



California Sex Offender Management Board

9838 Old Placerville Road, Sacramento, CA 95827
Telephone: (279) 223-2600 Web: www.casomb.org

May 15, 2025

Senator Susan Rubio
State Capitol Office
1021 O Street, Suite 8710
Sacramento, CA 95814

RE: Senate Bill 680 Sex offender registration: unlawful sexual intercourse with a minor

Dear Senator Rubio and the Members of the Senate Committees on Appropriations and Public Safety,

The California Sex Offender Management Board (CASOMB) has been following Senate Bill (SB) 680 and has determined that current law already addresses this issue. This bill will not enhance public safety, and it will create a significant financial burden to the state and local law enforcement agencies.

CASOMB approaches its legislative mandates by harnessing the strengths of its members, made up of dedicated subject matter experts representing various sectors of the criminal justice system, treatment and intervention services, and advocacy groups.

Passing this bill would be an incredible cost to the state of California and local law enforcement agencies with no improvement to public safety. By law, this bill must be retroactive. Pursuant to California Penal Code Section 290.023, "The registration provisions of the Act are applicable to every person described in the Act, without regard to when his or her crime or crimes were committed or his or her duty to register pursuant to the Act arose, and to every offense described in the Act, regardless of when it was committed." This bill requires state mandated reimbursement to all agencies for the addition of these low to no-risk offenders to the registry as well as the cost of their annual registration and supervision. Reimbursement would have to be made to the district attorneys, city attorneys, public defenders, police and probation departments which supervise 290 registrants, as well as treatment providers who provide state mandated services.

Due to the language in California Penal Code Section 261.5 and the variances in charging and plea deals throughout the state, it would be next to impossible to identify those that would now be required to register. It would require a hands-on examination of every case to determine if it met the requirements of the bill, which includes a 10-year age difference. The California Department of Justice's registry does not capture this age difference, hence

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individual review of case files would be necessary. Additionally, most defendants would likely seek a court hearing to oppose their addition to the registry. Pursuant to Johnson v. Department of Justice (60 Cal. 4th 871, 341 P.3d 1075), if a defendant has “detrimentally relied” on not having to register, they cannot be ordered to register. The standard for “detrimental reliance” was left so vague by the court that this may result in countless expensive court hearings. It is possible that the passage of this bill would add tens of thousands of registrants to the registry, all of whom would then be required to complete annual registration with their local law enforcement agency. It is imperative that the Appropriations Committee obtain a reliable estimate of these potential registrants.

Current law requires mandatory lifetime registration for a violation of 288 (c)(1) which is unlawful intercourse with a 14 or 15-year-old with a 10-year age difference. The California Sex Offender Registration Act in PC 290.006 already grants the authority for the prosecutor and judge to order discretionary registration on a case-by-case basis for unlawful sex with a minor (PC 261.5) in appropriate cases.

This bill would primarily affect cases where the victim was 16 or over. California is in a small minority of states that have an age of consent at 18, with no exceptions. California is already prosecuting individuals who have sexual relations with minors under the age of 18. Most of these offenders will receive supervision on probation.

There is no scientific evidence that ordering sex offender registration for persons convicted of unlawful sexual intercourse with a minor would increase public safety. On the contrary, ordering a younger adult to register may increase their chances of re-offense due to housing, education, and familial instability. Many of those who will now be ordered to register would have committed their offenses in their 20's. With the retroactive registry this would upend an individual's life in many ways, even if they have been living crime free for the last 30 years.

On January 21, 2021, SB 384 went into effect, which created a tiered system of registration. This bill signaled the first major reform of California's antiquated Sex Offender Registration Act which was created in 1947. The bill sought to remove individuals from the registry who did not pose a risk of re-offense. Furthermore, the bill sought to lessen the burden on public safety and law enforcement resources. SB 680 would undermine the significant progress that California has made in catching up with the rest of the states and the Federal government in its approach to sex offender registration.



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In summary, CASOMB is in opposition to SB 680 because there is no evidence that this act will increase public safety. The court already possesses the authority to order registration on a case-by-case basis. Additionally, it will also divert costly resources that could be used to monitor higher risk offenders, thus making the community less safe.

Sincerely,

The Members of the California Sex Offender Management Board