

**Why is that sex offender living near a school or park where children regularly gather?**

- California Penal Code section 3003.5(b), the law enacted by ballot initiative in 2006 prohibiting registered sex offenders from living within 2,000 feet of a school or park, was held as unconstitutional in 2015.
- The California Supreme Court found that when there was insufficient affordable housing for registrants, the law had the opposite effect on public safety intended by creating a homeless population of transient sex offenders.
- California Department of Corrections and Rehabilitation (CDCR) now applies the residency restriction to parolees only, on a case by case basis.
- In 2016, an appellate court ruled that the residency restriction does not apply to registrants on probation as a blanket restriction.
- The California Supreme Court had earlier ruled this law applied only to persons who were released from custody after November 7, 2006, rather than basing retroactivity on when the registrant gained a residence within the 2000-foot zone.

**In California today, the restriction only applies if it is imposed as a probation or parole condition, based on an individual offender's record.**