

ALLIANCE FOR CONSTITUTIONAL SEX OFFENSE LAWS
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September 5, 2023

Via email and priority mail

Attorney General Rob Bonta
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Dear Attorney General Bonta:

The purpose of this letter is to demand the immediate suspension of the publication of all profiles on the California Megan's Law website that lack a date of conviction and release as required by Penal Code section 290.46(a)(2)(A). DOJ's current operation and maintenance of that website without that information is both in violation of state law and grossly negligent in that the website places at great risk the lives of thousand of residents of the state of California who are required to register pursuant to Penal Code Section 290.

In addition, DOJ's current operation and maintenance of that website violate a settlement agreement reached by DOJ and this organization in August 2016. That settlement was reached after DOJ was sued by the California Reform Sex Offender Laws (CA RSOL), the original name for the current Alliance for Constitutional Sex Offense Laws, for the same reasons addressed in this letter. That lawsuit was filed by CA RSOL in Los Angeles Superior Court, Case No. BS158746, on November 10, 2015.

As of this date, it is estimated that more than 30 percent of all profiles on the California Megan's Law website are incomplete and/or incorrect because they lack the corresponding date of conviction and release. One of those profiles is the profile of Willie Henderson, who was convicted in 1977 and released in 1982. Mr. Henderson currently resides in Los Angeles County.

The incomplete profiles referenced above, including the profile of Mr. Henderson, include a statement that "The Department of Justice has no information about a subsequent felony incarceration for this registrant." The lack of information regarding year of conviction and year of release combined with an individual's current photo leads those who view an individual's profile to an often-incorrect presumption that the individual recently committed the offense listed on his/her profile.

The California Department of Justice is required by California Penal Code Section 290.46(a)(2)(A) on or before July 10, 2010, to include on everyone's profile the following information: (1) the year of the individual's conviction, (2) the year of the individual's release from incarceration of that offense and (3) a statement regarding whether the individual was subsequently incarcerated for any other felony. More than 12 years after that deadline, the

California Department of Justice has failed to meet those requirements and therefore is currently in violation of that state law.

The existence of incomplete and/or incorrect profiles on the California Megan's Law website is compounded by the fact that registrants are not allowed to view their profiles on that website. Due to that restriction, registrants are often unaware of the mistakes on their profile. When registrants learn of the mistakes on their profiles from others, they are required to follow a costly, multi-step process which includes obtaining a Live Scan report for which they are charged a price of at least \$50. Because many registrants are unemployed or underemployed, they are unable to pay that fee and therefore they are unsuccessful in their requests to correct their profiles. As a result, they are exposed to significant harm including physical harm.

For the reasons stated above, the Alliance for Constitutional Sex Offense Laws (ACSOL), a statewide non-profit advocacy organization that represents more than 100,000 registrants in California, hereby demands that DOJ's publication of non-compliant MLW profiles be immediately suspended until those profiles are corrected in accordance with state law. If that demand is not met by September 30, 2023, ACSOL and its members may pursue all available legal remedies. ACSOL is available to discuss this important matter with you and/or your staff upon your request.

Sincerely,



Attorney Janice M. Bellucci
Executive Director