

**SEX OFFENDERS: DISCLOSURE BY LAW ENFORCEMENT OFFICERS
("MEGAN'S LAW")**

**Statewide Cost Estimate
Adopted: November 21, 2002**

Penal Code Sections 290 and 290.4
Statutes 1996, Chapters 908 and 909
Statutes 1997, Chapters 17, 80, 817, 818, 819, 820, 821, and 822
Statutes 1998, Chapters 485, 550, 927, 928, 929, and 930

Mandate Background

The test claim legislation imposes new requirements on local law enforcement agencies regarding notification to Department of Justice of registration of certain convicted sex offenders and provides for public disclosure of the identity of registered sex offenders by local law enforcement agencies. Municipal police departments of cities with a population of less than 200,000 are exempt from this requirement.

The County of Tuolumne filed the test claim on December 30, 1999 and amended the test claim on July 14, 1999. The Commission adopted the Statement of Decision on August 23, 2001, and the Parameters and Guidelines on March 28, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by October 1, 2002. The (SCO) provided the unaudited actual claim totals to the Commission on November 5, 2002.

Period of Reimbursement

All mandated costs incurred on or after July 1, 1996, for compliance with the mandate are reimbursable, unless otherwise specified below.¹

Eligible Claimants

Any county, city, city and county, or community college district, that has incurred increased costs as a direct result of this mandate is eligible to claim reimbursement of these costs, except as limited in Section IV, activity 12.

Reimbursable Activities

For each eligible claimant, the following activities are eligible for reimbursement:

A. One-Time Activities

1. Train staff on implementing the reimbursable activities listed in Section IV, activities 2 through 13. (One-time activity per employee.)

¹ The statutes have different operative dates; therefore the reimbursement period for some activities may begin on a different date.

2. Develop internal policies, procedures, and manuals to implement *Sex Offenders: Disclosure by Law Enforcement Officers* (“Megan’s Law”).
3. Notify every registered sex offender convicted prior to January 1, 1997, within the claimant’s jurisdiction of the reduction in the time to register or reregister from 14 days to 5 days. (Pen. Code, § 290, subd. (1)(1).)² (*Reimbursement period begins October 8, 1997.*)

B. On-Going Activities

4. Develop, collect, and transmit sex offender registrations from the local jurisdiction directly into the Department of Justice Violent Crime Information Network. (Pen. Code, § 290, subd. (a)(1)(F).)³ (*Reimbursement period begins January 1, 1999.*)
5. Remove a sex offender’s registration from the local jurisdiction’s files within 30 days of receiving notice to do so from the Department of Justice. (Pen. Code, § 290, subd. (a)(2)(F)(i).)⁴ (*Reimbursement period begins October 8, 1997.*)
6. If the local law enforcement agency is the current place of incarceration, pre-registration of a convicted sex offender, including the obtaining of a current photograph and fingerprints of the offender as well as a written statement relaying information as is required by the Department of Justice. Notify the sex offender as acknowledgement of the information contained within the pre-registration statement. (Pen. Code, § 290, subd. (e)(1)(A-C).)⁵ (*Reimbursement period begins October 8, 1997.*)
7. Verify that the sex offender’s signed statement contains the name and address of the offender’s employer, and the address of the offender’s place of employment if it is different from the employer’s main address. (Pen. Code, § 290, subd. (e)(2)(A).)⁶ (*Reimbursement period begins October 8, 1997.*)
8. Verify that the offender’s registration includes information related to any vehicle regularly driven by the offender, including license number, make, model, and such other information as may be requested by the Department of Justice. (Pen. Code, § 290, subd. (e)(2)(C).)⁷ (*Reimbursement period begins October 8, 1997.*)

² As amended by Statutes 1997, chapter 821, an urgency statute effective October 8, 1997.

³ As added by Statutes 1998, chapter 929.

⁴ As added by Statutes 1997, chapter 821.

⁵ As added by Statutes 1997, chapter 821.

⁶ As added and amended by Statutes 1997, chapter 821.

⁷ As added and amended by Statutes 1997, chapter 821.

9. Verify that the convicted sex offender has adequate proof of residence, as determined by the Department of Justice; proof of residence is currently limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents, or any other information that the registering official believes is reliable. If the offender does not have a residence, and no reasonable expectation of obtaining a residence in the foreseeable future, then the local law enforcement agency shall obtain a statement to that effect from the sex offender. (Pen. Code, § 290, subd. (e)(2)(E).)⁸ (*Reimbursement period begins January 1, 1999.*)
10. Provide high-risk sex offenders a printed form from the Department of Justice regarding reevaluation in order to be removed from the high-risk classification. (Pen. Code, § 290, subd. (n)(1)(G)(ii).)⁹ (*Reimbursement period begins September 25, 1996.*)
11. Maintain such photographs and statistical information concerning high-risk sex offenders as is received quarterly from the Department of Justice. (Pen. Code, § 290, subd. (n)(2).)¹⁰ (*Reimbursement period begins September 25, 1996.*)
12. For sheriff's departments in each county, municipal police departments of cities with a population of more than 200,000, and police departments or community college districts, to provide the necessary equipment, and staff assistance for the public to access the sex offender information provided by the Department of Justice on CD-ROM or other electronic medium, and to obtain information from individuals requesting access to the CD-ROM as required by the Department of Justice. (Pen. Code, § 290.4, subd. (a)(4)(A).)¹¹ (*Reimbursement period: September 25, 1996 through December 31, 2003.*)
13. Maintain records of those persons requesting access to the information contained within the CD-ROM or other electronic medium for a minimum of five years, and costs of destruction of such records at the end of such time. Additionally, a record of the means and dates of dissemination of information regarding high-risk offenders must be maintained for a minimum of five years, and costs of destruction at the end of such time. (Pen. Code, § 290, subd. (o).)¹² (*Reimbursement period begins October 8, 1997.*)

⁸ As added by Statutes 1998, chapters 928 and 929.

⁹ As added by Statutes 1996, chapter 908, an urgency statute effective September 25, 1996.

¹⁰ As added by Statutes 1996, chapter 908.

¹¹ As added by Statutes 1996, chapter 908. Penal Code section 290.4 contains a sunset provision wherein it is only operative until January 1, 2004.

¹² As amended by Statutes 1997, chapter 821.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	# of Community College District (CCD) Claims Filed with the SCO	Amount Claimed by CCDs	# of City/County Claims Filed with the SCO	Amount Claimed by Cities/Counties	Combined Claim Totals
1996-97	0	0	108	\$1,184,009	\$1,184,009
1997-98	0	0	169	\$3,400,076	\$3,400,076
1998-99	0	0	193	\$3,532,179	\$3,532,179
1999-00	0	0	202	\$4,675,008	\$4,675,008
2000-01	0	0	206	\$5,084,985	\$5,084,985
2001-02	1	\$2,097	185	\$4,818,381	\$4,820,478
2002-03 (2.2%) ¹³	n/a	\$2,143	n/a	\$4,924,385	\$4,926,528
2003-04 (3.2%) ¹⁴	n/a	\$2,212	n/a	\$5,081,965	\$5,084,177
Subtotals		\$6,452		\$32,700,988	
Total					\$32,707,440
Statewide Cost Estimate Total (Rounded)					\$32,707,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$32,707,440 has been rounded to \$32,707,000.

¹³ Implicit Price Deflator as forecast by Department of Finance.

¹⁴ *Ibid.*