

# ACSOL campaign against CA restrictions

written by NARSOL | March 15, 2017



By Priscella Vegas . . . Seal Beach rescinded its ordinance placing housing restrictions on registered sex offenders after facing a lawsuit from a reform group.

In a reluctant but unanimous vote Monday night, the City Council decided that Seal Beach will no longer impose a residency restriction of 2,000 from a public or private school, park, childcare facility or multifamily housing. The city will now enforce California standards.

The state Supreme Court decided unanimously in 2015 that statewide restrictions on where sex offenders may live violate their constitutional rights. The court said the restrictions have made it more difficult to monitor offenders, some of whom have become homeless, and that more flexibility in determining residency requirements is needed.

Councilwoman Ellery Deaton said she supported the decision to rescind the ordinance but only under duress.

"I want to make it known I'm very unhappy we have to do this," Deaton said Monday night. "It seems to be courts and legislation have taken much and eroded much of our local control, and it seems we citizens in Seal Beach should be allowed to be determine these things."

Seal Beach is among the 20 cities recently targeted in a string of lawsuits filed by Janice Bellucci, a Sacramento-based attorney and founder of the The Alliance for Constitutional Sex Offense Laws, a group that believes, according to its website, that "sex offense laws and policies should be based on sound research and common sense, not fear, panic or paranoia."

The complaint filed in the Orange County Superior Court in January alleges that Seal Beach's residency restrictions for registered sex offenders violates the 14th Amendment's due process guarantee because the "residential exclusion zones virtually cover the entire city" and accomplishes "the unconstitutional goal of banishment."

According to the complaint, the plaintiff, registered sex offender Frank Lindsay, would like to live in Seal Beach because his occupation in the water treatment industry requires travel into the city. The complaint alleges that even in temporary quarters like a hotel or motel Lindsay would face incarceration and a fine.

Bellucci called the 2,000-foot residency restriction ineffective because it sets "too great a distance to be able to see anything or anyone in a meaningful way," citing reports by the California Sex Offender's Management Board, which was born during Arnold Schwarzenegger's term as governor to address concerns related to community management of adult sex offenders.

In addition, Bellucci said in the complaint, there is no evidence that residency restrictions are related to preventing or deterring sex crimes against children. On the contrary, Bellucci said, evidence suggests "residency restrictions are likely to have the unintended effect of increasing the likelihood of sexual re-offense."

Twenty lawsuits have been filed against cities throughout California, including Fullerton and Desert Hot Springs. Bellucci said Tuesday that the latest lawsuits filed were against Monrovia in February and Temecula in March.

In 2006, California voters passed Proposition 83, also known as Jessica's Law. Named for 9-year-old Jessica Lunsford, the victim of a convicted sex offender who had failed to report his whereabouts despite a legal requirement to do so, it granted

cities greater authority to regulate registered sex offender's residencies.

But the 2015 California Supreme Court decision questioned additional enforcement placed on registered sex offenders by local government.

Seal Beach is home to 12 registered sex offenders, most having been convicted of child molestation and rape, according to a recent search on Megan's Law.

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*Editor's note: ACSOL was formerly known as CA-RSOL and was an active affiliate of Reform Sex Offender Laws, Inc. for several years.*