

## **January 19, 2007 – Jessica’s Law Podcast**

Bonnie: Hello this is District Attorney Bonnie Dumanis and welcome to the DA podcast. With me today is Summer Stephan, the Chief of our Sex Crimes and Stalking Division. Our topic today; an update on Jessica’s Law and how our office is implementing this new legislation.

Bonnie: Summer one of the key components of this law is that it strengthens the one strike rape law. We know how this works, but can you give our listeners an example of how this works?

Summer: Good morning, Bonnie. You are right that Jessica’s Law has helped prosecutors in closing the loops holes on the one strike rape law. For example, in the past, if one of the sex offenders while raping a victim has a gun, the others in the group that might rape the victim won’t face sentencing under the one strike rape law. That’s one of the things that Jessica’s Law did and we recently used it in the Mission Beach case in order to hold all of the rapists accountable, every one of them, not just the one who was holding the weapon.

Bonnie: One of the reasons we rallied so hard for the passage of Jessica’s Law is because it protects the children. For example, no longer do we have to wait for a suspect to rape more than one child before we can put them in prison for a long time. Help our listeners understand the term Sexually Violent Predator.

Summer: In the past, a sexually violent predator was one that had to have two sexually violent crimes against two separate victims so that they would be just automatically released from prison and no one would be able to evaluate and see if they are the type of person who needs to be held in a state mental hospital before they are released in to the community. After Jessica's Law, it was important to say that one victim is one too many. It was enough. So now they get evaluated after one victim. Here in San Diego, we have already petitioned to hold one such pedophile and not let him be released who hurt one child, because one child is enough.

Bonnie: This applies also for adult victims as well. And now Jessica's Law allows law enforcement to put Global Positioning Satellite anklets on these offenders. Again, our office is ahead of the state because of our pilot project. Would you please talk a little bit about this program?

Summer: As you know Bonnie since you were at the forefront of this, we were the first in the state to get GPS on our high risk sex offender parolees in San Diego. As of over a year ago, July 2005, we had 80 high risk sex offenders on GPS. That was pre Jessica's Law. Now with Jessica's Law we don't have to have a sex offender be rated as high risk, but if they are a felony sex offender who has been to prison and is released, they have to be tracked by GPS so we know where they are. As of today, we have 157 sex offenders on GPS. And you know the studies have shown that GPS anklets have helped reduce recidivism and crime

because when they know they are being watched it helps prevent further victims.

Bonnie: You know one of the major challenges we faced after Jessica's Law was the 2000 foot provision. Now this is one element that is currently being challenged. Can you explain the provision and bring us up to date on what the courts done?

Summer: Jessica's Law says there should be predator free zones; that there should be at least 2000 feet between a school and a park where children regularly gather and where a sex offender would live. And right now, it is held up in the courts to decide whether that provision will holdup, whether it should be applied prospectively to sex offenders or can it be applied to sex offenders already out in the community. As of a couple of days ago, we received an opinion that was filed in that case interpreting the law to mean that someone does not have to be moved out of their home, however if someone decides to move they can not move within 2000 feet of a school or a park. We are awaiting the court to rule on this February 23rd of this year.

Bonnie: Thank you, Summer. Our office is committed to protecting victims, especially our children. That's why we fought so hard for Jessica's Law. We now have another weapon in our prosecutorial arsenal to go after sexual predators. Making sure Jessica's Law is enforced is the responsibility of the prosecutors in our Sex Crimes and Stalking Division and they do a great job. Unfortunately we'll have to devote another podcast to that topic. Please

join us again as we discuss the latest legal issues,  
advancing crime technology and prosecutorial excellence.  
I'm District Attorney Bonnie Dumanis and thank you for  
listening. For information about the District Attorney's  
Office and the services we provide, please visit our website  
at [www.sandiegoda.com](http://www.sandiegoda.com). Thank you and goodbye.