

**CALIFORNIA REFORM SEX OFFENDER LAWS (CA RSOL)
8721 Santa Monica Boulevard, Box 855
Los Angeles, CA 90069
(805) 896-7854**

July 16, 2012

Mayor Bob Huber
City of Simi Valley
2929 Tapo Canyon Road
Simi Valley, CA 93063

Dear Mayor Huber and Members of the City Council:

The purpose of this letter is to state the opposition of the California Reform Sex Offender Laws organization and the 93,000 individuals it represents to proposed Ordinance No. 1196. That ordinance, if adopted, would place significant restrictions on the activities of "registered sex offenders" (hereinafter referred to as "registrants") within the City of Simi Valley on October 31 of each year.

This organization is opposed to the proposed ordinance for two reasons. First, the proposed ordinance violates both the federal and state constitutions. Second, the proposed ordinance is overly broad and not tailored to a government interest.

Finally, the proposed ordinance attempts to address a problem that does not exist. That is, there are no reported cases of a child being sexually assaulted by a stranger on Halloween in the state of California. In the absence of such a danger, there is no government interest to protect in the passage of proposed Ordinance 1196.

If the proposed ordinance is adopted tonight and later challenged in court, the City of Simi Valley would lose that case because the lack of a government interest would be balanced by the significant harm to the individuals affected by that ordinance. What is that harm? Residents of Simi Valley would be denied their lawful right to celebrate Halloween, a right protected by the constitution, including but not limited to, the 14th Amendment.

The proposed ordinance would also fail judicial scrutiny because the alleged facts upon which it is based are statistics that have been taken out of context or falsely reported. For example, the national recidivism rate for registrants is 5.3 percent, not 45 percent as reported in the proposed ordinance. The recidivism rate of 5.3 percent can be found in the U.S. Department of Justice report, "Recidivism of Sex Offenders Released from Prison in 1994", dated November 2003. This report also stated that only 3.3 percent of the nation's registrants who has molested a child were arrested again for the same offense.

More current data regarding the recidivism rate of registrants in California can be found in a recent report by the California Sex Offender Management Board, the state government's expert on this

subject. That Board reported in August 2011 that the recidivism rate for registrants in this state are three percent while on parole and five percent overall.

For the reasons stated above, the California Reform Sex Offender Laws organization opposes proposed Ordinance 1196 as it is currently written. The organization requests that the City Council delay further consideration of the proposed ordinance in order to provide staff with additional time to research this complex issue.

Thank you for your consideration of this request. The California Reform Sex Offender Laws organization is available to consult with the City of Simi Valley on this important issue.

Sincerely,

Janice M. Bellucci, President
Attorney-at-Law