

California State Senate

SENATOR
SHARON RUNNER
TWENTY-FIRST SENATE DISTRICT



April 6, 2015

Dr. Jeffrey Beard, Secretary
California Department of Corrections and Rehabilitation
1515 S Street
Sacramento, CA 95811

RE: Enforcement of Sex Offender Residency Restrictions

Dear Secretary Beard,

It was with alarm that I learned of the Department of Corrections and Rehabilitation's (CDCR) Division of Adult Parole Operations' decision to terminate enforcement of the uniform sex offender residency restrictions in all of California's 58 counties. The voter-approved prohibition precludes paroled sex offenders from residing within 2,000 feet of a school or park where children play. The Department has justified its abrupt change in policy by referencing a recent San Diego-specific decision of the California Supreme Court. According to CDCR's press release, Attorney General Harris has advised the Department that the California Supreme Court will ultimately decide the residency restriction is unconstitutional statewide. A charitable interpretation of the release would lead one to conclude that CDCR has confused the opinion of the Attorney General with the opinion of the California Supreme Court.

The Rule of Law

The law that your Department seeks to preemptively repeal was approved by the more than 70% of California voters who supported Jessica's Law (Proposition 83, 2006). Proposition 83 enjoyed the support of then-Attorney General Brown.

While it is a matter of record that your Department has recommended the repeal of the 2,000 feet restriction, it must be clear to you that the authority to do so cannot be found in an unpublished opinion from Attorney General Harris. It is indeed extraordinary that the Department has rebuffed requests for release of the opinion by asserting attorney-client privilege. To restate the obvious: the public, the press and the Legislature have a right to a transparent explanation of the Department's position.

For the sake of transparency, it is imperative that you release the opinion of the Attorney General without delay!

Amending a Voter Initiative

Most Californians believe in rehabilitation and redemption but few would advocate allowing sex offenders to reside across the street from a school or park where children play. For these reasons, voters embraced Jessica's Law and the provision that precludes sex offenders from living within 2,000 feet of a school or park. It is the task of state government to implement the will of the voters to the extent possible. When it is necessary to amend laws approved by the people the procedures are clear. Unilateral action by your Department usurps the authority of the voters, the Legislature and the Supreme Court. Please rethink your position and confer with the Legislature before implementing changes to Jessica's Law.

Sincerely,


Sharon Runner
Senator, 21st District