

California Sex Offender Information Megan's Law



2008 Report to the California Legislature

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Summary

With the enactment of California's Megan's Law in 1996, Californians gained access to information about sex offenders. This information was initially available only by calling a "900" toll number or by personally visiting a local law enforcement agency to view information on a compact disc. In 2004, the California Legislature enacted (Chapter 745 (Assembly Bill 488), Statutes of 2004), which mandated that certain registered sex offenders be posted on a Megan's Law Internet site maintained by the Department of Justice. This new law enacted Penal Code section 290.46 and took effect in September 2004. In December 2004, the Department of Justice expanded public access to sex offender information by establishing the California Megan's Law Internet site. This was six months earlier than the statutorily mandated deadline for providing the Internet site to the public. Pursuant to Penal Code sections 290.4(g) and 290.46(n), this report provides an overview of sex offender-related information and statistical data for 2008.

Sex Offender Registration

In 1947, California became the first state to require the lifetime registration of specified convicted sex offenders. The registration process was virtually unchanged until the mid-1990s. Since then, a number of legislative mandates have reshaped California's sex offender registration requirements. These mandates required sex offenders to update their registrations at least annually and to provide more detailed information as part of the registration process. Current requirements for sex offender registration, as specified in Penal Code section 290 et seq., are designed to inform law enforcement agencies and the public of the locations or residences of registered sex offenders.

Upon release from a local jail or state prison, or completion of any alternative sentence, sex offenders are required to register within five working days of moving into any agency's jurisdiction. Sex offenders are also required to report name changes or residence address changes within five working days and update their registration annually within

five working days of their birthday. Certain sex offenders must comply with additional requirements. Sex offenders who have no residence address are considered “transient” and are required to update their registration every 30 days. Those who have been designated as a “sexually violent predator” by a California court are required to update their registration every 90 days. Persons convicted in a federal or military court, or in any court outside of California for sex offenses that would require registration in that jurisdiction, are required to register within five working days after entering California. Depending on the underlying conviction, those persons may be required to register for life for as long as they are located or residing in California.

Megan’s Law Internet Site

The Megan’s Law Internet site is located at www.meganslaw.ca.gov. As of December 31, 2008, the Internet site provided the public with information on nearly 66,000 registered sex offenders in California, including the full addresses of nearly 30,000 registered sex offenders. The sex offender information is updated daily and, therefore these numbers change daily. On the Internet site, sex offenders are statutorily divided into two display classifications. In accordance with Penal Code section 290.46, these display classifications are:

- **“Full Address”** – A sex offender in this classification will have his or her full residence address displayed if the individual is not deemed: a transient, incarcerated, or an offender who is “unknown.” Generally, “Full Address” disclosure will occur if the offender has been convicted of any of the following:
 - Lewd conduct with a child under the age of 14.
 - A sex offense involving force or fear.
 - A designated sex crime with a prior or subsequent conviction for a sex crime that required registration.
 - An offense resulting in commitment as a sexually violent predator, as defined in Welfare and Institutions Code section 6600.

- **“Zip Code Only”** – A sex offender in this classification will only be displayed by Zip Code or area (i.e., city and/or county). These sex offenders are required to register and were convicted of offenses subject to public disclosure, but they do not fall within the “Full Address” display classification.

Sex offenders who do not fall into either the “Full Address” or “Zip Code Only” display classification are, by statute, not disclosed or displayed on the Megan’s Law Internet site and are classified as “No Post” sex offenders. These individuals are still required to register as sex offenders. In addition, the statute allows certain sex offenders who are otherwise subject to disclosure on the Internet site to apply for and be granted exclusion from disclosure to the public. If an offender is granted exclusion, he or she is removed from the Internet site. These individuals are classified as “Excluded” sex offenders.

Users can search the Megan’s Law Internet site by name, address, city, Zip Code, county, park, or school, which will result in a listing of individuals on a map display. Each sex offender profile on the Internet site includes name, aliases, offender photograph (if available), age, gender, race, physical description, offenses, and a full address if requirements are met for the address to be displayed. A search results listing displays all Internet site eligible sex offenders, including those who are incarcerated or transient or “in-violation” offenders whose locations may not be currently known. In addition, there is a checkmark on the listing next to any sex offenders who are currently in violation of their registration requirements. To serve California’s diverse communities, the Internet site is translated into 12 languages: Arabic, Armenian, Cambodian, Chinese, Japanese, Korean, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. The informative and user-friendly nature of the Internet site has made it very popular. During 2008, the Internet site had nearly 6.5 million users who made more than 151 million individual inquiries.

Public Reporting Feature

Each sex offender profile listed on the Megan’s Law Internet site includes a public reporting feature. Clicking on the “Report Information to DOJ” button causes a public reporting form to be displayed, allowing the user to report information about a registered sex offender directly to the Department of Justice. This includes information such as the

location of an “in-violation” sex offender. Each public reporting form is reviewed by the Department of Justice and either handled internally or forwarded to local law enforcement agencies for further investigation. During 2008, the Department of Justice received 8,467 forms, of which 6,148 were forwarded to local agencies.

Requests for Registered Sex Offender Information

The Department of Justice also maintains a mail-in, fee-based service for checking lists of names against the Megan’s Law Internet site to determine whether a person on the list is a registered sex offender. This service is often used by large employers, organizations, and businesses. During 2008, the Department of Justice received 579 requests for information that included 39,650 individual names and resulted in 111 possible matches.

Megan’s Law Intranet Application for Law Enforcement

In addition to providing the public with sex offender information via the Megan’s Law Internet site, the Department of Justice provides law enforcement agencies, by way of a secure, web-based application, with information about all persons required to register in California as sex offenders. The design and functionality of the law enforcement Intranet application mirrors that of the public site, but it also features an expanded, online search capability that responds to the investigative needs of law enforcement. An “LEA Search” function allows agencies to search the sex offender database using various search parameters, including display category (“Full Address,” “Zip Code Only,” or “No Post/Excluded”), date of birth, sexually violent predator adjudication, and other unique identifiers. The application also features a mapping capability similar to that of the public site, however, law enforcement agencies can view on a map the locations of all registered sex offenders.

Another useful feature of the Megan’s Law Intranet application for law enforcement is the additional address file, which is designed to assist law enforcement agencies in locating and monitoring sex offenders. This file contains possible additional addresses for sex offenders. It is updated on a regular basis, and local law enforcement agencies may routinely download the application directly from the Intranet. The possible additional address information is obtained through periodic searches of records maintained by the

California Department of Motor Vehicles, Franchise Tax Board, Employment Development Department, United States Social Security Administration, and United States Postal Service. Addresses are also obtained quarterly through a commercial locator service that accesses public information sources, such as utility and financial companies.

The additional address file allows law enforcement agencies to identify all sex offenders who are registered within a particular jurisdiction. These “investigative leads” are especially helpful when an agency is attempting to investigate crimes or locate sex offenders, including those who are in violation of their registration requirements.

Conclusion

The Department of Justice will continue to work to ensure that the Megan’s Law information remains a valuable asset for law enforcement agencies and citizens who want easy access to timely information about sex offenders.

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