



californiacivil liberties.org

California Civil Liberties Advocacy  
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Monday, August 17, 2015

Senator Ben Hueso  
State Capitol Building  
Room 4035  
Sacramento, CA 95814

RE: Senate Bill 448

Dear Senator Hueso,

We are writing to formally **WITHDRAW** the CCLA's **OPPOSITION** to Senate Bill 448.

First of all, we would like to thank you for reaching out to us and allowing us to have a substantial amount of input on this legislation. The CCLA recognizes that this is a very sensitive issue and that it is most difficult to balance the needs of protecting the public with upholding the rights of past offenders who, while unpopular, are still our fellow American citizens.

Save for the section cited in the paragraph below, CCLA does not oppose the amended language of SB 448 for the most part, which was thoroughly reviewed and discussed between us and your staff on Thursday, August 13<sup>th</sup>. We submitted proposed amendments in early August and, substantively, we found the most recent draft to be far more narrowly construed than when SB 448 was first presented to the Senate Public Safety Committee last July. Generally speaking, we would like to see the specific offenses listed somewhere in the draft, but since our primary purpose was to include the human trafficking and child pornography statutes, and being that those sections of the Penal Code appear in the current draft, we take no issue at the present time.

Nevertheless, our withdrawal comes with one *caveat*, as was discussed during said meeting: The CCLA has very serious concerns regarding the language contained in section 290.024, subd. (b), on page 5 of the draft that was provided for our inspection. We strongly feel that such language grants too much discretion to law enforcement personnel, who possess not the wisdom, nor the experience that accompanies the judicial scrutiny involved when such determinations are left for the courts to decide. Since this language is retrospective, we feel that this section should be amended to reflect application only to registered sex offenders who are still in custody (e.g. parole or probation) prior to January 1<sup>st</sup>, 2016. During our meeting, we were assured by your aide, David Sforza, and Cynthia Guerro (representing Prop 35 proponents),

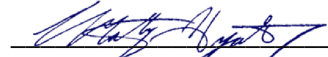
*"Indifference to personal liberty is but the precursor of the state's hostility to it."*

*— Justice Kennedy, U.S. Supreme Court*

that such amendments would be anticipated later in the legislative cycle. We will vigilantly monitor SB 448 and look forward to these proposed amendments.

Again we thank you for reaching out to us and feel that a collaborative approach, where all sides are able to reasonably discuss the various implications of such sensitive legislation, will ultimately lead to a far more equitable outcome in the public's best interest.

Respectfully,



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cc: Senate Appropriations Committee