

## **LAW REVIEW**

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### **MEGAN'S LAW—LOCAL OFFENDERS**

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California's Megan's Law was enacted in 1996 after 7-year old Megan Kanka of New Jersey was raped and killed by a known child molester who had moved across the street from her family.

The Sex Offender Tracking Program at the California Department of Justice maintains the registered sex offender database, which notifies the public about sex offender registrants and assists local law enforcement agencies.

Individuals convicted of certain sex crimes must register as sex offenders with local sheriff and police departments. Registrants must notify the agency when they move. Certain sex offenders are excluded from public disclosure, generally less serious offenses. The site includes color photographs of most offenders.

The database can be accessed at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). You can check by name, address, city, zip code, county, park or school.

#### **Local Offenders**

According to the site, there are 25 registered sex offenders in our area, including 12 in Truckee, six in Kings Beach, one in Olympic Valley, three in the West Shore, one in Tahoe Vista and two in Incline Village.

Frankly, that's more than I would have expected in our community and is somewhat disconcerting.

Crimes of local registrants include: lewd or lascivious acts with a child under 14 years, indecent exposure, rape with force and threat, sexual penetration with a foreign object (victim under 18 years), annoy/ molest children, and assault with intent to commit rape.

I am not quite sure how sex offenders got selected for registration and public disclosure when other crimes like premeditated murder, intentional fraud, robbery by force, kidnapping and terrorist acts did not. Apparently there is a high recidivism rate for sex offenders. That may be a partial answer, but certainly politics and public sentiment shape Megan's Law.

#### Statistics

California has 63,000 registered sex offenders. Specific home addresses are made public on more than 33,000. There are another 30,500 offenders listed by zip code, city and county, and approximately 22,000 other offenders are not included in the site, but are known to local law enforcement personnel.

#### Misuse of Site

It is a crime to use the Megan's Law listing to commit a misdemeanor or felony. The information is not to be used for purposes relating to insurance, loans, employment, housing accommodations or employment benefits. As one court noted, the required registration and public dissemination will generate a class of "itinerant sex offenders," mobile registered sex offenders who are harassed wherever they reside.

In one case a landlord served a registered sex offender a 30-day notice to vacate, believing he could be sued if a crime was committed. The Court had to reconcile the conflict between Megan's Law limiting use of the information and the landlord's obligation to take steps to prevent crimes committed on the rental property.

California law requires written leases, rental agreements and contracts for the sale of residential property (1-4 dwelling units) to include a notice regarding the availability of the Megan's Law site and Sex Offender Identification Line, a "900" telephone service.

#### More Information

The Megan's Law web page has some links worth reviewing, besides the obvious "who's in my neighborhood?", such as Frequently Asked Questions as well as Facts About Sex Offenders, including the guilt victim's feel and the reasons they often do not report sexual assaults—adults and children.

Most sexual abusers know their victims well. With children, half of the offenders are family members. Of sexual assaults against those 12 and over, about 80% of the victims know the offender.

The web page has a worthwhile section on How to Protect Yourself and Your Family. While I am sensitive to arguably perpetuating The Scarlet Letter branding by writing this column, the information to be learned from the Megan's Law web site serves the community.

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