



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27–28, 2016

Title	Agenda Item Type
Criminal Law: Judicial Council Appointment to Sex Offender Management Board	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	November 1, 2016
Recommended by	Date of Report
Executive and Planning Committee	October 21, 2016
Hon. Douglas P. Miller, Chair	Contact
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Executive Summary

The Executive and Planning Committee recommends that the Judicial Council appoint Judge Brett H. Morgan, Superior Court of San Joaquin County, to the Sex Offender Management Board (“the board”). Enactment of Assembly Bill 1015 (2006) created the board, under the jurisdiction of the Department of Corrections and Rehabilitation, which is composed of 17 members and includes “[o]ne California state judge, appointed by the Judicial Council.” (Pen. Code, § 9001(b)(1)(D).)

Recommendation

The Executive and Planning Committee recommends that the Judicial Council appoint Judge Brett H. Morgan, Superior Court of San Joaquin County, to the Sex Offender Management Board effective November 1, 2016.

Previous Council Action

The Legislature directed that appointees to the board, “regardless of the appointing authority, shall have the following characteristics:

- (1) Substantial prior knowledge of issues related to sex offenders, at least insofar as related to his or her own agency’s practices.
- (2) Decisionmaking authority for, or direct access to those who have decisionmaking authority for, the agency or constituency he or she represents.
- (3) A willingness to serve on the board and a commitment to contribute to the board’s work.”

(Pen. Code, § 9001(a).)

The council appointed Judge Peter Paul Espinoza, Superior Court of Los Angeles County, to the board effective June 29, 2007. Judge Espinoza completed his service on June 6, 2016.

Rationale for Recommendation

Mission and Responsibilities

The mission of the board includes:

- Addressing any issues, concerns, and problems related to the community management of adult sex offenders. The main objective of the board, which shall be used to guide the board in prioritizing resources and use of time, is to achieve safer communities by reducing victimization.
- Conducting public hearings, as it deems necessary, to provide opportunities for gathering information and receiving input regarding the work of the board from concerned stakeholders and the public.

(Pen. Code, § 9002(a)–(b).)

Membership

The board consists of 17 members including participation from the Attorney General or his or her designee; Secretary of the Department of Corrections and Rehabilitation or his or her designee; Director of Adult Parole Services or his or her designee; one California state judge appointed by the Judicial Council; Director of State Hospitals or his or her designee; three members who represent law enforcement appointed by the Governor; one member who represents prosecuting attorneys appointed by the Senate Committee on Rules; one member who represents probation officers appointed by the Speaker of the Assembly; one member who represents criminal defense attorneys appointed by the Speaker of the Assembly; one member who is currently a county administrator appointed by the Governor; one member who is a city manager or his or her designee appointed by the Speaker of the Assembly; two members who are licensed mental health professionals; and two members who are recognized experts in the field of sexual assault and represent sexual assault victims. (Pen. Code, § 9001(b).)

Judge Morgan was selected because of his direct and significant judicial knowledge of sex offender issues. He currently presides over a courtroom which daily assigns to other courtrooms—and retains and conducts himself—preliminary hearings and other evidentiary hearings in felony cases, including cases alleging violations of homicide, rape, child molestation, robbery, and other violent and serious criminal offenses.

Comments, Alternatives Considered, and Policy Implications

Public comment has not been solicited on this recommendation.

Implementation Requirements, Costs, and Operational Impacts

The board members serve without compensation. (Pen. Code, § 9001(d).)

Attachment

1. Attachment A: Pen. Code, §§ 9000–9003