legislation to change State law so that School Districts and public libraries are not required to pay a fee for fingerprint background checks, and include this in the County's

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legislative program.

3. Direct the Chief Administrative Officer to draft a letter for the Chairman's signature to our State Delegation requesting introduction of new legislation to change State law to require registered sex offenders to disclose their sex offender status to a K-12 institution and public libraries when they are seeking any paid or volunteer position, change the penalty from a misdemeanor to a felony and include this in the County's legislative program.
4. Direct the Chief Administrative Officer to draft a letter for the Chairman's signature to our Federal delegation requesting introduction of new legislation to implement a national database for registered sex offenders, and include this in the County's legislative program.
5. Receive an update from the Sheriff on January 28, 2003 on the current countywide project to enhance registration, improve notification and increase monitoring, and receive a more extensive briefing at a Board conference on May 20, 2003.

**Fiscal Impact**

There is no fiscal impact associated with this request.

**BACKGROUND:**

On March 12, 2002 the Board of Supervisors took action to increase the availability of Megan's Law information to San Diego County residents. On October 1, 2002 the Board of Supervisors took action to introduce and support County sponsored legislation to change State law so that possession of child pornography would be a felony, and to change State law so that registered sex offenders that have committed crimes against children cannot live within a quarter mile of a school or childcare center. On December 3, 2002 the Board of Supervisors took action to work with representatives of the San Diego County School Boards Association, Region 18 of the Association of California School Administrators, Parent Teachers Associations and law enforcement agencies to develop a uniform policy that prohibits sex offenders from volunteering in schools.

As a result of discussions with school officials and law enforcement representatives, it is apparent that changes are needed in State law to allow school districts and public libraries direct access to the entire Megan's Law database that is currently provided to law enforcement agencies. Information provided to the public is not identical to the information the Department of Justice provides to law enforcement agencies. Registered sex offenders that are not in the category of "serious" or "high risk", fall into the "other" category. The public does not have access to information on "other" registered sex offenders, which includes such crimes as exhibitionism, pornography and incest.

School districts and public libraries that want to check potential volunteers against the Megan's Law database must have access to the same information that law enforcement agencies are provided. If not, registered sex offenders that are not classified as "serious" or "high risk", could potentially be allowed to volunteer at a school or in a library. In

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addition, school districts and libraries should be allowed direct access to this information from their computer system. Direct access to the system is more efficient and offers greater accountability. San Diego County is already a model for information sharing between schools, the court and law enforcement. This concept needs to include Megan's Law information.

Many school districts and public libraries would like to be able to perform fingerprint background checks on their prospective volunteers, but with thousands of volunteers, the cost of at least \$32 per background check is prohibitive. The Department of Justice is permitted to waive the background check fee in some cases, such as the request coming from a non-profit organization. This fee also needs to be waived for school districts and public libraries. The State should not allow the cost of a background check to prevent a school or library from ensuring the safety of children.

When a registered sex offender moves to another state, they are required to register with the local law enforcement agency. Unfortunately, many disregard this requirement when they move to a new community. Although some law enforcement agencies notify another agency when a registered sex offender is moving to another state, this practice is inconsistent, resulting in a lack of knowledge as to the whereabouts of many registered sex offenders. A national database for registered sex offenders would allow information sharing between states so that law enforcement agencies would not be in the dark when a registered sex offender moves from state to state. Law enforcement would have immediate access to sex offenses outside of their jurisdiction and could determine if an individual was out of compliance with their registration.

When applying for employment or attending as a student, State law currently requires a registered sex offender to notify a higher learning institution, such as a college or junior college, that they are a convicted sex offender. This requirement only applies to K-12 school districts if the individual would work directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis. We believe that it is inappropriate for any registered sex offender to be on the grounds of a K-12 public or private school under any circumstances. The law needs to be changed to insure that our schools are a safe haven. Public libraries also need to be included in this disclosure requirement. If a registered sex offender is seeking any paid or volunteer position at a school or library, State law needs to require them to disclose their status as a sex offender, regardless of whether or not the position involves working with children. In addition, the penalty for violation of this law needs to be changed from a misdemeanor to a felony.

Recent information released from the California Department of Justice (DOJ) documented an alarming number of registered sex offenders that are not in compliance with their registration requirements. The San Diego County Sheriff's Department has been working with the Department of Justice, San Diego Police Department and other law enforcement agencies to address issues of non-compliance, registration and public notification. It would be helpful for the Sheriff's Department to update the Board and the public on their innovative efforts.

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This action is intended to allow school districts and libraries better access to Megan's Law information to make certain that a prospective volunteer is not a high risk, serious or other registered sex offender. This action also seeks to waive the fee being charged to school districts and public libraries for a fingerprint background check. Finally, this action seeks federal legislation to set up a national database of registered sex offenders.

We urge your support.

Respectfully submitted,

GREG COX  
Chairman

DIANNE JACOB  
Vice Chairwoman

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**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

<b>COUNTY COUNSEL REVIEW</b>	<input type="checkbox"/> Yes	
Written Disclosure per County Charter Section 1000.1 Required	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>GROUP/AGENCY FINANCE DIRECTOR</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>CHIEF FINANCIAL OFFICER</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>COUNTY TECHNOLOGY OFFICE</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A
<b>DEPARTMENT OF HUMAN RESOURCES</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

**Other Concurrence(s):** [Click [here](#) and type, or type N/A if not applicable]

**ORIGINATING DEPARTMENT:** Board of Supervisors, District Two  
Board of Supervisors, District One

**CONTACT PERSON(S):** Jeff Collins (619) 531-5522  
Patty Kay Danon (619) 531-5511