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California Reform Sex Offender Laws
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**SIMI VALLEY ORDINANCE CHALLENGED
IN FEDERAL COURT**

An ordinance recently adopted by the city of Simi Valley that requires registrants to post signs on their front doors and prohibits them from decorating their homes on Halloween is being challenged in federal court. The lawsuit was filed on September 28 in U.S. District Court, Central District, Western Division. It asserts that the Simi Valley ordinance is unconstitutional and requests that the court block enforcement of that ordinance.

There are a total of 10 plaintiffs in the case, including five registrants, three spouses and two children. All are residents of Simi Valley.

“This is the first lawsuit filed in California that challenges a ‘presence restriction’ adopted by a city or county,” stated Janice Bellucci, CA RSOL state organizer, and attorney for the plaintiffs. “It won’t be the last. More than 20 such restrictions currently exist in the state of California.”

The stated purpose of the Simi Valley ordinance is to “protect children from the dangers posed by registered sex offenders convicted of offenses against minors” on Halloween. However, there are no reported cases of a child being assaulted while trick or treating by a registered sex offender on Halloween in the state of California.

A 2009 study, “How safe are trick-or-treaters” concluded that the findings of a 9-year review “suggest that Halloween policies may in fact be targeting a new urban myth similar to past myths warning of tainted treats.” The contents of the study, conducted by nationally recognized expert Jill Levenson and others, can be found online at <http://sax.sagepub.com/content/21/3/363.abstract>.

According to the lawsuit, the Simi Valley ordinance violates both the 1st and 14th Amendments of the U.S. constitution because of the sign requirement as well as the prohibition from decorating a registrant’s front yard and exterior of the residence with Halloween decorations.

"I have lived in Simi Valley for more than 50 years and have served the community as an officer of the Simi Valley Moose Lodge as well as the den mother of a boy scout troop," stated Jane Doe, the wife of a registrant and one of the 10 plaintiffs. "I have also decorated the yard of my home in celebration of Halloween for 50 years and I am not going to stop doing that now."

The ordinance prohibits "a discrete and socially outcast minority from expressing any publicly viewable celebration of Halloween on their own property on October 31 every year," according to the lawsuit. The ordinance also "forces this group to impose a burden on their own safety and that of any person who resides with them by requiring them to turn off all exterior lighting at their residences on October 31 every year." Further, the ordinance causes shame upon registrants "by mandating that they place a large content-specific sign on their door every year."

California RSOL testified in opposition to the proposed ordinance at the Simi Valley City Council meetings on August 20 and September 10. In addition, the organization sent a letter to the Council dated August 20 which stated that the ordinance, if passed, would violate the U.S. constitution.

Despite the opposition of California RSOL and some local residents, the city council passed the ordinance on September 10 in a vote of 4 to 1. The sole dissenting vote was cast by Mayor Pro Tem Barbara Williamson.

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