



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368  
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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

MARTIN HOSHINO  
*Administrative Director*

CORY T. JASPERSON  
*Director, Governmental Affairs*

September 8, 2017

Hon. Reginald B. Jones-Sawyer, Sr., Chair  
Assembly Public Safety Committee  
State Capitol, Room 2117  
Sacramento, California 95814

Subject: Senate Bill 384 (Wiener), as amended September 7, 2017 – Support, if funded  
Hearing: Assembly Public Safety Committee – September 11, 2017

Dear Assembly Member Jones-Sawyer:

The Judicial Council supports SB 384, if funded, which establishes three tiers of registration for sex offenders based on specified criteria for two mandated minimum periods of registration of at least 10 years, and at least 20 years, and maintains lifetime registration, as specified. Among other things, SB 384 establishes new court procedures by: (1) permitting a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period and providing that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion; and (2) by permitting a tier three offender who meets specified criteria to petition the court for placement into tier two.

The Judicial Council supports SB 384, if funded, because it enhances judicial discretion by requiring a person to register as a tier one offender unless the court finds the person should register as a tier two or tier three offender and states on the record the reasons for its finding. Similarly, if a petition to terminate registration of a tier one or two tier offender is filed with the court, the prosecution may request a hearing at which the prosecution may “present evidence

regarding whether community safety would be significantly enhanced by requiring continued registration” and SB 384 grants courts discretion to consider specified factors in determining whether to order continued registration. Finally, with regard to petitions for termination of tier two registration and a petition for reclassification from tier three to tier two registration, the court must make additional findings relating to public safety.

With regard to funding, there is no question that passage of SB 384 would have some impact on court operations. According to data supplied to Judicial Council by California Department of Justice (DOJ), there were 106,872 people on California’s Sex Offender Registry as of July, 2017. The council estimates that an average of 4,000 individuals would, based on annual registration numbers, become eligible to petition the courts each year to terminate registration, starting on the January 1, 2021 operative date of the bill. This represents the number of new registrations each year, and takes into account that a small percentage (estimated at 8 percent) will be lifetime registrants, and includes some number of registrants from prior years whose petitions were denied. SB 384 allows an individual whose petition has been denied to re-petition the court within one to five years at the discretion of the judicial officer who issues an order denying termination of registration.

The Judicial Council cannot predict how many of the eligible 3,000 to 5,000 registrants each year will petition the courts for release from registration. Nor can we anticipate how many petitions will result in an evidentiary hearing requested by the district attorney. By way of example, if 25 percent of the eligible registrants file petitions in the first year that they are permitted to be filed, approximately 1,000 petitions would be filed statewide. Of those, some portion will be summarily granted in the absence of opposition from the prosecution, while others will require hearings. Based on the average cost to California’s trial courts of \$876 per hour including the wages of the judicial officer, court clerks and support staff, office equipment, and operations, below are presented some estimates that illustrate the potential court costs associated with the implementation of SB 421.

Number of petitions filed	No hearing (5 minutes of court time at \$73)	One-hour hearing at a cost of \$876
400 (10%)	\$29,200	\$350,400
1,000 (25%)	\$73,000	\$876,000
1,600 (40%)	\$116,800	\$1,401,600

Hon. Reginald B. Jones-Sawyer, Sr.  
September 8, 2017  
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For these reasons, the Judicial Council supports SB 384, if funded.

Should you have any questions or require additional information, please contact Sharon Reilly at 916-323-3121.

Sincerely,

*Mailed on September 8, 2017*

Cory T. Jasperson  
Director, Governmental Affairs

CTJ/SR/yc-s

cc: Members, Assembly Public Safety Committee  
Hon. Scott Wiener, Member of the Assembly  
Mr. Dan Felizzatto, Deputy District Attorney, Los Angeles County District Attorney's Office  
Ms. Nancy O'Malley, Chair, California Sex Offender Management Board  
Ms. Sandra Henriquez, M.B.A., Executive Director, California Coalition Against Sexual Assault, and Equality California  
Ms. Cheryl Anderson, Counsel, Assembly Public Safety Committee  
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy  
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON  
*Director, Governmental Affairs*

September 20, 2017

Hon. Edmund G. Brown, Jr.  
Governor of California  
State Capitol, First Floor  
Sacramento, California 95814

Subject: Senate Bill 384 (Wiener) – Support, if funded

Dear Governor Brown:

The Judicial Council supports SB 384, if funded, to establish three tiers of registration for sex offenders based on specified criteria for two mandated minimum periods of registration of at least 10 years, and at least 20 years, and maintains lifetime registration, as specified. Among other things, SB 384 establishes new court procedures by: (1) permitting a tier one or tier two offender to file a petition at the expiration of his or her minimum registration period and providing that the district attorney may request a hearing on the petition on the basis that the petitioner has not fulfilled the requirements of successful tier completion; and (2) by permitting a tier three offender who meets specified criteria to petition the court for placement into tier two.

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whether to order continued registration. Finally, with regard to petitions for termination of tier two registration and a petition for reclassification from tier three to tier two registration, the court must make additional findings relating to public safety.

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Sincerely,

*Mailed on September 20, 2017*

Cory T. Jaspersen  
Director, Governmental Affairs

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