



ASCIP RISK ALERT!

Date: February 01, 2006

Attention: ASCIP Members

Subject: MEGAN'S LAW DISCLOSURES

On a frequent basis, ASCIP staff receives questions concerning a school's duties and obligations to notify parents or members of the community of information about convicted sex offenders obtained through Megan's law or indirectly from parents or employees.

In 1999, the California State Attorney General was asked if schools had a duty to disclose information received from law enforcement regarding the presence of a sex offender in their community. The Attorney General concluded that no mandatory duty existed to disclose such information*; however, a school could disclose such information in the manner and to the extent authorized by their local law enforcement agency with immunity from civil liability as related to that disclosure. Megan's Law information obtained from parents or employees could also be disclosed; however, there is no mandatory duty to do so and such disclosure would not enjoy any immunity from potential civil liability.

Megan's Law is a federal law passed in 1996 that authorizes local law enforcement agencies to notify the public about convicted sex offenders living, working or visiting their communities. Megan's Law was inspired by the case of seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who moved across the street from the family.

In 1996, the U.S. Congress passed Megan's Law as an amendment to the Jacob Wetterling Crimes Against Children's Act. It required every state to develop some procedure for notifying the public when a sex offender is released into their community. As early as 1947, California had laws that required sex offenders to be registered. California's Megan's Law added specific sections to the Penal Code which address the collection and limited disclosure of information about registered sex offenders.

With access to California Megan's Law information now in a variety of formats, including through the Internet, almost any concerned party is able to access such data at any time on their own. Information obtained from the Internet may be used only to protect an individual at risk with both civil and criminal penalties for misuse of this information. Schools no longer need be a primary source from which Megan's Law information is obtained or disseminated within the community. ASCIP recommends that all schools work closely with local law enforcement to address Megan's Law issues as they arise.

* ref: – California Attorney General Opinion 98-211

Reviewed July, 2006