

ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS
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January 18, 2022

Assemblymember Akilah Weber
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0079

Dear Assemblymember Weber:

The purpose of this letter is to state our strong opposition to Assembly Bill 1636 which was introduced on January 12, 2022. As currently written, that bill would violate the rights of individuals who are currently required to or have been previously required to register due to a conviction that requires registration pursuant to Penal Code Section 290.

It appears that the basis of this legislation is the myth that everyone convicted of a sex offense, regardless of how long ago the offense took place, poses a current danger to society. This myth has been debunked by studies and reports issued by academia as well as by government organizations including the CA Department of Corrections and Rehabilitation and the CA Sex Offender Management Board. A partial list of studies and reports can be found below.

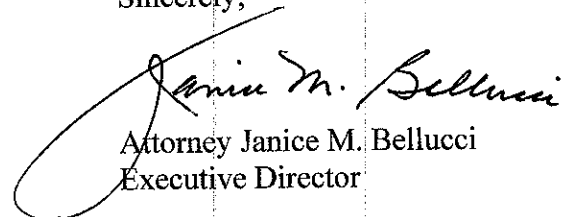
- California Sex Offender Management Board (CASOMB) A Better Path to Community Safety: Sex Offender Registration in California – Tiering Background Paper (2014), at p. 2 & fn. 2.
- California Department of Corrections and Rehabilitation (CDCR) Outcome Evaluation Report, Office of Research (2016) at p. 31.
- Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K., Rape in America: A Report to the Nation. (Arlington, VA: National Victim Center, 1992).
- Ira Mark Ellman, When Animus Matters and Sex Crime Underreporting Does Not: The Problematic Sex Offender Registry, 7 U. Penn. J. L. & Pub. Affairs 1, 14 & fn. 68 (2021). 3
- CASOMB, “What You May Not Know About California’s Sex Offender Registry” [Video] (2020), www.casomb.org | <https://www.youtube.com/watch?v=aKe1KjzKSCI&t=105s>.
- R. Karl Hanson, Andrew J. R. Harris, Elizabeth Letourneau & L. Maaike Helmus, Reductions in Risk Based on Time Offense-Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender, 24 Psych. Pub. Policy L. 48, 57 (2018).
- R. Karl Hanson, et al., High-Risk Sex Offenders May Not Be High Risk Forever, 29 J. Interpersonal Violence 2792, 2793 (2014).

- Ira Mark Ellman & Tara Ellman, "Frightening and High": The Supreme Court's Crucial Mistake About Sex Crime Statistics, 30 Constitutional Commentary 495, 500-505 (2015).
- U.S. Dept. of Justice, Bureau of Justice Statistics, Recidivism of Sex Offenders Released from Prison in 1994 (2003), at pp. 25-26.
- Sex Offender Registries: Fear Without Function?, 54 J.L. & Econ. 207, 235 (2011).
- CASOMB, Sex Offender Treatment Program Certification Requirements, at p. 1 ("And there is strong evidence that sex offender treatment, when provided correctly, significantly reduces the risk of future sexual victimizations.").
- Emily Horowitz, Protecting Our Kids? How Sex Offender Laws Are Failing Us 71 (2015).

Also as currently written, AB 1636 would apply to individuals whose requirement to register has been terminated by the courts under the newly effective Tiered Registry Law (formerly SB 384). As such, the bill is inconsistent with legislation previously passed by both the Assembly and the Senate as well as signed into law by then Governor Jerry Brown.

For the reasons stated above, the Alliance for Constitutional Sex Offense Laws, a non-profit organization dedicated to protecting the constitution, strongly opposes AB 1636. I am available to provide you or your staff with additional information upon request.

Sincerely,



Attorney Janice M. Bellucci
Executive Director