

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 680 (Rubio) – As Amended May 23, 2025

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill requires a defendant convicted of statutory rape to register as a sex offender if the defendant is more than 10 years older than the victim.

FISCAL EFFECT:

- 1) DOJ reports no significant fiscal impact to respond to additional requests from law enforcement agencies for sex offender information, process registration and termination documentation, and update criminal history information. DOJ notes there are numerous bills pending this session that add workload to the department and may result in a fiscal impact to the department in the aggregate if all, or several, are enacted. If, as some opponents argue is likely, the courts determine this bill requires retroactive registration (see below), costs to DOJ would likely be in the mid-hundreds of thousands of dollars annually ongoing, based on costs the department reported for a similar bill last session.
- 2) Likely non-reimbursable costs (local funds) of an unknown but potentially significant amount to local law enforcement agencies to fulfill sex offender registration requirements and provide supervision for people required to register under this bill. Although these duties are mandated by the state, the Commission on State Mandates has previously denied reimbursement for law enforcement duties relating to new sex offender registration requirements. The commission determined that, because the penalty for failure to register is a crime, a statute that adds a new registration requirement creates a new crime and therefore state reimbursement is not required.
- 3) Costs (General Fund, local funds) of an unknown but significant amount to the California Department of Corrections and Rehabilitation (CDCR) and the counties to incarcerate people convicted of failure to register as required by this bill. Failure to register is charged as a misdemeanor or a felony depending on the underlying conviction, and is punishable by a term in county jail or in state prison. Actual incarceration costs will depend on the number of convictions, the length of each sentence, and whether each sentence must be served in county jail or state prison. The average annual cost to incarcerate one person in county jail is approximately \$29,000, although costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

According to CDCR data, 445 people were admitted to prison in 2024 with the primary offense of felony failure to register as a sex offender. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in prison is \$133,000. By way of illustration: if 20 people are convicted of failure to register following a statutory rape conviction and each must serve 16 months in prison, the resulting cost to CDCR would be over \$3.5 million.

- 4) Possible cost pressures (General Fund) to the Department of State Hospitals (DSH) of an unknown but potentially significant amount due to this bill's sex offender registration requirement. DSH reports "significant, unknown cost pressures" due to the potential for increased referrals to the DSH's incompetent to stand trial caseload, delays in its conditional release program placements, and increased housing costs, as well as workload pressures for DSH's sex offender risk assessment evaluators. If this bill passed, DSH plans to monitor its implementation and may request a budget augmentation at a later date.

COMMENTS:

- 1) **Background.** Statutory rape is the colloquial name for the offenses included in Penal Code section 261.5, which criminalizes sexual intercourse with a person under the age of 18. Under existing law, unlawful intercourse with a 14- or 15-year-old victim by a defendant who is ten years older requires mandatory, lifetime sex offender registration. Offenses involving sexual contact with a victim younger than 14 are separate crimes and are punished more harshly, including by mandatory sex offender registration.

In pertinent part for this bill, statutory rape is a wobbler if the defendant is 18 or older and the victim is more than three years younger than the defendant, or if the defendant is 21 or older and the victim is under 16. A wobbler is an offense that may be charged as a misdemeanor or a felony at a prosecutor's discretion. In the circumstances covered by this bill, statutory rape is punishable as a misdemeanor by imprisonment in county jail for up to a year, a fine, or both. The offense is punishable as a felony by 16 months, two years, or three years in county jail, or, if the defendant has certain prior convictions, a state prison term.

California law requires a person convicted of certain sex offenses to register with state and local law enforcement agencies as a sex offender. The law also authorizes a court to order any defendant to register as a sex offender if the court finds at the time of conviction or sentencing that the defendant committed the offense as a result of sexual compulsion or for purposes of sexual gratification. People required to register as sex offenders are monitored by law enforcement and are subject to many onerous registration requirements, including annual reviews and restrictions on where they may live and work.

- 2) **Support and Opposition.** This bill is sponsored by the Los Angeles city attorney. Writing in support of this bill, the city attorney cites the prevalence of human trafficking in California and writes:

These statistics highlight the need to do more to protect vulnerable youth and reduce the demand for sex trafficking of minors. SB 680 answers this call. By requiring sex offender registration for those who engage in unlawful sexual intercourse with a minor, when the offender is more than 10 years older than the minor victim, SB 680 will help

deter the sexual exploitation of children and hold those who prey upon them accountable.

A number of other district attorneys and law enforcement agencies also support this bill.

The bill is opposed by criminal justice reform groups and the California Sex Offender Management Board (CASOMB), a state advisory board made up of corrections officials, law enforcement representatives, county administrators, psychologists, and victims services representatives. Based on research on sex offender recidivism and due to the significant cost of registrant management, over the years CASOMB has recommended changing the state's sex offender registration system to focus more resources and attention on offenders with the highest risk of reoffending while reducing restrictions on lower-level offenders. In opposition to this bill, CASOMB writes:

This bill will not enhance public safety, and it will create a significant financial burden to the state and local law enforcement agencies...There is no scientific evidence that ordering sex offender registration for persons convicted of unlawful sexual intercourse with a minor would increase public safety. On the contrary, ordering a younger adult to register may increase their chances of re-offense due to housing, education, and familial instability.

CASOMB also argues that this bill will require retroactive sex offender registration for people convicted of the affected offense before this bill is enacted. Penal Code section 290.023 states that sex offender registration requirements apply to each person convicted of an offense named in the statute "without regard to when his or her crime or crimes were committed." Although the text of this bill requires registration only for offenses that occur on or after January 1, 2026, the bill's language arguably conflicts with the requirements in Penal Code section 290.023. If a court determines this bill requires retroactive registration, all of the costs described above will be significantly higher because the bill's requirements will apply to a much larger population of people, resulting in a far greater number of registrations and violations for failure to register.

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