

TO: Chairman and Members

DATE: January 16, 2014

SUBJECT: Delegate Authority to the California Department of Justice to Administer the Reallocation of the Byrne Justice Assistance Grant (JAG), Sex Offender Registration and Notification Act (SORNA) Penalty Funds for a Three-Year Period Beginning in Fiscal Year 2014. Requesting Approval.

AGENDA ITEM: G

**ACTION: X
INFORMATION:**

RESOURCE PERSON: Daryle McDaniel

Issue:

This Agenda Item requests Board approval to delegate authority to the California Department of Justice (CDOJ) to complete, submit, and administer the Request for Reallocation of the Byrne Justice Assistance Grant (JAG) Funds for purposes consistent with the Sex Offender Registration Act (SORNA). The requested delegation is for a three year period. The CDOJ will be applying for reallocated funding to improve and enhance the statutorily mandated CDOJ repository for sex offender records, and provide much needed resources for registering agencies. These projects will benefit law enforcement's ability to identify, track, monitor, apprehend, and prosecute sex offenders at the state and federal levels.

Background:

Under SORNA, states were required to comply with federal standards regarding how to classify and monitor registered sex offenders by July 27, 2011. For each fiscal year after the deadline, states that are not deemed substantially compliant with the law incur a 10 percent reduction of their Byrne JAG funds.

The CDOJ has been working closely with the U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office to further the interests of SORNA. However, California has a unique history of existing statutes that require sex offender registration dating back to 1944, whereas most other states only began registration after 1996. Some provisions of California law differ from SORNA, and currently prevent substantial compliance to the federal standards. Therefore, California's Byrne JAG funding was reduced by 10 percent.

Penalized jurisdictions may reacquire funds by submitting a Request for Reallocation in writing to the SMART Office. These funds can only be used for purposes consistent with SORNA. The CDOJ's request for fiscal year 2013 was successful, and the CDOJ will be requesting Byrne JAG reallocations in the coming years as well.

As the State Administrative Agency for the Byrne JAG funding in California, the Board can delegate authority to the CDOJ to complete, submit and administer the Request for Reallocation for purposes consistent with SORNA. By delegating this authority, the Board will help streamline the process of applying for and administering the CDOJ projects, which includes several scheduled tasks. Under the delegation, the CDOJ (as the recipient of the funds) will be responsible for complying with the requirements of the SMART Office.

Recommendation/Action Needed:

Approve the delegation of authority to the CDOJ to complete, submit and administer the Request for Reallocation of Byrne JAG Grant Funds for purposes consistent with SORNA for a three-year period beginning in fiscal year 2014.

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