
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

SB 680 (Rubio) - Sex offender registration: unlawful sexual intercourse with a minor

Version: February 21, 2025
Urgency: No
Hearing Date: May 23, 2025

Policy Vote: PUB. S. 4 - 1
Mandate: Yes
Consultant: Liah Burnley

Bill Summary: SB 680 requires sex offender registration for engaging in an act of unlawful sexual intercourse with a minor, as specified

***** **ANALYSIS ADDENDUM – SUSPENSE FILE** *****

**The following information is revised to reflect amendments
adopted by the committee on May 23, 2025**

Fiscal Impact:

- **Department of Justice (DOJ):** Unknown, potentially significant costs (General Fund) to the DOJ to handle increased workload resulting from additional sex offender registrations in its Division of California Justice Information Services and Bureau of Criminal Information and Analysis. DOJ would be responsible for, among other duties, processing requests for offender information from law enforcement agencies, processing registration documents and termination requests, updating offenders' criminal history records, and handling related record management and programming. This includes processing requests for offender information received from law enforcement and other criminal justice agencies to aid in the prosecution of offenders who have failed to register as required by law.
- **Supervision:** Likely non-reimbursable costs (local funds) of an unknown but potentially significant amount to local law enforcement agencies to fulfill sex offender registration requirements and provide supervision for people required to register under this bill. According to the DOJ, there are over 120,000 individuals currently on the sex offender registry monitored by local law enforcement. Although these duties are mandated by the state, the Commission on State Mandates has previously denied reimbursement for law enforcement duties relating to new sex offender registration requirements. The Commission determined that since the penalty for failure to register is a crime, a statute that adds a new registration requirement creates a new crime and therefore state reimbursement is not required. (See Staff Comments)
- **Incarceration:** Costs (General Fund, local funds) of an unknown but significant amount to the California Department of Corrections and Rehabilitation (CDCR) and the counties to incarcerate people convicted of failure to register as required by this bill. Failure to register is charged as a misdemeanor or a felony depending on the underlying conviction, and is punishable by a term in county jail or in state prison. Actual incarceration costs will depend on the number of convictions, the length of

each sentence, and whether each sentence must be served in county jail or state prison.

The average annual cost to incarcerate one person in county jail is approximately \$77,252 per year. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from 2011 public safety realignment.

According to CDCR data, 469 people were admitted to prison in 2023 with the primary offense of felony failure to register as a sex offender. The Governor's budget estimates that Proposition 36 (2024), which increased punishment for various theft and drug crimes, will cause the average daily prison population to be about 1% higher in 2024-25 and 4% higher in 2025-26. The Legislative Analyst's Office (LAO) estimates the average annual cost to incarcerate one person in state prison is \$133,000. By way of illustration: if 20 people are convicted of failure to register following a statutory rape conviction and each must serve 16 months in prison, the resulting cost from this bill to CDCR would be over \$3.5 million. Given the prevalence of mental illness among incarcerated people, legislation that sends more people to state prison adds significant costs to CDCR for the delivery of mental health care. About one-third of the prison population has a diagnosed mental health need. The annual cost of operating a mental health crisis bed at CDCR is around \$400,000. As part of the ongoing Coleman court case, CDCR has been incurring fines monthly since April 2023 for failing to reduce vacancy rates for five mental health classifications. The state has paid over \$200 million in fines to date, and is still accruing fines.

- Department of State Hospitals:** Unknown, significant costs (General Fund) to the DSH, in order to adequately house, treat, and care for an expanded population of persons that could be committed to DSH that otherwise would not. Cost pressures to DSH are connected with an increase in state prison sentences. Expanding the crimes that require sex offender registration will increase the number of defendants committed to DSH. DSH, in conjunction with CDCR, developed new methodologies to increase *Coleman* referrals from CDCR to DSH. In recent years, California has invested significantly in attempting to decrease its population. DSH's proposed budget for fiscal year 2025-26 totals \$3.4 billion – an increase of \$3.4 million from the 2024 Budget Act. This bill could increase both the Incompetent to Stand Trial (IST) population and Sexually Violent Predator (SVP) population, resulting in the need for additional funding.

According to data from CDCR 3,443 individuals were released from prison in 2024 who are required to register as a sex offender. Increasing the number of individuals who have to register as a sex offender is a cost pressure for both the state and counties for the administrative maintenance of registry and notification. Local police departments and sheriff's offices are charged with managing the registration process. Registered sex offenders must re-register annually on their birthdays as well as every time they have a change of address. Transient sex offenders re-register every 30 days. Registration

information collected by law enforcement is sent to the DOJ and stored in the statewide registry.

Based on a survey of several municipal law enforcement agencies in California, it is estimated that local law enforcement agencies spend between 60-66% of their resources dedicated for sex offender supervision on monthly or annual registration paperwork because of the large numbers of registered sex offenders on our registry.¹ Law enforcement cannot protect the community effectively when they are in the office doing monthly or annual paperwork for low risk offenders, when they could be out in the community monitoring high-risk offenders. The public is overwhelmed by the number of offenders displayed online in each neighborhood and do not know which offenders are considered low risk and which offenders are considered high risk and therefore truly dangerous. The California Sex Offender Management Board recommends removing low risk offenders from the registry in order to free up law enforcement officers to monitor the high-risk offenders living in our communities. Considering that courts already have discretion to order a person to register for this offense under existing law, if it is so warranted, this bill would increase cost pressures without the attendant benefit to public safety.

Author Amendments: Clarify that the bill is not retroactive.

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¹ See, California Sex Offender Management Board's 2010 Recommendations Report. https://casomb.org/docs/CASOMB%20Report%20Jan%202010_Final%20Report.pdf (Jan. 2010), p. 50; Sen. Com. on Public Safety, Analysis of Senate Bill No. 421 (2017-18 Reg. Sess.) as amended Apr. 17, 2017, p. 9.; and Justice Policy Institute, [Registries and notification have not been proven to protect communities from sexual offenses, and may even distract from more effective approaches. https://www.nij.org/uploads/digital-library/resource_840.pdf.)]