
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 1473 **Hearing Date:** April 9, 2024
Author: Laird
Version: February 16, 2024
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Sex offenders*

HISTORY

Source: Office of the Attorney General

Prior Legislation: AB 813 (Fletcher) Chapter 357, Stats. 2011
AB 1844 (Fletcher) Chapter 219, Stats. 2010

Support: Chief Probation Officers' of California

Opposition: None known

PURPOSE

The purpose of this bill is to change how a sex offender's score on the SARATSO dynamic tool and the future violence tool is reported to the Department of Justice.

Existing law establishes the Sex Offender Management Board (the Board), as specified. (Penal Code § 9000 et seq.)

Existing law requires the board to “address any issues, concerns, and problems related to the community management of adult sex offenders. The main objective of the board, which shall be used to guide the board in prioritizing resources and use of time, is to achieve safer communities by reducing victimization.” (Penal Code § 9002.)

Existing law establishes the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified. (Penal Code § 290.04.)

Existing law provides that commencing January 1, 2007, the SARATSO for adult males required to register as sex offenders shall be the STATIC-99 risk assessment scale, which shall be the SARATSO static tool for adult males. (Penal Code § 290.04(b)(1).)

Existing law requires the SARATSO Review Committee to determine whether the STATIC-99 should be supplemented with an actuarial instrument that measures dynamic risk factors or whether the STATIC-99 should be replaced as the SARATSO with a different risk assessment tool. (Penal Code § 290.04(b)(2).)

Existing law generally requires registered sex offenders to participate in an approved sex offender management program while on parole or “formal supervised probation,” as specified. (Penal Code §§ 290.09 and 1203.067.)

Existing law requires that on and after July 1, 2012, parolees released from prison for an offense that requires sex offender registration shall be subject to specified parole conditions generally reflecting the containment model for sex offender management. (Penal Code § 3008(d).)

Existing law provides that the sex offender management professionals certified by the Board who provide sex offender management programs for any probation department or CDCR shall assess each registered sex offender on formal probation or on parole using the SARATSO dynamic tool when a dynamic risk factor changes and shall do a final dynamic assessment within six months of the offender’s release from supervision. The management professional shall also assess the sex offenders in the program with the SARATSO future violence tool. (Penal Code §290.09 (b)(2))

Existing law provides that the certified sex offender management professional shall, as soon as possible but not later than 30 days after the assessment, provide the person’s score on the SARATSO dynamic tool and the future violence tool to the person’s parole agent or probation officer. Within five working days of receipt of the score, the parole or probation officer shall send the score to the Department of Justice. The score shall be accessible to law enforcement through the Department of Justice’s Internet Web site for the California Sex and Arson Registry. (Penal Code § 290.09)

This bill instead provides that within 30 days of the assessment, a certified sex offender management professional shall send the score to the Department of Justice using the dynamic and violence risk assessment tool databased used by SARATSO.

COMMENTS

1. Need for This Bill

According to the author:

California is required to score sexual offenders based on predicted risk of re-offense and maintain a record of these scores. The current process for submitting scores to the California Sex and Arson Registry (CSAR) database is redundant and inefficient. Under existing law, certified sex offender management professionals determine the score and submit it to parole and probation officers. Parole and probation officers are then required to submit these score to the Department of Justice (DOJ), and the DOJ will then manually input scores into the database. Senate Bill 1473 streamlines and standardizes CSAR reporting methods by allowing certified treatment providers to submit scores directly to the database, and removing reporting requirements for the DOJ, probation officers, and parole officers. This also ensures accurate, complete, and timely reporting of risk assessment scores to the database that law enforcement agencies and courts rely on.

2. Sex Offender Management Board

From the Sex Offender Management Board's website:

On September 20, 2006, Governor Arnold Schwarzenegger signed Assembly Bill 1015, which created the California Sex Offender Management Board (CASOMB). The bill had been introduced by Assembly Members Judy Chu and Todd Spitzer and passed the California Legislature with nearly unanimous bipartisan support.

Because California is the most populated state in the Union and has had lifetime registration for its convicted sex offenders since 1947, California has more registered sex offenders than any other state with about 88,000 identified sex offenders (*per Department of Justice, August 2007*). Currently, the California Department of Corrections and Rehabilitation (CDCR) supervises about 10,000 of those 88,000 sex offenders, of which about 3,200 have been designated as High Risk Sex Offenders (*CDCR Housing Summit, March 2007*). Additionally, there are about 22,500 adult sex offenders serving time in one of 32 state prisons operated by CDCR (*California Sex Offender Management Task Force Report, July 2007*).

While it is commonly believed that most sexual assaults are committed by strangers, the research suggests that the overwhelming majority of sex offenders victimize people known to them; approximately 90 percent of child victims know their offenders, as do 80 percent of adult victims [per *Kilpatrick, D.G., Edmunds, C.N., & Seymour, A.K. (1992) Rape in America: A Report to the Nation. Arlington, VA: National Victim Center*]. (<https://casomb.org/>)

3. SARATSO

The term SARATSO refers to evidence-based, state authorized risk assessment tools used for evaluating sex offenders.

Existing law requires a certified sex offender management professional to assess sex offenders with the SARATSO future violence tool. They are then required to report the person's SARATSO score to the person's parole agent or probation officer and that that person is required to report the score to the DOJ. The score is then accessible to law enforcement through the DOJ California Sex and Arson registry.

This bill instead has the sex offender management professional report the score directly to the DOJ database. The intent is to streamline the process.

4. Argument in Support

As sponsor of this bill, the Attorney General states in support:

As one of the departments with an implementation role in SARATSO reporting, the Justice Data and Investigative Services (JDIS) Bureau at the California Department of Justice (DOJ) is composed of three branches that offer investigative and field service functions to criminal justice and public safety partners, regulatory agencies, and the people of California. JDIS also provides information and technical assistance on a variety of manual and automated systems, including for

SARATSO reporting. In addition, the Attorney General has one appointee on the California Department of Corrections and Rehabilitation-administered SARATSO Review Committee (Committee),¹ along with representatives from CDCR, Department of State Hospitals, and the Chief Probation Officers of California.

State law requires parole agents and probation officers to submit SARATSO scores to the DOJ, which are collected through the DOJ-administered California Sex Offender Registry (CSOR). The DOJ is then also required to make these SARATSO dynamic and future violence risk assessment scores accessible to law enforcement through the California Sex and Arson Registry (CSAR) database.² However, Penal Code section 290.09 does not specify how SARATSO scores must be submitted, thus the DOJ-administered CSOR receives incomplete and frequently inaccurate data when parole agents submit scores through Excel spreadsheets, requiring manual entry by JDIS, and data remediation via CDCR. For example, in June 2021, DOJ received approximately 6,400 SARATSO scores on Excel spreadsheets, with approximately 53 percent either duplicates or incomplete.

SB 1473 proposes that parolee workflows for SARATSO reporting mirror the existing process for registrants on probation, to increase accuracy, decrease duplicates, and for scores to be submitted directly through the centralized database, rather than by the individual probation officer or parole agent. Penal Code section 290.09 historically required parole agents and probation officers to submit SARATSO scores to the DOJ within five working days of receipt of the score from Committee-certified treatment providers, instead of the centralized database now in use. This often leads to preventable data errors, and incomplete or duplicate submissions. However, this information is critical to public safety, as Penal Code section 290.5 requires courts to consider this data when determining whether to grant a sex offender registrant's petition to be terminated from the duty to register.

With this bill, the Attorney General will ensure that DOJ is providing complete and accurate SARATSO scores to law enforcement agencies handling the registration and compliance of sex offender registrants.

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