

AMENDED IN ASSEMBLY MARCH 26, 2015

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 262

Introduced by Assembly Member Lackey
(Coauthor: Senator Anderson)

February 9, 2015

An act to 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.~~ *that has jurisdiction over the location and has 24-hour-a-day peace officer staffing on duty and available to respond to calls for service.* 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.~~

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.~~ *that has jurisdiction over the location and has*
 8 *24-hour-a-day peace officer staffing on duty and available to*
 9 *respond to calls for service.*
 10 (b) A person convicted and adjudicated as a sexually violent
 11 predator shall not lease, rent, or otherwise reside in any dwelling
 12 or other abode, nor shall a dwelling or other abode be leased or
 13 rented on behalf of a sexually violent predator for purposes of
 14 residence by that person, if that dwelling or other abode is occupied
 15 or owned in whole or in part by a felon convicted of a serious
 16 felony as defined in subdivision (c) of Section 1192.7, or a violent
 17 felony, as defined in subdivision (c) of Section 667.5.
 18 ~~(c) Nothing in this section shall prohibit municipal jurisdictions~~
 19 ~~from enacting local ordinances that further restrict the residency~~
 20 ~~of any person convicted and adjudicated as a sexually violent~~
 21 ~~predator.~~
 22 ~~(d)~~
 23 (c) The provisions of this measure are severable. If any provision
 24 of this measure or its application is held invalid, that invalidity
 25 shall not affect other provisions or applications that can be given
 26 effect without the invalid provision or application.

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