

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).**

5
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
11 WHEREAS, The California Department of Corrections and Rehabilitation issued Policy
12 Memorandum No. 07-48 on October 11, 2007 to regional parole administrators clarifying that
13 under state law, parolees who are unable to find housing in compliance with Jessica's Law
14 can declare transience in order to avoid incarceration; and

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

18
19 WHEREAS, The SFPD has already seen a spike in paroled sex offenders registering
20 as transient in the month of October; and

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

24
25 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
urge the Attorney General to clarify how Penal Code Section 3003 and the transient provision
in Penal Code Section 290 apply to Jessica's Law (Proposition 83); and be it

Supervisor Jake McGoldrick, Supervisor Alioto-Pier, *che*
Supervisor Mirkarimi
BOARD OF SUPERVISORS

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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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 071450

Date Passed:

Resolution urging the Attorney General to clarify how Penal Code 3003 and the transient provision of Penal Code 290 apply to Jessica's Law (Proposition 83).

October 23, 2007 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

October 23, 2007 Board of Supervisors — CONTINUED AS AMENDED

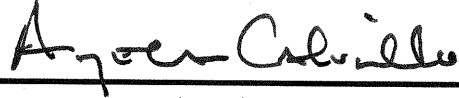
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

October 30, 2007 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 071450

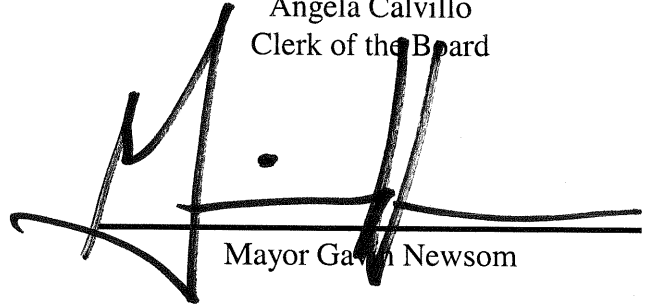
I hereby certify that the foregoing Resolution was ADOPTED on October 30, 2007 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

11/7/2007

Date Approved



Mayor Gavin Newsom