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## **Another girl's death, another law**

**Legislative reaction to grief has not always proved effective in dealing with sex offenders.**

By Cathleen Decker

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Their names, breezy and alive, conjure the girls they used to be before they collided with horror.

There was Megan Kanka, the 7-year-old from New Jersey. Her rape and murder at the hands of a neighbor who -- unknown to her parents -- was a sex offender inspired Megan's Law. That statute led to electronic lists of offenders' addresses.

There was Jessica Lunsford, the 9-year-old from Florida. Her rape and murder 150 yards from her home led to Jessica's Law, which banned predators from living near where children congregate.

There was Amber Hagerman, the 9-year-old from Texas. Her abduction and murder led to the creation of Amber Alerts, advising the public about missing children.

Into that sorrowful sorority may come Chelsea King, the 17-year-old Poway High School student who went out for a run and was found days later in a shallow grave. A registered sex offender has been charged with raping and killing her.

Assemblyman Nathan Fletcher, a Republican from San Diego, announced last week that along with the King family, he was moving to create Chelsea's Law. It will be meant, as the other laws before it, to prevent what befell them from visiting any other family.

"We really have an obligation to focus in and say 'what can we do to make this better?' " Fletcher said. No specifics have yet been determined, but Fletcher said he was looking at extending sentences and parole requirements, among other things.

If history is any guide, Chelsea's Law will be embraced by victims' groups, law enforcement and politicians of all persuasions. When the alternative is violent vengeance, a legislative reaction to such wrenching grief can seem measured and civil.

But the near-universal appeal of such laws has stilled the basic questions that inform debates over less emotionally freighted subjects. For one thing, do their restrictions actually work? Given California's woeful financial state, with the corrections system under intense pressure to save more and more money while it imprisons and monitors more and more felons, do they make sense?

At least some of the time, according to both state studies and analysts, they do not. But the measures drive forward, as if penance for the past.

The most heralded such measure recently was Proposition 83 -- informally known as Jessica's Law -- which passed resoundingly in California in November 2006. Similar laws have been passed in dozens of other states. Besides extending prison sentences for sex offenses, the law bans offenders from living within 2,000 feet of a school or park where children play and says they can be monitored for life with tracking devices. It also expands the definition of offenders who can be kept in custody with mental health holds after their criminal sentences are served.

A January report by the state's Sexual Offender Management Board portrayed the effect of Jessica's Law as difficult to determine at best, and wrong-headed at worst.

The requirement that offenders live away from children has required many to stay away from their own relatives or to become homeless -- both instances of instability that put them "at increased risk of re-offense," the report said.

The report also challenged the premise of the law's residency restrictions.

"The hypothesis that sex offenders who live in close proximity to schools, parks and other places children congregate have an increased likelihood of sexually re-offending remains unsupported by research," the report said. "On the contrary . . . there is almost no correlation between sex offenders living near restricted areas and where they commit their offenses."

California spends an estimated \$80 million annually on ankle-bracelet monitoring of high-risk offenders, but the report suggested that there is no indication that the public is safer from felons monitored by global positioning systems than from those unmonitored.

"The law was passed with little information about how it would be implemented or evidence of whether GPS technology would protect Californians from sex offenders," the report said.

Jessica's Law also requires state officials to run a far larger number of sexual offenders through the mental health system to see if they qualify for civil incarceration. Costs for those evaluations rose from \$161,000 per month before the proposition to more than \$1 million monthly after its passage. The number of felons who remain in custody as a result went from about seven a month before the law to 10.

Franklin Zimring, a UC Berkeley law professor who has studied the measures, said they have largely become "symbolic politics." Few have bothered to question whether the measures actually promote public safety, he said, because of the stigma of defending sex offenders.

"Nobody wants to be photographed in close embrace with sex offenders," he said. "Unless something is very expensive, it's not apt to get much political scrutiny."

Fiscal calculations can seem cruel when measured against a life, but in California's present straits that calculation is hard to avoid. While state officials spend millions on monitoring that has questionable effect, for example, prison-based treatment programs have gone unfunded.

"Currently there is no formal sex offender treatment . . . in the adult prison system," said the report, which "strongly recommended" it.

Fletcher said that in drafting Chelsea's Law, he would draw together experts to craft something meaningful. He acknowledged the difficulty, however, if those experts propose throwing more money at the corrections system, where budgets for many programs have shrunk dramatically in recent years.

"There's a lot of potential savings within the corrections system," he said. He brushed aside the notion of a tax hike to fund strictures imposed by his measure.

"Let's get through the process," he said. "It's a fair question. But I think the state has enough money to do this. I think it is a question of priorities."

There is no time frame yet for proposing the law that will carry Chelsea's name, he added.

"Everyone wants action now," he said. "We owe it to the memory of Chelsea King to make sure that we do this right."