

AMENDED IN ASSEMBLY MAY 2, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1706

**Introduced by Committee on Public Safety (Solorio (Chair),
Aghazarian (Vice Chair), Anderson, De La Torre, Leno, Ma, and
Portantino)**

February 27, 2007

An act to add Sections 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008, 290.009, 290.010, 290.011, 290.012, 290.013, 290.014, 290.015, 290.016, 290.017, 290.018, 290.019, 290.020, 290.021, 290.022, ~~290.023, and 290.024~~ and 290.023 to, and to repeal and add Section 290 to, the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Committee on Public Safety. Sex offenders: registration.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so.

This bill would reorganize and renumber the provisions that set forth that procedure.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code is repealed.
2 SEC. 2. Section 290 is added to the Penal Code, to read:
3 290. (a) Sections 290 to 290.024, inclusive, shall be known
4 and may be cited as the Sex Offender Registration Act. All
5 references to “the Act” in those sections are to the Sex Offender
6 Registration Act.
7 ~~SEC. 3. Section 290.001 is added to the Penal Code, to read:~~
8 ~~290.001. (a) Every~~
9 (b) Every person described in subdivision ~~(b)~~ (c), for the rest of
10 his or her life while residing in California, or while attending school
11 or working in California, as described in Sections 290.003 and
12 290.01, shall be required to register with the chief of police of the
13 city in which he or she is residing, or the sheriff of the county if
14 he or she is residing in an unincorporated area or city that has no
15 police department, and, additionally, with the chief of police of a
16 campus of the University of California, the California State
17 University, or community college if he or she is residing upon the
18 campus or in any of its facilities, within five working days of
19 coming into, or changing his or her residence within, any city,
20 county, or city and county, or campus in which he or she
21 temporarily resides, and shall be required to register thereafter in
22 accordance with the Act.
23 ~~(b)~~
24 (c) The following persons shall be required to register:
25 Any person who, since July 1, 1944, has been or is hereafter
26 convicted in any court in this state or in any federal or military
27 court of a violation of Section 187 committed in the perpetration,
28 or an attempt to perpetrate, rape or any act punishable under
29 Section 286, 288, 288a, or 289, Section 207 or 209 committed
30 with intent to violate Section 261, 286, 288, 288a, or 289, Section
31 220, except assault to commit mayhem, Section 243.4, paragraph
32 (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph
33 (1) of subdivision (a) of Section 262 involving the use of force or
34 violence for which the person is sentenced to the state prison,
35 Section 264.1, 266, or 266c, subdivision (b) of Section 266h,
36 subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286,
37 288, 288a, 288.3, 288.5, 288.7, 289, or 311.1, subdivision (b), (c),
38 or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or

1 647.6, former Section 647a, subdivision (c) of Section 653f,
2 subdivision 1 or 2 of Section 314, any offense involving lewd or
3 lascivious conduct under Section 272, or any felony violation of
4 Section 288.2; any statutory predecessor that includes all elements
5 of one of the above-mentioned offenses; or any person who since
6 that date has been or is hereafter convicted of the attempt or
7 conspiracy to commit any of the above-mentioned offenses.

8 ~~SEC. 4.— Section 290.002 is added to the Penal Code, to read:~~
9 ~~290.002.—~~

10 *SEC. 3. Section 290.001 is added to the Penal Code, to read:*

11 *290.001.* Every person who has ever been adjudicated a
12 sexually violent predator, as defined in Section 6600 of the Welfare
13 and Institutions Code, shall register in accordance with the Act.

14 ~~SEC. 5.— Section 290.003 is added to the Penal Code, to read:~~
15 ~~290.003.—~~

16 *SEC. 4. Section 290.002 is added to the Penal Code, to read:*

17 *290.002.* Persons required to register in their state of residence
18 who are out-of-state residents employed, or carrying on a vocation
19 in California on a full-time or part-time basis, with or without
20 compensation, for more than 14 days, or for an aggregate period
21 exceeding 30 days in a calendar year, shall register in accordance
22 with the Act. Persons described in subdivision ~~(b)~~ of Section
23 ~~290.001~~ (c) of Section 290 who are out-of-state residents enrolled
24 in any educational institution in California, as defined in Section
25 22129 of the Education Code, on a full-time or part-time basis,
26 shall register in accordance with the Act. The place where the
27 out-of-state resident is located, for purposes of registration, shall
28 be the place where the person is employed, carrying on a vocation,
29 or attending school. The out-of-state resident subject to this section
30 shall, in addition to the information required pursuant to Section
31 290.015, provide the registering authority with the name of his or
32 her place of employment or the name of the school attended in
33 California, and his or her address or location in his or her state of
34 residence. The registration requirement for persons subject to this
35 section shall become operative on November 25, 2000. The terms
36 “employed or carries on a vocation” include employment whether
37 or not financially compensated, volunteered, or performed for
38 government or educational benefit.

39 ~~SEC. 6.— Section 290.004 is added to the Penal Code, to read:~~
40 ~~290.004.—~~

1 *SEC. 5. Section 290.003 is added to the Penal Code, to read:*
 2 290.003. Any person who, since July 1, 1944, has been or
 3 hereafter is released, discharged, or paroled from a penal institution
 4 where he or she was confined because of the commission or
 5 attempted commission of one of the offenses described in
 6 subdivision ~~(b) of Section 290.001~~ (c) of Section 290, shall register
 7 in accordance with the Act.

8 ~~SEC. 7. Section 290.005 is added to the Penal Code, to read:~~
 9 ~~290.005.—~~

10 *SEC. 6. Section 290.004 is added to the Penal Code, to read:*
 11 290.004. Any person who, since July 1, 1944, has been or
 12 hereafter is determined to be a mentally disordered sex offender
 13 under Article 1 (commencing with Section 6300) of Chapter 2 of
 14 Part 2 of Division 6 of the Welfare and Institutions Code, or any
 15 person who has been found guilty in the guilt phase of a trial for
 16 an offense for which registration is required by this section but
 17 who has been found not guilty by reason of insanity in the sanity
 18 phase of the trial shall register in accordance with the Act.

19 ~~SEC. 8. Section 290.006 is added to the Penal Code, to read:~~
 20 ~~290.006.—~~

21 *SEC. 7. Section 290.005 is added to the Penal Code, to read:*
 22 290.005. The following persons shall register in accordance
 23 with the Act:

24 (a) Any person who, since July 1, 1944, has been, or is hereafter
 25 convicted in any other court, including any state, federal, or
 26 military court, of any offense that, if committed or attempted in
 27 this state, would have been punishable as one or more of the
 28 offenses described in subdivision ~~(b) of Section 290.001~~ (c) of
 29 Section 290.

30 (b) Any person ordered by any other court, including any state,
 31 federal, or military court, to register as a sex offender for any
 32 offense, if the court found at the time of conviction or sentencing
 33 that the person committed the offense as a result of sexual
 34 compulsion or for purposes of sexual gratification.

35 (c) Except as provided in subdivision (d), any person who would
 36 be required to register while residing in the state of conviction for
 37 a sex offense committed in that state.

38 (d) Notwithstanding subdivision (c), a person convicted in
 39 another state of an offense similar to one of the following offenses
 40 who is required to register in the state of conviction shall not be

1 required to register in California unless the out-of-state offense
2 contains all of the elements of a registerable California offense
3 described in subdivision ~~(b) of Section 290.001~~ (c) of Section 290:

- 4 (1) Indecent exposure, pursuant to Section 314.
- 5 (2) Unlawful sexual intercourse, pursuant to Section 261.5.
- 6 (3) Incest, pursuant to Section 285.
- 7 (4) Sodomy, pursuant to Section 286, or oral copulation,
8 pursuant to Section 288a, provided that the offender notifies the
9 Department of Justice that the sodomy or oral copulation conviction
10 was for conduct between consenting adults, as described in Section
11 290.019, and the department is able, upon the exercise of
12 reasonable diligence, to verify that fact.

13 (5) Pimping, pursuant to Section 266h, or pandering, pursuant
14 to Section 266i.

15 ~~SEC. 9. Section 290.007 is added to the Penal Code, to read:
16 290.007.—~~

17 *SEC. 8. Section 290.006 is added to the Penal Code, to read:
18 290.006. Any person ordered by any court to register pursuant
19 to the Act for any offense not included specifically in subdivision
20 ~~(b) of Section 290.001~~ (c) of Section 290, shall so register, if the
21 court finds at the time of conviction or sentencing that the person
22 committed the offense as a result of sexual compulsion or for
23 purposes of sexual gratification. The court shall state on the record
24 the reasons for its findings and the reasons for requiring
25 registration.*

26 ~~SEC. 10. Section 290.008 is added to the Penal Code, to read:
27 290.008.—~~

28 *SEC. 9. Section 290.007 is added to the Penal Code, to read:
29 290.007. Any person required to register pursuant to any
30 provision of the Act shall register in accordance with the Act,
31 regardless of whether the person’s conviction has been dismissed
32 pursuant to Section 1203.4, unless the person obtains a certificate
33 of rehabilitation and is entitled to relief from registration pursuant
34 to Section 290.5.*

35 ~~SEC. 11. Section 290.009 is added to the Penal Code, to read:
36 290.009.—~~

37 *SEC. 10. Section 290.008 is added to the Penal Code, to read:
38 290.008. (a) Any person who, on or after January 1, 1986, is
39 discharged or paroled from the Department of Corrections and
40 Rehabilitation to the custody of which he or she was committed*

1 after having been adjudicated a ward of the juvenile court pursuant
2 to Section 602 of the Welfare and Institutions Code because of the
3 commission or attempted commission of any offense described in
4 subdivision (c) shall register in accordance with the Act.

5 (b) Any person who is discharged or paroled from a facility in
6 another state that is equivalent to the Division of Juvenile Justice,
7 to the custody of which he or she was committed because of an
8 offense which, if committed or attempted in this state, would have
9 been punishable as one or more of the offenses described in
10 subdivision (c) shall register in accordance with the Act.

11 (c) Any person described in this section who committed an
12 offense in violation of any of the following provisions shall be
13 required to register pursuant to the Act:

14 (1) Assault with intent to commit rape, sodomy, oral copulation,
15 or any violation of Section 264.1, 288, or 289 under Section 220.

16 (2) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
17 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
18 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
19 Section 286, Section 288 or 288.5, paragraph (1) of subdivision
20 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)
21 of Section 289, or Section 647.6.

22 (3) A violation of Section 207 or 209 committed with the intent
23 to violate Section 261, 286, 288, 288a, or 289.

24 (d) Prior to discharge or parole from the Department of
25 Corrections and Rehabilitation, any person who is subject to
26 registration under this section shall be informed of the duty to
27 register under the procedures set forth in the Act. Department
28 officials shall transmit the required forms and information to the
29 Department of Justice.

30 (e) All records specifically relating to the registration in the
31 custody of the Department of Justice, law enforcement agencies,
32 and other agencies or public officials shall be destroyed when the
33 person who is required to register has his or her records sealed
34 under the procedures set forth in Section 781 of the Welfare and
35 Institutions Code. This section shall not be construed as requiring
36 the destruction of other criminal offender or juvenile records
37 relating to the case that are maintained by the Department of
38 Justice, law enforcement agencies, the juvenile court, or other
39 agencies and public officials unless ordered by a court under
40 Section 781 of the Welfare and Institutions Code.

1 ~~SEC. 12. Section 290.010 is added to the Penal Code, to read:~~
2 ~~290.010.—~~

3 *SEC. 11. Section 290.009 is added to the Penal Code, to read:*
4 *290.009.* Any person required to register under the Act who is
5 enrolled as a student or is an employee or carries on a vocation,
6 with or without compensation, at an institution of higher learning
7 in this state, shall register pursuant to the provisions of ~~Section~~
8 ~~290.01~~ *this act.*

9 ~~SEC. 13. Section 290.011 is added to the Penal Code, to read:~~
10 ~~290.011.—~~

11 *SEC. 12. Section 290.010 is added to the Penal Code, to read:*
12 *290.010.* If the person who is registering has more than one
13 residence address at which he or she regularly resides, he or she
14 shall register in accordance with the Act in each of the jurisdictions
15 in which he or she regularly resides, regardless of the number of
16 days or nights spent there. If all of the addresses are within the
17 same jurisdiction, the person shall provide the registering authority
18 with all of the addresses where he or she regularly resides.

19 ~~SEC. 14. Section 290.012 is added to the Penal Code, to read:~~
20 ~~290.012.—~~

21 *SEC. 13. Section 290.011 is added to the Penal Code, to read:*
22 *290.011.* Every person who is required to register pursuant to
23 the Act who is living as a transient shall be required to register for
24 the rest of his or her life as follows:

25 (a) He or she shall register, or reregister if the person has
26 previously registered, within five working days from release from
27 incarceration, placement or commitment, or release on probation,
28 pursuant to subdivision ~~(a) of Section 290.001~~ *(b) of Section 290,*
29 except that if the person previously registered as a transient less
30 than 30 days from the date of his or her release from incarceration,
31 he or she does not need to reregister as a transient until his or her
32 next required 30-day update of registration. If a transient is not
33 physically present in any one jurisdiction for five consecutive
34 working days, he or she shall register in the jurisdiction in which
35 he or she is physically present on the fifth working day following
36 release, pursuant to subdivision ~~(a) of Section 290.001~~ *(b) of*
37 *Section 290.* Beginning on or before the 30th day following initial
38 registration upon release, a transient shall reregister no less than
39 once every 30 days thereafter. A transient shall register with the
40 chief of police of the city in which he or she is physically present

1 within that 30-day period, or the sheriff of the county if he or she
2 is physically present in an unincorporated area or city that has no
3 police department, and additionally, with the chief of police of a
4 campus of the University of California, the California State
5 University, or community college if he or she is physically present
6 upon the campus or in any of its facilities. A transient shall
7 reregister no less than once every 30 days regardless of the length
8 of time he or she has been physically present in the particular
9 jurisdiction in which he or she reregisters. If a transient fails to
10 reregister within any 30-day period, he or she may be prosecuted
11 in any jurisdiction in which he or she is physically present.

12 (b) A transient who moves to a residence shall have five working
13 days within which to register at that address, in accordance with
14 subdivision ~~(a) of Section 290.001~~ *(b) of Section 290*. A person
15 registered at a residence address in accordance with that provision
16 who becomes transient shall have five working days within which
17 to reregister as a transient in accordance with subdivision (a).

18 (c) Beginning on his or her first birthday following registration,
19 a transient shall register annually, within five working days of his
20 or her birthday, to update his or her registration with the entities
21 described in subdivision (a). A transient shall register in whichever
22 jurisdiction he or she is physically present on that date. At the
23 30-day updates and the annual update, a transient shall provide
24 current information as required on the Department of Justice annual
25 update form, including the information described in paragraphs
26 (1) to (3), inclusive of subdivision (a) of Section ~~290.016~~ *290.015*,
27 and the information specified in subdivision (d).

28 (d) A transient shall, upon registration and reregistration, provide
29 current information as required on the Department of Justice
30 registration forms, and shall also list the places where he or she
31 sleeps, eats, works, frequents, and engages in leisure activities. If
32 a transient changes or adds to the places listed on the form during
33 the 30-day period, he or she does not need to report the new place
34 or places until the next required reregistration.

35 (e) Failure to comply with the requirement of reregistering every
36 30 days following initial registration pursuant to subdivision (a)
37 shall be punished in accordance with of subdivision (g) of Section
38 ~~290.019~~ *290.018*. Failure to comply with any other requirement
39 of this section shall be punished in accordance with either
40 subdivision (a) or (b) of Section ~~290.019~~ *290.018*.

1 (f) A transient who moves out of state shall inform, in person,
2 the chief of police in the city in which he or she is physically
3 present, or the sheriff of the county if he or she is physically present
4 in an unincorporated area or city that has no police department,
5 within five working days, of his or her move out of state. The
6 transient shall inform that registering agency of his or her planned
7 destination, residence or transient location out of state, and any
8 plans he or she has to return to California, if known. The law
9 enforcement agency shall, within three days after receipt of this
10 information, forward a copy of the change of location information
11 to the Department of Justice. The department shall forward
12 appropriate registration data to the law enforcement agency having
13 local jurisdiction of the new place of residence or location.

14 (g) For purposes of this section, “transient” means a person who
15 has no residence. “Residence” means one or more addresses at
16 which a person regularly resides, regardless of the number of days
17 or nights spent there, such as a shelter or structure that can be
18 located by a street address, including, but not limited to, houses,
19 apartment buildings, motels, hotels, homeless shelters, and
20 recreational and other vehicles.

21 (h) The transient registrant’s duty to update his or her
22 registration no less than every 30 days shall begin with his or her
23 second transient update following the date this section became
24 effective.

25 ~~SEC. 15.— Section 290.013 is added to the Penal Code, to read:~~
26 ~~290.013.—~~

27 *SEC. 14. Section 290.012 is added to the Penal Code, to read:*
28 *290.012. (a) Beginning on his or her first birthday following*
29 *registration or change of address, the person shall be required to*
30 *register annually, within five working days of his or her birthday,*
31 *to update his or her registration with the entities described in*
32 ~~Section 290.001~~ *subdivision (b) of Section 290. At the annual*
33 *update, the person shall provide current information as required*
34 *on the Department of Justice annual update form, including the*
35 *information described in paragraphs (1) to (3), inclusive of*
36 ~~subdivision (a) of Section 290.016~~ *290.015.*

37 (b) In addition, every person who has ever been adjudicated a
38 sexually violent predator, as defined in Section 6600 of the Welfare
39 and Institutions Code, shall, after his or her release from custody,
40 verify his or her address no less than once every 90 days and place

1 of employment, including the name and address of the employer,
2 in a manner established by the Department of Justice. Every person
3 who, as a sexually violent predator, is required to verify his or her
4 registration every 90 days, shall be notified wherever he or she
5 next registers of his or her increased registration obligations. This
6 notice shall be provided in writing by the registering agency or
7 agencies. Failure to receive this notice shall be a defense to the
8 penalties prescribed in subdivision (f) of Section ~~290.019~~ 290.018.

9 (c) In addition, every person subject to the Act, while living as
10 a transient in California shall update his or her registration at least
11 every 30 days, in accordance with Section ~~290.012~~ 290.011.

12 (d) No entity shall require a person to pay a fee to register or
13 update his or her registration pursuant to this section. The
14 registering agency shall submit registrations, including annual
15 updates or changes of address, directly into the Department of
16 Justice Violent Crime Information Network (VCIN). The
17 registering agency shall give the registrant a copy of the completed
18 Department of Justice form each time the person registers or
19 reregisters, including at the annual update.

20 ~~SEC. 16. Section 290.014 is added to the Penal Code, to read:~~
21 ~~290.014.—~~

22 *SEC. 15. Section 290.013 is added to the Penal Code, to read:*

23 290.013. (a) Any person who was last registered at a residence
24 address pursuant to the Act who changes his or her residence
25 address, whether within the jurisdiction in which he or she is
26 currently registered or to a new jurisdiction inside or outside the
27 state, shall, in person, within five working days of the move, inform
28 the law enforcement agency or agencies with which he or she last
29 registered of the move, the new address or transient location, if
30 known, and any plans he or she has to return to California.

31 (b) If the person does not know the new residence address or
32 location at the time of the move, the registrant shall, in person,
33 within five working days of the move, inform the last registering
34 agency or agencies that he or she is moving. The person shall later
35 notify the last registering agency or agencies, in writing, sent by
36 certified or registered mail, of the new address or location within
37 five working days of moving into the new residence address or
38 location, whether temporary or permanent.

39 (c) The law enforcement agency or agencies shall, within three
40 working days after receipt of this information, forward a copy of

1 the change of address information to the Department of Justice.
2 The Department of Justice shall forward appropriate registration
3 data to the law enforcement agency or agencies having local
4 jurisdiction of the new place of residence.

5 (d) If the person's new address is in a Department of Corrections
6 and Rehabilitation facility or state mental institution, an official
7 of the place of incarceration, placement, or commitment shall,
8 within 90 days of receipt of the person, forward the registrant's
9 change of address information to the Department of Justice. The
10 agency need not provide a physical address for the registrant but
11 shall indicate that he or she is serving a period of incarceration or
12 commitment in a facility under the agency's jurisdiction. This
13 subdivision shall apply to persons received in a department facility
14 or state mental institution on or after January 1, 1999. The
15 Department of Justice shall forward the change of address
16 information to the agency with which the person last registered.

17 ~~SEC. 17. Section 290.015 is added to the Penal Code, to read:~~
18 ~~290.015.—~~

19 *SEC. 16. Section 290.014 is added to the Penal Code, to read:*
20 *290.014.* If any person who is required to register pursuant to
21 the Act changes his or her name, the person shall inform, in person,
22 the law enforcement agency or agencies with which he or she is
23 currently registered within five working days. The law enforcement
24 agency or agencies shall forward a copy of this information to the
25 Department of Justice within three working days of its receipt.

26 ~~SEC. 18. Section 290.016 is added to the Penal Code, to read:~~
27 ~~290.016.—~~

28 *SEC. 17. Section 290.015 is added to the Penal Code, to read:*
29 *290.015.* (a) A person who is subject to the Act shall register,
30 or reregister if the person has previously registered, upon release
31 from incarceration, placement, commitment, or release on probation
32 pursuant to subdivision (a) of Section 290.001. This section shall
33 not apply to a person who is incarcerated for less than 30 days if
34 he or she has registered as required by the Act, he or she returns
35 after incarceration to the last registered address, and the annual
36 update of registration that is required to occur within five working
37 days of his or her birthday, pursuant to subdivision (a) of Section
38 ~~290.013~~ *290.012*, did not fall within that incarceration period. The
39 registration shall consist of all of the following:

1 (1) A statement in writing signed by the person, giving
2 information as shall be required by the Department of Justice and
3 giving the name and address of the person's employer, and the
4 address of the person's place of employment if that is different
5 from the employer's main address.

6 (2) The fingerprints and a current photograph of the person
7 taken by the registering official.

8 (3) The license plate number of any vehicle owned by, regularly
9 driven by, or registered in the name of the person.

10 (4) Notice to the person that, in addition to the requirements of
11 the Act, he or she may have a duty to register in any other state
12 where he or she may relocate.

13 (5) Copies of adequate proof of residence, which shall be limited
14 to a California driver's license, California identification card, recent
15 rent or utility receipt, printed personalized checks or other recent
16 banking documents showing that person's name and address, or
17 any other information that the registering official believes is
18 reliable. If the person has no residence and no reasonable
19 expectation of obtaining a residence in the foreseeable future, the
20 person shall so advise the registering official and shall sign a
21 statement provided by the registering official stating that fact.
22 Upon presentation of proof of residence to the registering official
23 or a signed statement that the person has no residence, the person
24 shall be allowed to register. If the person claims that he or she has
25 a residence but does not have any proof of residence, he or she
26 shall be allowed to register but shall furnish proof of residence
27 within 30 days of the date he or she is allowed to register.

28 (b) Within three days thereafter, the registering law enforcement
29 agency or agencies shall forward the statement, fingerprints,
30 photograph, and vehicle license plate number, if any, to the
31 Department of Justice.

32 ~~SEC. 19. Section 290.017 is added to the Penal Code, to read:~~
33 ~~290.017.—~~

34 *SEC. 18. Section 290.016 is added to the Penal Code, to read:*

35 *290.016.* (a) On or after January 1, 1998, upon incarceration,
36 placement, or commitment, or prior to release on probation, any
37 person who is required to register under the Act shall preregister.
38 The preregistering official shall be the admitting officer at the
39 place of incarceration, placement, or commitment, or the probation

1 officer if the person is to be released on probation. The
2 preregistration shall consist of all of the following:

3 (1) A preregistration statement in writing, signed by the person,
4 giving information that shall be required by the Department of
5 Justice.

6 (2) The fingerprints and a current photograph of the person.

7 (3) Any person who is preregistered pursuant to this subdivision
8 is required to be preregistered only once.

9 (b) Within three days thereafter, the preregistering official shall
10 forward the statement, fingerprints, photograph, and vehicle license
11 plate number, if any, to the Department of Justice.

12 ~~SEC. 20.— Section 290.018 is added to the Penal Code, to read:~~
13 ~~290.018.—~~

14 *SEC. 19. Section 290.017 is added to the Penal Code, to read:*

15 *290.017.* (a) Any person who is released, discharged, or
16 paroled from a jail, state or federal prison, school, road camp, or
17 other institution where he or she was confined because of the
18 commission or attempted commission of one of the offenses
19 specified in subdivision ~~(b)~~ of ~~Section 290.001~~ *(c) of Section 290*
20 or is released from a state hospital to which he or she was
21 committed as a mentally disordered sex offender under Article 1
22 (commencing with Section 6300) of Chapter 2 of Part 2 of Division
23 6 of the Welfare and Institutions Code, shall, prior to discharge,
24 parole, or release, be informed of his or her duty to register under
25 the Act by the official in charge of the place of confinement or
26 hospital, and the official shall require the person to read and sign
27 any form that may be required by the Department of Justice, stating
28 that the duty of the person to register under the Act has been
29 explained to the person. The official in charge of the place of
30 confinement or hospital shall obtain the address where the person
31 expects to reside upon his or her discharge, parole, or release and
32 shall report the address to the Department of Justice. The official
33 shall at the same time forward a current photograph of the person
34 to the Department of Justice.

35 (b) The official in charge of the place of confinement or hospital
36 shall give one copy of the form to the person and shall send one
37 copy to the Department of Justice and one copy to the appropriate
38 law enforcement agency or agencies having jurisdiction over the
39 place the person expects to reside upon discharge, parole, or
40 release. If the conviction that makes the person subject to the Act

1 is a felony conviction, the official in charge shall, not later than
2 45 days prior to the scheduled release of the person, send one copy
3 to the appropriate law enforcement agency or agencies having
4 local jurisdiction where the person expects to reside upon
5 discharge, parole, or release; one copy to the prosecuting agency
6 that prosecuted the person; and one copy to the Department of
7 Justice. The official in charge of the place of confinement or
8 hospital shall retain one copy.

9 (c) Any person who is convicted in this state of the commission
10 or attempted commission of any of the offenses specified in
11 ~~subdivision (b) of Section 290.001~~ (c) of Section 290 and who is
12 released on probation, shall, prior to release or discharge, be
13 informed of the duty to register under the Act by the probation
14 department, and a probation officer shall require the person to read
15 and sign any form that may be required by the Department of
16 Justice, stating that the duty of the person to register has been
17 explained to him or her. The probation officer shall obtain the
18 address where the person expects to reside upon release or
19 discharge and shall report within three days the address to the
20 Department of Justice. The probation officer shall give one copy
21 of the form to the person, send one copy to the Department of
22 Justice, and forward one copy to the appropriate law enforcement
23 agency or agencies having local jurisdiction where the person
24 expects to reside upon his or her discharge, parole, or release.

25 (d) Any person who is convicted in this state of the commission
26 or attempted commission of any of the offenses specified in
27 ~~subdivision (b) of Section 290.001~~ (c) of Section 290 and who is
28 granted conditional release without supervised probation, or
29 discharged upon payment of a fine, shall, prior to release or
30 discharge, be informed of the duty to register under the Act in open
31 court by the court in which the person has been convicted, and the
32 court shall require the person to read and sign any form that may
33 be required by the Department of Justice, stating that the duty of
34 the person to register has been explained to him or her. If the court
35 finds that it is in the interest of the efficiency of the court, the court
36 may assign the bailiff to require the person to read and sign forms
37 under the Act. The court shall obtain the address where the person
38 expects to reside upon release or discharge and shall report within
39 three days the address to the Department of Justice. The court shall
40 give one copy of the form to the person, send one copy to the

1 Department of Justice, and forward one copy to the appropriate
2 law enforcement agency or agencies having local jurisdiction where
3 the person expects to reside upon his or her discharge, parole, or
4 release.

5 ~~SEC. 21. Section 290.019 is added to the Penal Code, to read:~~
6 ~~290.019.—~~

7 *SEC. 20. Section 290.018 is added to the Penal Code, to read:*

8 *290.018.* (a) Any person who is required to register under the
9 Act based on a misdemeanor conviction or juvenile adjudication
10 who willfully violates any requirement of the Act is guilty of a
11 misdemeanor punishable by imprisonment in a county jail not
12 exceeding one year.

13 (b) Except as provided in subdivisions (f), (h), and (j), any
14 person who is required to register under the Act based on a felony
15 conviction or juvenile adjudication who willfully violates any
16 requirement of the Act or who has a prior conviction or juvenile
17 adjudication for the offense of failing to register under the Act and
18 who subsequently and willfully violates any requirement of the
19 Act is guilty of a felony and shall be punished by imprisonment
20 in the state prison for 16 months, or two or three years.

21 (c) If probation is granted or if the imposition or execution of
22 sentence is suspended, it shall be a condition of the probation or
23 suspension that the person serve at least 90 days in a county jail.
24 The penalty described in subdivision (b) or this subdivision shall
25 apply whether or not the person has been released on parole or has
26 been discharged from parole.

27 (d) Any person determined to be a mentally disordered sex
28 offender or who has been found guilty in the guilt phase of trial
29 for an offense for which registration is required under the Act, but
30 who has been found not guilty by reason of insanity in the sanity
31 phase of the trial, or who has had a petition sustained in a juvenile
32 adjudication for an offense for which registration is required
33 pursuant to ~~Section 290.009~~ *subdivision (c) of Section 290*, but
34 who has been found not guilty by reason of insanity, who willfully
35 violates any requirement of the Act is guilty of a misdemeanor
36 and shall be punished by imprisonment in a county jail not
37 exceeding one year. For any second or subsequent willful violation
38 of any requirement of the Act, the person is guilty of a felony and
39 shall be punished by imprisonment in the state prison for 16
40 months, or two or three years.

1 (e) If, after discharge from parole, the person is convicted of a
2 felony or suffers a juvenile adjudication as specified in this ~~section~~
3 *act*, he or she shall be required to complete parole of at least one
4 year, in addition to any other punishment imposed under this
5 section. A person convicted of a felony as specified in this section
6 may be granted probation only in the unusual case where the
7 interests of justice would best be served. When probation is granted
8 under this ~~subdivision~~ *act*, the court shall specify on the record
9 and shall enter into the minutes the circumstances indicating that
10 the interests of justice would best be served by the disposition.

11 (f) Any person who has ever been adjudicated a sexually violent
12 predator, as defined in Section 6600 of the Welfare and Institutions
13 Code, and who fails to verify his or her registration every 90 days
14 as required pursuant to subdivision (b) of Section ~~290.013~~ *290.012*,
15 shall be punished by imprisonment in the state prison, or in a
16 county jail not exceeding one year.

17 (g) Except as otherwise provided in subdivision (f), any person
18 who is required to register or reregister pursuant to Section ~~290.012~~
19 *290.011* and willfully fails to comply with the requirement that he
20 or she reregister no less than every 30 days is guilty of a
21 misdemeanor and shall be punished by imprisonment in a county
22 jail at least 30 days, but not exceeding six months. A person who
23 willfully fails to comply with the requirement that he or she
24 reregister no less than every 30 days shall not be charged with this
25 violation more often than once for a failure to register in any period
26 of 90 days. Any person who willfully commits a third or subsequent
27 violation of the requirements of Section ~~290.012~~ *290.011* that he
28 or she reregister no less than every 30 days shall be punished in
29 accordance with either subdivision (a) or (b).

30 (h) Any person who fails to provide proof of residence as
31 required by paragraph (5) of subdivision (a) of Section ~~290.016~~
32 *290.015*, regardless of the offense upon which the duty to register
33 is based, is guilty of a misdemeanor punishable by imprisonment
34 in a county jail not exceeding six months.

35 (i) Any person who is required to register under the Act who
36 willfully violates any requirement of the Act is guilty of a
37 continuing offense as to each requirement he or she violated.

38 (j) In addition to any other penalty imposed under this section,
39 the failure to provide information required on registration and
40 reregistration forms of the Department of Justice, or the provision

1 of false information, is a crime punishable by imprisonment in a
2 county jail for a period not exceeding one year.

3 (k) Whenever any person is released on parole or probation and
4 is required to register under the Act but fails to do so within the
5 time prescribed, the parole authority or the court, as the case may
6 be, shall order the parole or probation of the person revoked. For
7 purposes of this subdivision, “parole authority” has the same
8 meaning as described in Section 3000.

9 ~~SEC. 22. Section 290.020 is added to the Penal Code, to read:~~
10 ~~290.020.—~~

11 *SEC. 21. Section 290.019 is added to the Penal Code, to read:*

12 *290.019.* Notwithstanding any other section in the Act, a person
13 who was convicted before January 1, 1976, under subdivision (a)
14 of Section 286, or Section 288a, shall not be required to register
15 pursuant to the Act for that conviction if the conviction was for
16 conduct between consenting adults that was decriminalized by
17 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
18 of 1976. The Department of Justice shall remove that person from
19 the Sex Offender Registry, and the person is discharged from his
20 or her duty to register pursuant to the following procedure:

21 (a) The person submits to the Department of Justice official
22 documentary evidence, including court records or police reports,
23 that demonstrate that the person’s conviction pursuant to either of
24 those sections was for conduct between consenting adults that was
25 decriminalized.

26 (b) The person submits to the department a declaration stating
27 that the person’s conviction pursuant to either of those sections
28 was for consensual conduct between adults that has been
29 decriminalized. The declaration shall be confidential and not a
30 public record, and shall include the person’s name, address,
31 telephone number, date of birth, and a summary of the
32 circumstances leading to the conviction, including the date of the
33 conviction and county of the occurrence.

34 (c) The department shall determine whether the person’s
35 conviction was for conduct between consensual adults that has
36 been decriminalized. If the conviction was for consensual conduct
37 between adults that has been decriminalized, and the person has
38 no other offenses for which he or she is required to register
39 pursuant to the Act, the department shall, within 60 days of receipt
40 of those documents, notify the person that he or she is relieved of

1 the duty to register, and shall notify the local law enforcement
2 agency with which the person is registered that he or she has been
3 relieved of the duty to register. The local law enforcement agency
4 shall remove the person's registration from its files within 30 days
5 of receipt of notification. If the documentary or other evidence
6 submitted is insufficient to establish the person's claim, the
7 department shall, within 60 days of receipt of those documents,
8 notify the person that his or her claim cannot be established, and
9 that the person shall continue to register pursuant to the Act. The
10 department shall provide, upon the person's request, any
11 information relied upon by the department in making its
12 determination that the person shall continue to register pursuant
13 to the Act. Any person whose claim has been denied by the
14 department pursuant to this subdivision may petition the court to
15 appeal the department's denial of the person's claim.

16 ~~SEC. 23. Section 290.021 is added to the Penal Code, to read:~~
17 ~~290.021.—~~

18 *SEC. 22. Section 290.020 is added to the Penal Code, to read:*
19 *290.020.* In any case in which a person who would be required
20 to register pursuant to the Act for a felony conviction is to be
21 temporarily sent outside the institution where he or she is confined
22 on any assignment within a city or county including firefighting,
23 disaster control, or of whatever nature the assignment may be, the
24 local law enforcement agency having jurisdiction over the place
25 or places where the assignment shall occur shall be notified within
26 a reasonable time prior to removal from the institution. This section
27 shall not apply to any person who is temporarily released under
28 guard from the institution where he or she is confined.

29 ~~SEC. 24. Section 290.022 is added to the Penal Code, to read:~~
30 ~~290.022.—~~

31 *SEC. 23. Section 290.021 is added to the Penal Code, to read:*
32 *290.021.* Except as otherwise provided by law, the statements,
33 photographs, and fingerprints required by the Act shall not be open
34 to inspection by the public or by any person other than a regularly
35 employed peace officer or other law enforcement officer.

36 ~~SEC. 25. Section 290.023 is added to the Penal Code, to read:~~
37 ~~290.023.—~~

38 *SEC. 24. Section 290.022 is added to the Penal Code, to read:*
39 *290.022.* On or before June 10, 2010, the Department of Justice
40 shall renovate the VCIN to do the following:

1 (1) Correct all software deficiencies affecting data integrity and
2 include designated data fields for all mandated sex offender data.

3 (2) Consolidate and simplify program logic, thereby increasing
4 system performance and reducing system maintenance costs.

5 (3) Provide all necessary data storage, processing, and search
6 capabilities.

7 (4) Provide law enforcement agencies with full Internet access
8 to all sex offender data and photos.

9 (5) Incorporate a flexible design structure to readily meet future
10 demands for enhanced system functionality, including public
11 Internet access to sex offender information pursuant to Section
12 290.46.

13 ~~SEC. 26. Section 290.024 is added to the Penal Code, to read:~~
14 ~~290.024.—~~

15 *SEC. 25. Section 290.023 is added to the Penal Code, to read:*
16 *290.023. The registration provisions of the Act are applicable*
17 *to every person described in the Act, without regard to when his*
18 *or her crime or crimes were committed or his or her duty to register*
19 *pursuant to the Act arose, and to every offense described in the*
20 *Act, regardless of when it was committed.*

21 ~~SEC. 27.~~

22 *SEC. 26. This act is an urgency statute necessary for the*
23 *immediate preservation of the public peace, health, or safety within*
24 *the meaning of Article IV of the Constitution and shall go into*
25 *immediate effect. The facts constituting the necessity are:*

26 *In order to ensure that California's sex offender registration*
27 *statute is clear and is effectively implemented, it is necessary that*
28 *this act take effect immediately.*