

1 [Urging the Attorney General to clarify how Penal Code Section 3003 and the transient  
2 provision in Penal Code Section 290 apply to Jessica's Law (Proposition 83)]

3 **Resolution urging the Attorney General to clarify how Penal Code Section 3003 and the**  
4 **transient provision of Penal Code Section 290 apply to Jessica's Law (Proposition 83).**  
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6 WHEREAS, California voters passed Proposition 83 on November 08, 2006, which  
7 increases penalties for violent and habitual sex offenders and child molesters, prohibits  
8 parolees' residence near schools and parks, and requires global positioning system  
9 monitoring of registered sex offenders; and

10 WHEREAS, The California Department of Corrections and Rehabilitation issued Policy  
11 Memorandum No. 07-48 on October 11, 2007 to regional parole administrators clarifying that  
12 under state law, parolees who are unable to find housing in compliance with Jessica's Law  
13 can declare transience in order to avoid incarceration; and

14 WHEREAS, The San Francisco Police Department (SFPD) finds this policy an  
15 impediment to the ability of law enforcement to closely monitor sex offenders; and

16 WHEREAS, The SFPD has already seen a spike in paroled sex offenders registering  
17 as transient in the month of October; and

18 WHEREAS, This current policy circumvents the public notification process of Megan's  
19 Law; and be it

20 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
21 urge the Attorney General to clarify how Penal Code Section 3003 and the transient provision  
22 in Penal Code Section 290 apply to Jessica's Law (Proposition 83); and be it  
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1           FURTHER RESOLVED, That the Clerk of the Board of Supervisors send a copy of this  
2 resolution to the California Department of Corrections and Rehabilitation, San Francisco  
3 County Probation Department, San Francisco Chief of Police, Senators Yee and Migden,  
4 Assemblywoman Ma, Assemblyman Leno, Attorney General Brown and Governor  
5 Schwarzenegger.

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