

Cities modify Jessica's Law even as court mulls validity

By Tony Manolatos
STAFF WRITER

March 23, 2008

As the state Supreme Court considers the validity of California's sex-offender statute, known as Jessica's Law, San Diego and other cities are passing tougher versions of it.

Jessica's Law says registered sex offenders can't live within 2,000 feet of a school or park where children gather. This month, the San Diego City Council and Mayor Jerry Sanders approved an ordinance that adopts the residency restriction and adds another limitation.

Under the city ordinance, registered sex offenders can't be within 300 feet of an amusement center, arcade, day care facility, library, playground, park or school.

The residency restriction applies to sex offenders convicted of crimes after the ordinance was signed, but the 300-foot rule covers all registered sex offenders.

Similar measures have been approved in National City, La Mesa and Santee.

Jessica's Law was designed to punish sex offenders and reduce repeat offenses, but new evidence suggests that the residency restrictions are pushing more sex offenders onto the streets without reducing recidivism.

The Supreme Court is considering whether Jessica's Law violates parolees' constitutional rights. The measure was approved overwhelmingly by California voters as Proposition 83 in 2006.

The law allows cities to enact ordinances that further restrict registered sex offenders.

San Diego County's probation director, Mack Jenkins, said he's waiting on the Supreme Court's decision before forcing people from their homes. County attorneys advised Jenkins to wait.

Although parole officials have forced parolees to move because of Jessica's Law, probation officials throughout California decided to wait on the court.

"We've advised the probationers that they would be subject to Jessica's Law, but we haven't forced them to move, and we would do the same with the city's ordinance," Jenkins said.

But he said the county could revoke probation for any sex offender caught loitering near parks and other places in cities that no longer allow that.

City officials were taken aback by the county's stance.

"If the council passes the law, and the mayor signs it, the law should be enforced," Councilman Tony Young said. "We need to be firm with individuals who hurt our children."

City Attorney Michael Aguirre, who hosted a community forum Wednesday to discuss the new Child Protection Act, said it would help keep sex offenders from preying on children.

Police Chief William Lansdowne, who pointed out that his department already aggressively tracks sex offenders, said he has always had reservations about enforcing a law the state Supreme Court could overturn.

Lansdowne initially decided to wait for the court's ruling before enforcing the new ordinance. He thought his legal adviser, Deputy City Attorney Mary Nuesca, also favored taking a wait-and-see approach. But after talking to her and the Mayor's Office, he said his officers would enforce the measure.

"We'll modify it if the Supreme Court makes a decision that changes the law," Lansdowne said.

Versions of Jessica's Law – named after a young Florida girl who was raped and murdered by a convicted sex offender in 2005 – have been approved in 42 states.

Since enforcement in California began, 607 sex offenders have declared themselves homeless – a fourfold increase, according to the state. In San Diego, the number of registered transient sex offenders increased 40 percent, police said.

The 1,886 registered sex offenders in the city are among the 3,931 in the county, including violent child molesters, people convicted as juveniles and individuals busted for indecent exposure. All are required to update their addresses with local law enforcement for the rest of their lives.

Homeless sex offenders have to register once a month; all others have to register once a year or whenever they move. Names, addresses and pictures of most registrants are posted on a national database: meganslaw.ca.gov.

Beth Sullivan would like to open her home to a 59-year-old registered sex offender she befriended six years ago, but he can't move in because she lives near a San Diego park. He was convicted of raping a woman 33 years ago. He served time in prison last year for an unrelated offense, so he is on parole. He sleeps on the porch of his parole office.

"I'm not partial to sex offenders," said Sullivan, 39. "But do we really want sex offenders sleeping on porches and behind bushes?"

Sullivan's friend asked to remain anonymous.

"They're not making it easy for me to have a home," he said. "My 1975 conviction had nothing to do with children, but there's very few places in the city where I can live and be in compliance."

The residency restrictions carry a risk, said Jenkins, the county probation chief.

"We don't want them to go underground, to become transient, which is the risk, because it's harder to monitor them, harder to hold them accountable and harder to rehabilitate them," Jenkins said.

A report issued last month by the state's Sex Offender Management Board said many offenders have been forced to live away from relatives who could help stabilize their lives.

The board, created by the Legislature, pointed out in its report that the public strongly supports the residency restrictions, but there is no evidence that the limits reduce recidivism.

The report also said no one at the state level is tracking variations that cities are making to Jessica's Law.

■Staff writer Bill Ainsworth contributed to this report.

Tony Manolatos: (619) 542-4559; tony.manolatos@uniontrib.com

[»Next Story»](#)

Find this article at:

http://www.signonsandiego.com/uniontrib/20080323/news_1m23offend.html

Check the box to include the list of links referenced in the article.

© Copyright 2007 Union-Tribune Publishing Co. ? A Copley Newspaper Site