

**ASSEMBLY BILL**

**No. 3038**

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**Introduced by Assembly Member Tran**

February 22, 2008

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An act to amend Section 293 of the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3038, as introduced, Tran. Probation: sex offenders.

Current law provides that the victim of a sex offense may request that his or her name and address not be a matter of public record. Current law further provides that the name of a person who is the victim of a sex offense may be disclosed to certain law enforcement officials, including county probation officers, if the person who is alleged to have committed the sex offense is a probationer or is under investigation by a county probation department to prepare a presentence report, as defined.

This bill would delete the requirement that an investigation of a person be for purposes of preparing a presentence report in order for a county probation officer to receive the names and addresses of victims of sex offenses alleged to have been committed by the person.

Existing law prohibits a law enforcement agency from disclosing the name of a victim of a sex offense, under specified circumstances, except to certain parties or entities, including county probation offices.

This bill would exempt from this prohibition disclosure to probation officers instead of probation offices.

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

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

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

1 SECTION 1. Section 293 of the Penal Code is amended to  
2 read:

3 293. (a) Any employee of a law enforcement agency who  
4 personally receives a report from any person, alleging that the  
5 person making the report has been the victim of a sex offense,  
6 shall inform that person that his or her name will become a matter  
7 of public record unless he or she requests that it not become a  
8 matter of public record, pursuant to Section 6254 of the  
9 Government Code.

10 (b) Any written report of an alleged sex offense shall indicate  
11 that the alleged victim has been properly informed pursuant to  
12 subdivision (a) and shall memorialize his or her response.

13 (c) No law enforcement agency shall disclose to any person,  
14 except the prosecutor, parole officers of the Department of  
15 Corrections and Rehabilitation, hearing officers of the parole  
16 authority, probation officers of county probation departments, or  
17 other persons or public agencies where authorized or required by  
18 law, the address of a person who alleges to be the victim of a sex  
19 offense.

20 (d) No law enforcement agency shall disclose to any person,  
21 except the prosecutor, parole officers of the Department of  
22 Corrections and Rehabilitation, hearing officers of the parole  
23 authority, probation—~~offices~~ *officers* of county probation  
24 departments, or other persons or public agencies where authorized  
25 or required by law, the name of a person who alleges to be the  
26 victim of a sex offense, if that person has elected to exercise his  
27 or her right pursuant to this section and Section 6254 of the  
28 Government Code.

29 (e) For purposes of this section, sex offense means any crime  
30 listed in paragraph (2) of subdivision (f) of Section 6254 of the  
31 Government Code.

32 (f) Parole officers of the Department of Corrections and  
33 Rehabilitation and hearing officers of the parole authority, and  
34 probation officers of county probation departments, shall be entitled  
35 to receive information pursuant to subdivisions (c) and (d) only if

1 the person to whom the information pertains alleges that he or she  
2 is the victim of a sex offense, the alleged perpetrator of which is  
3 a parolee who is alleged to have committed the sex offense while  
4 on parole, or in the case of a county probation officer, the person  
5 who is alleged to have committed the sex offense is a probationer  
6 or is under investigation by a county probation department pursuant  
7 to Section 1203.

8 SEC. 2. This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to protect the public, county probation officers need  
13 victim information as soon as possible for legitimate law  
14 enforcement purposes even though they are not conducting an  
15 investigation to prepare a presentence report.