

ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS
1215 K. Street, 17th Floor
Sacramento, CA 95814
www.all4consolaws.org
(818) 305-5984

March 23, 2017

The Honorable Ben Allen
Chairman, Senate Education Committee
State Capitol, Room 2083
Sacramento, CA 95814

Re: Senate Bill 26 – Opposed without Amendments – Hearing on March 29

Dear Chairman Allen and Committee Members:

The Alliance for Constitutional Sex Offense Law (ACSOL) requests your strong opposition to Senate Bill 26 (SB 26), as amended on March 20, 2017. For the reasons stated in our previous letter, ACSOL opposed the original version of SB 26 because it would have prevented registered citizens (“sex offenders”) from exercising numerous rights protected by California law and the U.S. Constitution. This was particularly true for parents who seek access to the grounds of their own child’s school for reasons such as directing their child’s education, and participating in important milestones such as graduation ceremonies and sporting events. We appreciate that the author of the bill has amended the original bill; however, the bill as amended remains inconsistent with existing law.

First, the amended bill would banish registered citizens who are the parents of schoolchildren from the grounds of their child’s school when pupils are present, unless they are “supervised by a school official.” Supervised visitation is a burdensome and impractical requirement that would chill the exercise of these important rights, particularly if a school’s “supervision” is onerous, conspicuous, and likely to draw negative attention to the parent and/or his child. Mandating supervised visits is also unnecessary and would tax school resources that are better devoted elsewhere. Notably, California’s School Access Law, which governs visits to schools by a non-parent, does not mandate supervised visits. Rather, non-parents need only check in at the front office before entering campus. (See Penal Code section 627.2.) As currently amended, SB 26 would treat the parents of schoolchildren more harshly than it would non-parents, even those who recently committed serious crimes.

Second, the amended bill is inconsistent with laws that provide all individuals, particularly parents, with the right to access school grounds for specific purposes. Specifically, California Education Code sections 51101 and 49091.10 establish the right of parents to meet with their child’s teachers, volunteer on campus, provide assistance in the classroom, and participate as a member of committees. The provision of the bill that would allow parents on campus solely “for purposes that relate to his or her right to make educational decisions for his or her child” is not consistent with these and other provisions of law. Additionally, the bill does not specify that registered citizens are permitted to participate in church worship and protected speech activity, to attend events open to the public, and to deliver products and other professional services to the school during school hours.

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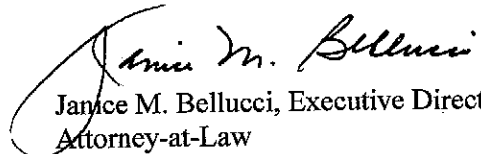
Third, in order to achieve consistency with related statutes, the provision of the amended bill that prevents registered citizens from accessing schools unless "pupils are not present" should be amended to include the phrase "during school hours." The School Crimes Law and School Access Law uses the phrase "during school hours" to indicate that certain provisions apply during the school day, and not to other times such as evenings and weekends. (See Penal Code sections 627.2, 626(c)(2).)

Finally, the amended bill is overbroad in several respects. For example, the bill would apply to registered citizens who are students in California schools, and to those whose offenses were committed when they were minors. The bill would also apply to individuals whose offenses are not reasonably related to school safety, such as those convicted of misdemeanor offenses or offenses against adults.

Additionally, the provision of the bill that categorically excludes parents who are registered for one of twelve specified offenses is based upon the myth that registered citizens pose a current danger to school children when on campus. The fact is that very few registered citizens commit a second offense, and there are no known examples of a registered citizen entering school grounds to harm a child. In fact, according to the California Department of Corrections and Rehabilitation, the rate of re-offense for registered citizens on parole is less than one percent. Their rate of re-offense over a lifetime is 5.3 percent, according to the U.S. Department of Justice. And if a registered citizen has not re-offended in a period of 17 years, he is extremely unlikely to re-offend, according to Dr. Karl Hansen, who has conducted research on this topic for decades.

For the reasons stated above, ACSOL requests that you oppose Senate Bill 26, as amended. We are available to answer any questions you or your staff may have.

Sincerely,


Janice M. Bellucci, Executive Director
Attorney-at-Law