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Jennifer L. Cecil

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Sex Offenders: No More Escaping Registration

Jennifer L. Cecil

Code Section Affected

Penal Code § 290 (amended).

AB 2395 (Correa); 2004 Stat. ch. 761.

I. INTRODUCTION

Parents and other concerned citizens worry about anonymous sex offenders living in their neighborhoods.¹ While a protective parent cannot control where a sex offender lives,² one can discover if a suspected individual is a registered sex offender.³ Despite privacy concerns⁴ and the fact that sex offenders have already received punishment for their crimes, California and all other states require

1. See, e.g., PARENT'S FOR MEGAN'S LAW, ABOUT US, at <http://www.parentsformeganslaw.com/html/about.lasso> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*) (stating that the organization is a victim's rights group "dedicated to the prevention and treatment of childhood sexual abuse" and committed to "rais[ing] awareness about the public's rights for information under Megan's Law"). The California Attorney General's Office explains:

Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who had moved across the street from the family without their knowledge. In the wake of the tragedy, the Kanka's sought to have local communities warned about sex offenders in the area. Now, California's Megan's Law arms the public with certain information on the whereabouts of dangerous sex offenders so that members of our local communities may protect themselves and their children. The law also authorizes local law enforcement to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community.

OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA DEPARTMENT OF JUSTICE, REGISTERED SEX OFFENDERS (MEGAN'S LAW), at <http://caag.state.ca.us/megan/> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*); see also *infra* note 2 (noting the efforts of parents to keep sex offenders out of their neighborhoods).

2. While this is true, it does not stop parents from finding ways to force registered sex offenders out of their neighborhoods. See, e.g., Scott Martelle, *Claim Says Convicted Molester's Rights Violated*, L.A. TIMES, Mar. 22, 1997, at A12 (reporting that after neighbors protested a convicted sex offender's presence in the community, his landlord evicted him); Michael Coronado, *Sex Offender Moved After Protests: Norco Residents Cheer When Told He Has Been Taken Out of the County*, THE PRESS-ENTERPRISE (Riverside County), Oct. 5, 2000, at B04 (noting neighbors' harassment and protests against a convicted sex offender residing in their community); Leslie Parrilla, *Protests Continue over Child Molester*, VENTURA COUNTY STAR, Sept. 13, 2001, at B04 (describing parents' protest against sex offender living near a school); Melissa Pinion-Whitt, *Molester Sparks Protests; Sex Offender Moves into La Verne Neighborhood*, PASADENA STAR-NEWS, Feb. 27, 2002, Local News (detailing the organized protests led by parents against a sex offender living in their neighborhood).

3. OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA DEPARTMENT OF JUSTICE, HOW TO OBTAIN INFORMATION, at <http://caag.state.ca.us/megan/homepage.htm> [hereinafter ATTORNEY GENERAL INFORMATION] (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*) (explaining that information about "high risk" or "serious" sex offenders is available for a fee by dialing a "900" number, or for free using the Megan's Law Web Application and finding the nearest viewing station).

4. See Chrisandrea L. Turner, Note, *Convicted Sex Offenders v. Our Children: Whose Interests Deserve the Greater Protection?*, 86 KY. L.J. 477, 479-80 (1998) (noting that convicted sex offenders contend that providing public access to their personal information violates their right to privacy, and providing a detailed analysis regarding the merits of such an argument).

certain sex offenders to register with local law enforcement⁵ and make much of their personal information available to the public.⁶ Rationalized in part by the belief that sex offenders recidivate at a notoriously high rate,⁷ federal law actually provides financial incentives to states that demand certain sex offenders register.⁸

Registerable sex offenses vary among the states,⁹ as do their respective elements.¹⁰ Law enforcement must determine the registration requirements for offenders with out-of-state convictions.¹¹ Complications arise, however, when determining the registration requirements for a sex offender who suffered an out-of-state conviction in a state with slightly different registration requirements or with differently worded statutes.¹² Additionally, offenders do not always understand what, if any, duty to register they must honor upon moving to another state.¹³

5. FEDERAL BUREAU OF INVESTIGATION, INVESTIGATIVE PROGRAMS: CRIMES AGAINST CHILDREN—NATIONAL SEX OFFENDER REGISTRY, at <http://www.fbi.gov/hq/cid/cac/registry.htm> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*); see also FEDERAL BUREAU OF INVESTIGATION, INVESTIGATIVE PROGRAMS: CRIMES AGAINST CHILDREN—STATE SEX OFFENDER REGISTRY WEB SITES, at <http://www.fbi.gov/hq/cid/cac/states.htm> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*) (providing links to every state's sex offender registry).

6. See ATTORNEY GENERAL INFORMATION, *supra* note 3 (providing the list of information available regarding registered sex offenders: name and known aliases; age and sex; physical description, including scars, marks and tattoos; photograph, if available; crimes resulting in registration; county of residence; and zip code (based on last registration)).

7. The purpose behind California's sex offender registration law, section 290 of the California Penal Code, "is to assure that persons convicted of the crimes enumerated therein shall be readily available for police surveillance at all times because the Legislature deemed them likely to commit similar offenses in the future." *Wright v. Superior Court*, 63 Cal. Rptr. 2d 322, 325, 936 P.2d 101, 104 (1997) (citation omitted). See also Press Release, Bureau of Justice Statistics, 5 Percent of Sex Offenders Rearrested for Another Sex Crime Within 3 Years of Prison Release (Nov. 16, 2003), at <http://www.ojp.usdoj.gov/bjs/pub/press/rsorp94pr.htm> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*) ("[S]ex offenders were about four times more likely than non-sex offenders to be arrested for another sex crime after their discharge from prison—5.3 percent of sex offenders versus 1.3 percent of non-sex offenders."). For a more comprehensive report on the recidivism rate among convicted sex offenders, see U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF SEX OFFENDERS RELEASED FROM PRISON IN 1994 (Nov. 2003), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/rsorp94.pdf> (last visited Aug. 11, 2004) (on file with the *McGeorge Law Review*).

8. Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 42 U.S.C.A. § 14071 (West 1995 & Supp. 2003). The Act was named after Jacob Wetterling, an eleven-year-old boy from St. Joseph, Minnesota, who was abducted near his home by a masked gunman in 1989. See JACOB WETTERLING FOUNDATION ONLINE, FREQUENTLY ASKED QUESTIONS ABOUT JWF, at <http://www.jwf.org/ReadArticle.asp?articleId=94> (last visited June 25, 2004) (on file with the *McGeorge Law Review*).

9. CENTER FOR SEX OFFENDER MANAGEMENT, SEX OFFENDER REGISTRATION: POLICY OVERVIEW AND COMPREHENSIVE PRACTICES 7 (Oct. 1999), available at www.csom.org/pubs/sexreg.pdf [hereinafter CSOM] (on file with the *McGeorge Law Review*).

10. See Letter from Janet Gaard, Special Assistant Attorney General, California Department of Justice (DOJ), to Lou Correa, Assembly Member and author of Chapter 761 (Apr. 8, 2004) (referring to the difference in elements among sex offense statutes, and noting the Department of Justice's sponsorship of Chapter 761) [hereinafter Gaard Letter] (on file with the *McGeorge Law Review*).

11. CSOM, *supra* note 9, at 7.

12. See *id.* (Out-of-state convictions are among its areas of concern because "[s]ome registerable sex crimes in one state may be different than those in another. This makes it difficult for law enforcement to know which offenders must register when they relocate to another state."); Gaard Letter, *supra* note 10 (explaining that the sex crime statutes of other states do not all employ the same language as those of California).

13. See Michele L. Earl-Hubbard, Comment, *The Child Sex Offender Registration Laws: The*

Prior to the enactment of Chapter 761, minor differences in word choice between a California statute and that of another state allowed some sex offenders to avoid registration.¹⁴ Chapter 761 closes this loophole and changes the standards used for evaluating out-of-state convictions,¹⁵ reiterating California's demonstrated intolerance of sex offenders¹⁶ and confirming that no one should be able to avoid registration. Chapter 761 simply requires that out-of-state sex offenders, absent some exemptions, register in California when the state of conviction requires registration.¹⁷

II. LEGAL BACKGROUND

Since their inception in 1947,¹⁸ and having withstood various constitutional attacks,¹⁹ registration requirements in California continue to blossom. In 1986, for example, the registration requirements were extended to include juvenile

Punishment, Liberty Deprivation, and Unintended Results Associated with the Scarlet Letter Laws of the 1990s, 90 NW. U. L. REV. 788, 791 (1996) (footnotes omitted).

The provisions of the existing state laws vary. The laws all require a former offender to notify a law enforcement entity when he is paroled within the state and takes up residence in that state. In addition, some states require out-of-state offenders to register within a few weeks of moving to the state—many with provisions that require offenders to register if their crimes would have constituted a specified offense if convicted in the new state, even though the conviction constituted a different offense in the former state. Some states require lifelong registration of convicted offenders; others require varying periods of registration based on the number or category of offenses committed. In addition, many of these laws require new registration whenever the offender changes his address.

Id. Offenders might be confused about registration duties when relocating to another state. In California, a registration violation occurs only when the offender has actual knowledge of the duty to register, however, a jury may infer knowledge from notice. *People v. Garcia*, 107 Cal. Rptr. 2d 355, 360, 23 P.3d 590, 594 (2001).

14. See Gaard Letter, *supra* note 10 (explaining the need for Chapter 761).

15. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 1 (Apr. 13, 2004).

16. See *infra* notes 18-31 and accompanying text (discussing the history and expansion of registration requirements for sex offenders).

17. CAL. PENAL CODE § 290 (amended by Chapter 761).

18. CSOM, *supra* note 9, at 1.

19. See, e.g., *People v. Tate*, 164 Cal. App. 3d 133, 210 Cal. Rptr. 117 (1985) (finding that the registration requirement for defendant's molestation offense was not so disproportionate to the offense as to constitute cruel and unusual punishment); *People v. Monroe*, 168 Cal. App. 3d 1205, 215 Cal. Rptr. 51 (1985) (finding that registration requirement for molesting a child did not constitute cruel or unusual punishment); *Byron M. v. City of Whittier*, 46 F. Supp. 2d 1032 (C.D. Cal. 1998) (finding that notification provisions of section 290 of the penal code do not constitute punishment for the purposes of the Ex Post Facto and Double Jeopardy Clauses); *People v. Allen*, 76 Cal. App. 4th 999, 90 Cal. Rptr. 2d 662 (1999) (finding that registration requirements do not constitute punishment for purposes of ex post facto analysis under the federal and California constitutions); *People v. Jones*, 101 Cal. App. 4th 220, 124 Cal. Rptr. 2d 10 (2002) (finding that registration requirements did not violate defendant's right to equal protection); *People v. Mills*, 81 Cal. App. 3d 171, 181, 146 Cal. Rptr. 411, 417 (1978) ("[Plaintiff] also argues [that] the registration requirement deprives him . . . of his right to privacy. This may well be true, but any person who . . . physically molests . . . a seven-year-old child, has waived any right to privacy. . . . The argument is without merit.").

offenders.²⁰ The law further changed to require not only that more sex offenders register, but also that offenders supply more information than originally demanded.²¹ Additionally, providing the public with access to such information significantly broadened the impact of registration requirements,²² and after July 1, 2005 such information will be available online.²³

Existing law requires lifetime registration for sex offenders residing in, located within,²⁴ or attending school or working in California.²⁵ These registration requirements apply to persons convicted in any California, federal, or military court of one of the enumerated offenses in Penal Code section 290(a)(2)(A).²⁶ Furthermore, any person “determined to be a mentally disordered sex offender” or “who has been found not guilty by reason of insanity” for an enumerated offense must register.²⁷

As the first state to enact registration laws,²⁸ and with a staggering list of over 100,000 registered sex offenders,²⁹ California firmly imposes its registration duties. Those who fail to register may be guilty of either a misdemeanor or a felony, and the punishments vary depending on the underlying offense triggering the registration requirement.³⁰ Failure to register can carry a sentence of twenty-

20. OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA DEPARTMENT OF JUSTICE, REPORT TO THE LEGISLATURE: CALIFORNIA SEX OFFENDER INFORMATION—MEGAN’S LAW 3 (July 2003), available at http://www.caag.state.ca.us/megan/pdf/megan_leg_rpt.pdf [hereinafter DOJ] (last visited June 24, 2004) (on file with the *McGeorge Law Review*).

21. See *id.* (referring to changes in California law prompted by the May 1996 enactment of the federal Megan’s Law).

22. See OFFICE OF THE ATTORNEY GENERAL, *supra* note 1 (“[I]nformation on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995. The information available was further expanded by California’s Megan’s Law in 1996.”)

23. CAL. PENAL CODE § 290.46(b)(1) (added by Chapter 745); see also OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA DEPARTMENT OF JUSTICE, REGISTERED SEX OFFENDERS (MEGAN’S LAW) FREQUENTLY ASKED QUESTIONS, at <http://caag.state.ca.us/megan/faq.htm> (last visited June 24, 2004) (on file with the *McGeorge Law Review*) (summarizing past and present legislative efforts to make information available on the Internet).

24. See *People v. North*, 112 Cal. App. 4th 621, 5 Cal. Rptr. 3d 337 (2003) (defining “located” as used in section 290(a)(1)(A) of the California Penal Code).

An offender is “located” in a jurisdiction for purposes of registration when he is present in the jurisdiction on five consecutive working days. He has five working days from the time he first “comes into” a jurisdiction to register as a transient, if he is in the jurisdiction on each of those days.

Id.

25. CAL. PENAL CODE § 290(a)(1)(A) (West 1999).

26. CAL. PENAL CODE § 290(a)(2)(A) (West 1999 & Supp. 2004).

27. CAL. PENAL CODE § 290(a)(2)(C) (West 1999).

28. DOJ, *supra* note 20, at 3.

29. OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA DEPARTMENT OF JUSTICE, SEX OFFENDER REGISTRATION STATISTICS, at http://caag.state.ca.us/megan/pdf/5_04pie2.pdf (on file with the *McGeorge Law Review*).

30. CAL. PENAL CODE § 290(g) (West 1999).

five-years-to-life in prison for those subject to certain provisions of the Three Strikes law.³¹

Under prior law, California residents convicted of out-of-state sex offenses had to register only in two situations. A sex offender had to register “if the court found at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification.”³² Alternatively, the law required registration when the out-of-state conviction “would have been punishable as one or more of the offenses described in [Penal Code section 290(a)(2)(A)].”³³ Because not all statutes use the same language, this provided a loophole for some out-of-state offenders, through which they avoided registration.³⁴ Such evasion occurred even when the state of conviction required registration for the offense.³⁵

Prior to Chapter 761, the process of evaluating out-of-state convictions for the purposes of sex offender registration requirements paralleled the process of evaluating “prior felony convictions” for the purposes of habitual offender provisions,³⁶ such as the Three Strikes law.³⁷ Under the Three Strikes law, a court must examine a prior out-of-state felony conviction to determine if it qualifies as a “strike.”³⁸ To constitute a prior felony conviction for the purposes of such habitual offender provisions, the out-of-state felony must include all of the elements of the felony as defined by California law.³⁹ Similarly, the law required registration of out-of-state sex offense convictions only if the elements of the out-of-state offense corresponded to those of a registerable offense in California.⁴⁰

III. CHAPTER 761

Chapter 761 deletes the requirement of parallelism of elements; the sole issue becomes whether the sister state requires registration for the particular conviction suffered. If so, California law requires registration, subject to certain exemptions.⁴¹

31. See, e.g., *People v. Annin*, 116 Cal. App. 4th 725, 10 Cal. Rptr. 3d 712 (2004) (rejecting appellant’s argument that a sentence of twenty-five years to life for violation of section 290 of the penal code constituted cruel and unusual punishment).

32. CAL. PENAL CODE § 290(a)(2)(D) (West 1999).

33. *Id.*

34. See Gaard Letter, *supra* note 10 (explaining how different language in statutes allowed some sex offenders to avoid registration).

35. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 2 (Apr. 13, 2004).

36. *Id.*

37. CAL. PENAL CODE § 667 (West 1999); CAL. PENAL CODE § 1170 (West 2004).

38. CAL. PENAL CODE § 667.5(a) (West 1999); CAL. PENAL CODE § 1170.12(e)-(i) (West 2004).

39. See e.g. CAL. PENAL CODE § 667.5(c) (West 1999) (pertaining to violent felonies); CAL. PENAL CODE § 1192.7(c) (West 2004) (pertaining to serious felonies).

40. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 2 (Apr. 13, 2004).

41. CAL. PENAL CODE § 290 (amended by Chapter 761).

Chapter 761 amends Penal Code section 290 to close the loophole available under prior law. In a “substantial departure from the well-established procedure for evaluating foreign convictions,”⁴² Chapter 761 requires registration even when the elements of the out-of-state offense do not correspond to those of a registerable California offense.⁴³ Specifically, Chapter 761 provides that “any person who would be required to register while residing in the state of conviction for a sex offense committed in that state” must register as a sex offender while residing in California.⁴⁴

Some states require registration for offenses not registerable in California.⁴⁵ Chapter 761 includes several exemptions to prevent the imposition of a registration requirement that would not otherwise exist had the offenders been convicted in California.⁴⁶ The California Department of Justice (DOJ), which sponsored Chapter 761, offered the following example:

[I]n California, the offense of indecent exposure is registrable only if there was lewd intent, yet other states lack the lewd intent requirement. The amended subdivision . . . except[s] indecent exposure, incest, consensual homosexual sex, and statutory rape unless the out-of-state offense contains all the elements of a registrable California offense.⁴⁷

Unless exempted, all out-of-state sex offenses requiring registration in the state of conviction require registration in California.⁴⁸

Chapter 761 also incorporates the changes to section 290 introduced by two other recent laws.⁴⁹ Chapter 731, “a clean-up measure” amending section 290, serves to “better assist law enforcement officials in tracking the whereabouts of dangerous criminals and helps protect the children of our community.”⁵⁰ It requires offenders who regularly reside at multiple addresses to register all of the addresses, “regardless of the number of days or nights spent there.”⁵¹ Furthermore, in addition to offenders released “from incarceration, placement, [or] commitment,” offenders released on probation must also register.⁵² The new law also requires offenders who plan to change residences, but who do not know their

42. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 4 (Apr. 13, 2004).

43. *Id.* at 2.

44. CAL. PENAL CODE § 290(a)(2)(D) (amended by Chapter 761).

45. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 3 (Apr. 13, 2004).

46. CAL. PENAL CODE § 290(a)(2)(D) (amended by Chapter 761).

47. Gaard Letter, *supra* note 10.

48. CAL. PENAL CODE § 290 (amended by Chapter 761).

49. CAL. PENAL CODE § 290 (amended by Chapter 731); CAL. PENAL CODE § 290 (amended by Chapter 429).

50. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF SB 1289, at D (Aug. 24, 2004).

51. CAL. PENAL CODE § 290(a)(1)(B) (amended by Chapter 731).

52. *Id.* § 290(e)(2).

new address, to notify the registering agency of the move within five working days of the move and then notify the agency of the new address within five working days after the move.⁵³ The other new law acknowledged by Chapter 761, Chapter 429, revises registration requirements for transient sex offenders, in accordance with the holding in *People v. North*.⁵⁴ The court held that section 290's use of the terms "located" and "location" was unconstitutionally vague.⁵⁵ Chapter 429 revises and clarifies the law to offer "fair notice" of the registration requirements to transient sex offenders.⁵⁶

IV. ANALYSIS

Two factors seemingly prompted the enactment of Chapter 761. First, the DOJ expressed concern that "too many dangerous sex offenders evade[d] registration"⁵⁷ because of a loophole under prior law. Although significantly altering the standards for determining whether an out-of-state conviction requires registration in California, Chapter 761 will not result in a major increase in the number of registered sex offenders. Specifically, the DOJ predicts that Chapter 761 will only result in about 100 more registrations per year.⁵⁸

Second, the DOJ sought to alleviate the burden associated with assessing out-of-state convictions.⁵⁹ Prior to the enactment of Chapter 761, the law demanded that the DOJ individually review all of the elements from out-of-state convictions to verify that they met the elements of California's registerable offenses.⁶⁰ The need to "clarify and streamline"⁶¹ those standards necessitated the enactment of Chapter 761. Now, unless exempted, all out-of-state convictions require registration without going through the previous process of comparing state statutes. However, the burden is not entirely eliminated, as review is still necessary for determining if the out-of-state offense falls within an exemption.⁶²

The American Civil Liberties Union (ACLU), joined by the California Public Defenders Association (CPDA), opposed Chapter 761, declaring, "administrative convenience is not grounds to eliminate the obligation to prove that the person was actually convicted of a crime that meets the requirements of Penal Code

53. *Id.* § 290(f)(1).

54. 112 Cal. App. 4th 621, 5 Cal. Rptr. 3d 337 (2003).

55. *Id.*; see also *supra* note 24 and accompanying text (defining "located").

56. ASSEMBLY FLOOR, CONCURRENCE IN SENATE AMENDMENTS, AB 2527, at 4 (Aug. 11, 2004).

57. Gaard Letter, *supra* note 10.

58. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2395, at 1 (Apr. 28, 2004).

59. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 3 (Apr. 13, 2004).

60. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 5 (June 15, 2004).

61. *Id.* at 1.

62. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 3 (Apr. 13, 2004).

section 290.”⁶³ The changes associated with Chapter 761, however, should ensure that no out-of-state offenders will be forced to register for an offense not otherwise registerable in California.⁶⁴ This is because Chapter 761 seeks merely to close a loophole, not to impose additional registration duties. Those affected by the law should have registered even without it, but escaped registration only on technical grounds.⁶⁵ The ACLU acknowledged the exemptions of Chapter 761 as a means of avoiding the imposition of a registration duty for an offense not otherwise registerable in California, leaving little left of Chapter 761 to oppose.⁶⁶ Given California’s comprehensive list of registerable sex offenses,⁶⁷ and the exemptions built into Chapter 761, the added registration requirements of the provision are unlikely to impose a registration duty that would not otherwise exist.⁶⁸

V. CONCLUSION

Chapter 761 simplifies the process for evaluating out-of-state convictions and requires more sex offenders to register for their out-of-state convictions.⁶⁹ California legislators continually support sex offender registration laws, as evidenced by the continued vitality and expansion of such laws.⁷⁰ Although introduced nearly sixty years ago,⁷¹ California’s registration laws sat nearly untouched for decades.⁷² Over the last twenty years, however, expanded registration requirements,⁷³ enhanced penalties for failure to register,⁷⁴ and public notification provisions⁷⁵ enlarged the scope of such laws. These provisions attempt to prevent recidivism, assist law enforcement, and promote public safety.⁷⁶

63. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 6 (June 15, 2004).

64. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 3 (Apr. 13, 2004).

65. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 5 (June 15, 2004).

66. *Id.* at 6.

67. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 3 (Apr. 13, 2004).

68. *Id.*

69. CAL. PENAL CODE § 290 (amended by Chapter 761).

70. *See supra* notes 18-31 and accompanying text (discussing the history and expansion of registration requirements for sex offenders).

71. CSOM, *supra* note 9, at 1.

72. DOJ, *supra* note 20, at 3.

73. *See supra* notes 20-21 and accompanying text (discussing the expansion of registration requirements).

74. *See supra* notes 30-31 and accompanying text (mentioning the impact of the Three Strikes law on penalties for failure to register).

75. *See supra* note 1 (discussing Megan’s Law).

76. CSOM, *supra* note 9, at 1.

Even though Chapter 761 does not require many more sex offenders to register each year,⁷⁷ it should effectively eliminate a loophole that allowed some convicted sex offenders to go unregistered.⁷⁸ Chapter 761 reshapes the duty to register for out-of-state convictions and should prevent convicted sex offenders from remaining anonymous. Many people question the accuracy of the registry, however, because sex offenders “thrive on secrecy” and many ignore registration requirements altogether.⁷⁹ Nevertheless, Chapter 761 represents a step toward ensuring that all convicted sex offenders register and should provide some solace to concerned parents and citizens.

77. ASSEMBLY COMMITTEE ON APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2395, at 1 (Apr. 28, 2004).

78. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF AB 2395, at 5 (June 15, 2004).

79. CSOM, *supra* note 9, at 7.