

SENATE THIRD READING

SB 680 (Rubio)

As Amended May 23, 2025

Majority vote

SUMMARY

Makes a defendant convicted of statutory rape subject to mandatory sex offender registration if there is more than a 10-year age gap with the minor, as specified.

Major Provisions

- 1) Applies to statutory rape offenses where the defendant is more than three years older than the minor or where the defendant is 21 years of age or older and the minor is under 16.
- 2) Applies the bill's provisions prospectively to offenses that occurred on or after January 1, 2026.
- 3) Places the defendant on tier one of the sex offender registry which is subject to a minimum registration period of 10 years.

COMMENTS**According to the Author**

"As an educator and a victim's advocate, I know that more work needs to be done to protect vulnerable youth and reduce the demand for sex and the human trafficking of minors. It is inexplicable that some sex acts with a minor require sex offender registration but the unlawful sexual intercourse with a minor, irrespective of the age difference, does not. This is particularly troubling considering the increased risk for unintended pregnancies and sexually transmitted infections that may result from sexual intercourse. SB 680 fixes this discrepancy. This bill will ensure those who engage in the unlawful sexual intercourse with a minor who is more than three (3) years younger than the offender, or if the offender is over 21 years of age and the minor is under 16 years of age, will be required to register as a Tier 1 sex offender, provided that the offender is more than 10 years older than the minor. This bill seeks to eliminate the current omission in the law that prevents offenders that engage in unlawful sexual intercourse with a minor from mandated sex registration. In doing so, the sex offender registry will become a more robust investigative tool for law enforcement, the disparate protections afforded to victims that are currently based upon the specific type of sex act will be eliminated, and the demand for sex and human trafficking of minors will be reduced."

Arguments in Support

According to *California District Attorneys Association*, "Under existing law, certain offenders convicted of unlawful sexual activity with a minor more than 10 years younger are required to register pursuant to Penal Code section 290. However, offenders convicted of unlawful sexual intercourse with a minor, even if the minor is more than 10 years younger, are not required to register. SB 680 appropriately refines this provision to ensure that individuals who engage in sexual intercourse with a minor more than 10 years younger are required to register as Tier One sex offenders (10 year registration requirement).

"The failure to adequately track and monitor offenders who exploit minors undermines public safety and sends the wrong message about the seriousness of these crimes. By closing the loophole based on type of sexual activity, SB 680 will ensure greater accountability and provide law enforcement with critical tools to monitor offenders who pose a risk to vulnerable youth."

Arguments in Opposition

According to *CASOMB*, "Current law requires mandatory lifetime registration for a violation of 288 (c)(1) which is unlawful intercourse with a 14 or 15-year-old with a 10-year age difference. The California Sex Offender Registration Act in PC 290.006 already grants the authority for the prosecutor and judge to order discretionary registration on a case-by-case basis for unlawful sex with a minor (PC 261.5) in appropriate cases.

"This bill would primarily affect cases where the victim was 16 or over. California is in a small minority of states that have an age of consent at 18, with no exceptions. California is already prosecuting individuals who have sexual relations with minors under the age of 18. Most of these offenders will receive supervision on probation.

"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. Many of those who will now be ordered to register would have committed their offenses in their 20's. With the retroactive registry this would upend an individual's life in many ways, even if they have been living crime free for the last 30 years.

"On January 21, 2021, SB 384 went into effect, which created a tiered system of registration. This bill signaled the first major reform of California's antiquated Sex Offender Registration Act which was created in 1947. The bill sought to remove individuals from the registry who did not pose a risk of re-offense. Furthermore, the bill sought to lessen the burden on public safety and law enforcement resources. SB 680 would undermine the significant progress that California has made in catching up with the rest of the states and the Federal government in its approach to sex offender registration.

"In summary, CASOMB is in opposition to SB 680 because there is no evidence that this act will increase public safety. The court already possesses the authority to order registration on a case-by-case basis. Additionally, it will also divert costly resources that could be used to monitor higher risk offenders, thus making the community less safe."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: 37-1-2

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson

NO: Wiener

ABS, ABST OR NV: Arreguín, Reyes

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache, Ta, Tangipa

UPDATED

VERSION: May 23, 2025

CONSULTANT: Stella Choe / PUB. S. / (916) 319-3744

FN: 0001325