

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 262

Introduced by Assembly Member Lackey

February 9, 2015

An act to ~~amend Section 290 of~~ *add Section 3003.7* to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 262, as amended, Lackey. Sex offenders.

Existing law, subject to exceptions, prohibits a person who is released on parole after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required from residing in a single family dwelling with another person also required to register as a sex offender. Existing law also prohibits a person for whom registration is required from residing within 2,000 feet of a public or private school, or park where children regularly gather.

This bill would provide that a person who has been convicted and adjudicated as a sexually violent predator may only reside in a dwelling or abode that is within 10 miles of a permanent physical police or sheriff station with full-time peace officer staffing that has jurisdiction over the location. The bill would also prohibit a person convicted and adjudicated as a sexually violent predator from leasing, renting, or otherwise residing in a dwelling or other abode, and would prohibit a dwelling or other abode from being leased or rented on behalf of a sexually violent predator for purposes of residence by that person, if that dwelling or other abode is occupied or owned in whole or in part by a felon convicted of a serious or violent felony. The bill would provide that its terms do not prevent local jurisdictions from enacting local

ordinances that further restrict the residency of a person convicted and adjudicated as a sexually violent predator.

~~Existing law, the Sex Offender Registration Act, as last amended by Proposition 35, as approved by the voters at the November 6, 2012, statewide general election, requires a person convicted of certain crimes, as specified, to register with law enforcement as a sex offender for the rest of his or her life while residing in California or while attending school or working in California, as specified. A willful failure to register, as required by the act, is a misdemeanor, or felony, depending on the underlying offense.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. 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 3003.7 is added to the Penal Code, to
- 2 read:
- 3 3003.7. (a) A person convicted and adjudicated as a sexually
- 4 violent predator shall only reside in a dwelling or abode that is
- 5 within 10 miles of a permanent physical police or sheriff station
- 6 with full-time peace officer staffing that has jurisdiction over the
- 7 location.
- 8 (b) A person convicted and adjudicated as a sexually violent
- 9 predator shall not lease, rent, or otherwise reside in any dwelling
- 10 or other abode, nor shall a dwelling or other abode be leased or
- 11 rented on behalf of a sexually violent predator for purposes of
- 12 residence by that person, if that dwelling or other abode is
- 13 occupied or owned in whole or in part by a felon convicted of a
- 14 serious felony as defined in subdivision (c) of Section 1192.7, or
- 15 a violent felony, as defined in subdivision (c) of Section 667.5.
- 16 (c) Nothing in this section shall prohibit municipal jurisdictions
- 17 from enacting local ordinances that further restrict the residency
- 18 of any person convicted and adjudicated as a sexually violent
- 19 predator.
- 20 (d) The provisions of this measure are severable. If any
- 21 provision of this measure or its application is held invalid, that
- 22 invalidity shall not affect other provisions or applications that can
- 23 be given effect without the invalid provision or application.

1 SECTION 1. ~~Section 290 of the Penal Code is amended to~~
2 ~~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 ~~(b) Every person described in subdivision (c), for the rest of his~~
8 ~~or her life while residing in California, or while attending school~~
9 ~~or working in California, as described in Sections 290.002 and~~
10 ~~290.01, shall be required to register with the chief of police of the~~
11 ~~city in which he or she is residing, or the sheriff of the county if~~
12 ~~he or she is residing in an unincorporated area or in a city that has~~
13 ~~no police department, and, additionally, with the chief of police~~
14 ~~of a campus of the University of California, the California State~~
15 ~~University, or a community college if he or she is residing upon~~
16 ~~the campus or in any of its facilities, within five working days of~~
17 ~~coming into, or changing his or her residence within, any city,~~
18 ~~county, or city and county, or campus in which he or she~~
19 ~~temporarily resides, and shall be required to register thereafter in~~
20 ~~accordance with the Act.~~

21 ~~(c) The following persons shall be required to register:~~

22 ~~Any person who, since July 1, 1944, has been or is hereafter~~
23 ~~convicted in any court in this state or in any federal or military~~
24 ~~court of a violation of Section 187 committed in the perpetration,~~
25 ~~or an attempt to perpetrate, rape or any act punishable under~~
26 ~~Section 286, 288, 288a, or 289, Section 207 or 209 committed~~
27 ~~with intent to violate Section 261, 286, 288, 288a, or 289, Section~~
28 ~~220, except assault to commit mayhem, subdivision (b) and (c) of~~
29 ~~Section 236.1, Section 243.4, paragraph (1), (2), (3), (4), or (6) of~~
30 ~~subdivision (a) of Section 261, paragraph (1) of subdivision (a) of~~
31 ~~Section 262 involving the use of force or violence for which the~~
32 ~~person is sentenced to the state prison, Section 264.1, 266, or 266c,~~
33 ~~subdivision (b) of Section 266h, subdivision (b) of Section 266i,~~
34 ~~Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5,~~
35 ~~288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2,~~
36 ~~Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section~~
37 ~~647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section~~
38 ~~314, any offense involving lewd or lascivious conduct under~~
39 ~~Section 272, or any felony violation of Section 288.2; any statutory~~
40 ~~predecessor that includes all elements of one of the~~

- 1 ~~above-mentioned offenses; or any person who since that date has~~
- 2 ~~been or is hereafter convicted of the attempt or conspiracy to~~
- 3 ~~commit any of the above-mentioned offenses.~~

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