



# SB 615 – Sex Offender Registry

## *Senator Melissa Melendez*

### **Background**

The Sex Offender Registration Act specifies that individuals convicted of certain crimes must register as a sex offender in the State of California.

In July, this registry will be shifting to a tiered approach where convicted individuals, depending on the crime, will be registered for ten years, twenty years or for life.

Current law prescribes that an individual convicted of unlawful sexual intercourse with a minor, often referred to as “statutory rape”, is not required to mandatorily register as a sexual offender. This means that an adult who engages in vaginal intercourse with a 15-18 year old is not subject to mandatory registration as a sex offender. This has the potential to generate situations where much older individuals prey on young victims but are not required to register as a sexual offender.

In addition, unlawful sexual intercourse, is only defined as an adult engaging in vaginal intercourse with a minor. This allows disparate treatment of predators based on the acts they engage in with the victim and potentially because of the victim’s sexual orientation.

Last year, the Legislature took a step toward resolving this issue but failed to fully address the disparity in registration requirements or length between differing sexual acts.

### **Problem Being Addressed**

Up until 2021, individuals convicted of non-forcible oral copulation, sexual penetration or sodomy were subject to mandatory registration as a sexual offender and are now automatically required to register only if they are more than

ten (10) years older than the victim. However, individuals convicted of unlawful sexual intercourse with a minor (also referred to as “statutory rape”) do not have any mandatory registration requirement regardless of age.

Existing California law generally makes it clear that individuals under eighteen (18) cannot lawfully consent to sexual acts. Predators should not be treated differently based on the type of “consensual” act with a child victim. Simply put, predatory individuals targeting children, regardless of their sexual orientation or the sexual act they engage in, should have the same registration requirements.

### **Summary**

SB 615 aims to do that by imposing registration for unlawful sexual intercourse with a minor where the offender is more than three years older than the victim and equalizing the registration requirement for individuals convicted of “non-forcible” oral copulation, sodomy and sexual penetration. This will ensure that all cases are treated in an equal manner while relying on judicial and prosecutorial discretion for cases where the perpetrator and victim are close in age.

### **Code Section**

This bill amends 261.5 and 290 of the penal code.