

AMENDED IN ASSEMBLY AUGUST 18, 2004

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 1, 2004

**SENATE BILL**

**No. 1289**

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**Introduced by Senator Machado**

February 17, 2004

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An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1289, as amended, Machado. Sex offenders.

Existing law requires persons convicted of certain sex offenses to register with specified law enforcement agencies in the location in which the person resides or, if the person has no residence, where he or she is located, within 5 days of changing residence or location.

Existing law provides that if the person who is registering has more than one residence address or location at which he or she regularly resides or is located, he or she shall register in each of the jurisdictions in which he or she regularly resides or is located.

This bill would provide that the registration requirement for multiple places applies regardless of the number of days or nights spent in each residence or location. By increasing the registration requirements of local officials, and by changing the definition of a crime, the bill would impose a state-mandated local program.

Existing law provides that if any person who is required to register changes his or her residence address or location, the person shall

inform, in writing within 5 working days, the law enforcement agency or agencies with which he or she last registered of the new address or location.

This bill would provide that if the person does not know the new residence address or location, the registrant shall inform the last registering agency or agencies that he or she is moving within 5 working days of the move, and shall later notify the agency or agencies of the new address or location within 5 working days of moving into the new residence address or location, whether temporary or permanent.

Existing law provides that any person who is required to register who willfully violates any requirement of this section is guilty of a continuing offense.

This bill would provide that any person who is required to register under this section who willfully violates any requirement of this section is guilty of a continuing offense as to each requirement he or she violated.

Because a violation of the registration requirements is a crime, the bill would impose a state-mandated local program by changing the definition of a crime.

Existing law requires the Department of Justice to compile and continually update information concerning certain individuals who are required to register as sex offenders and to make that information available to the public via a “900” telephone number and distribution of a CD-ROM to law enforcement agencies, as specified.

This bill would make several technical, nonsubstantive changes to these provisions. This bill would incorporate changes in Section 290 of the ~~penal~~ *Penal* Code, to be operative only if AB 488, AB 2395, or AB 2527 and this bill are enacted and become effective on or before January 1, 2005.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs



so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 290 of the Penal Code is amended to  
2 read:

3 290. (a) (1) (A) Every person described in paragraph (2),  
4 for the rest of his or her life while residing in, or, if he or she has  
5 no residence, while located within California, or while attending  
6 school or working in California, as described in subparagraph (G),  
7 shall be required to register with the chief of police of the city in  
8 which he or she is residing, or if he or she has no residence, is  
9 located, or the sheriff of the county if he or she is residing, or if he  
10 or she has no residence, is located, in an unincorporated area or city  
11 that has no police department, and, additionally, with the chief of  
12 police of a campus of the University of California, the California  
13 State University, or community college if he or she is residing, or  
14 if he or she has no residence, is located upon the campus or in any  
15 of its facilities, within five working days of coming into, or  
16 changing his or her residence or location within, any city, county,  
17 or city and county, or campus in which he or she temporarily  
18 resides, or, if he or she has no residence, is located.

19 (B) If the person who is registering has more than one residence  
20 address or location at which he or she regularly resides or is  
21 located, he or she shall register in accordance with subparagraph  
22 (A) in each of the jurisdictions in which he or she regularly resides  
23 or is located, regardless of the number of days or nights spent there.  
24 If all of the addresses or locations are within the same jurisdiction,  
25 the person shall provide the registering authority with all of the  
26 addresses or locations where he or she regularly resides or is  
27 located.

28 (C) If the person who is registering has no residence address,  
29 he or she shall update his or her registration no less than once every  
30 60 days in addition to the requirement in subparagraph (A), on a  
31 form as may be required by the Department of Justice, with the  
32 entity or entities described in subparagraph (A) in whose



1 jurisdiction he or she is located at the time he or she is updating the  
2 registration.

3 (D) Beginning on his or her first birthday following  
4 registration or change of address, the person shall be required to  
5 register annually, within five working days of his or her birthday,  
6 to update his or her registration with the entities described in  
7 subparagraph (A). At the annual update, the person shall provide  
8 current information as required on the Department of Justice  
9 annual update form, including the information described in  
10 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
11 subdivision (e).

12 (E) In addition, every person who has ever been adjudicated a  
13 sexually violent predator, as defined in Section 6600 of the  
14 Welfare and Institutions Code, shall, after his or her release from  
15 custody, verify his or her address no less than once every 90 days  
16 and place of employment, including the name and address of the  
17 employer, in a manner established by the Department of Justice.

18 (F) No entity shall require a person to pay a fee to register or  
19 update his or her registration pursuant to this section. The  
20 registering agency shall submit registrations, including annual  
21 updates or changes of address, directly into the Department of  
22 Justice Violent Crime Information Network (VCIN).

23 (G) Persons required to register in their state of residence who  
24 are out-of-state residents employed, or carrying on a vocation in  
25 California on a full-time or part-time basis, with or without  
26 compensation, for more than 14 days, or for an aggregate period  
27 exceeding 30 days in a calendar year, shall register in accordance  
28 with subparagraph (A). Persons described in paragraph (2) who  
29 are out-of-state residents enrolled in any educational institution in  
30 California, as defined in Section 22129 of the Education Code, on  
31 a full-time or part-time basis, shall register in accordance with  
32 subparagraph (A). The place where the out-of-state resident is  
33 located, for purposes of registration, shall be the place where the  
34 person is employed, carrying on a vocation, or attending school.  
35 The out-of-state resident subject to this subparagraph shall, in  
36 addition to the information required pursuant to subdivision (e),  
37 provide the registering authority with the name of his or her place  
38 of employment or the name of the school attended in California,  
39 and his or her address or location in his or her state of residence.  
40 The registration requirement for persons subject to this



1 subparagraph shall become operative on November 25, 2000. The  
2 terms “employed or carries on a vocation” include employment  
3 whether or not financially compensated, volunteered, or  
4 performed for government or educational benefit.

5 (2) The following persons shall be required to register pursuant  
6 to paragraph (1):

7 (A) Any person who, since July 1, 1944, has been or is hereafter  
8 convicted in any court in this state or in any federal or military  
9 court of a violation of Section 207 or 209 committed with intent  
10 to violate Section 261, 286, 288, 288a, or 289, Section 220, except  
11 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),  
12 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of  
13 subdivision (a) of Section 262 involving the use of force or  
14 violence for which the person is sentenced to the state prison,  
15 Section 264.1, 266, 266c, subdivision (b) of Section 266h,  
16 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,  
17 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d) of  
18 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,  
19 former Section 647a, subdivision (c) of Section 653f, subdivision  
20 1 or 2 of Section 314, any offense involving lewd or lascivious  
21 conduct under Section 272, or any felony violation of Section  
22 288.2; or any statutory predecessor that includes all elements of  
23 one of the above-mentioned offenses; or any person who since that  
24 date has been or is hereafter convicted of the attempt to commit any  
25 of the above-mentioned offenses.

26 (B) Any person who, since July 1, 1944, has been or hereafter  
27 is released, discharged, or paroled from a penal institution where  
28 he or she was confined because of the commission or attempted  
29 commission of one of the offenses described in subparagraph (A).

30 (C) Any person who, since July 1, 1944, has been or hereafter  
31 is determined to be a mentally disordered sex offender under  
32 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
33 of Division 6 of the Welfare and Institutions Code or any person  
34 who has been found guilty in the guilt phase of a trial for an offense  
35 for which registration is required by this section but who has been  
36 found not guilty by reason of insanity in the sanity phase of the  
37 trial.

38 (D) Any person who, since July 1, 1944, has been, or is  
39 hereafter convicted in any other court, including any state, federal,  
40 or military court, of any offense that, if committed or attempted in



1 this state, would have been punishable as one or more of the  
2 offenses described in subparagraph (A) or any person ordered by  
3 any other court, including any state, federal, or military court, to  
4 register as a sex offender for any offense, if the court found at the  
5 time of conviction or sentencing that the person committed the  
6 offense as a result of sexual compulsion or for purposes of sexual  
7 gratification.

8 (E) Any person ordered by any court to register pursuant to this  
9 section for any offense not included specifically in this section if  
10 the court finds at the time of conviction or sentencing that the  
11 person committed the offense as a result of sexual compulsion or  
12 for purposes of sexual gratification. The court shall state on the  
13 record the reasons for its findings and the reasons for requiring  
14 registration.

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

24 (I) The person submits to the Department of Justice official  
25 documentary evidence, including court records or police reports,  
26 that demonstrate that the person's conviction pursuant to either of  
27 those sections was for conduct between consenting adults that was  
28 decriminalized; or

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

37 (III) The department shall determine whether the person's  
38 conviction was for conduct between consensual adults that has  
39 been decriminalized. If the conviction was for consensual conduct  
40 between adults that has been decriminalized, and the person has no



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

19 (ii) On or before July 1, 1998, the department shall make a  
20 report to the Legislature concerning the status of persons who may  
21 come under the provisions of this subparagraph, including the  
22 number of persons who were convicted before January 1, 1976,  
23 under subdivision (a) of Section 286 or Section 288a and are  
24 required to register under this section, the average age of these  
25 persons, the number of these persons who have any subsequent  
26 convictions for a registerable sex offense, and the number of these  
27 persons who have sought successfully or unsuccessfully to be  
28 relieved of their duty to register under this section.

29 (b) (1) Any person who is released, discharged, or paroled  
30 from a jail, state or federal prison, school, road camp, or other  
31 institution where he or she was confined because of the  
32 commission or attempted commission of one of the offenses  
33 specified in subdivision (a) or is released from a state hospital to  
34 which he or she was committed as a mentally disordered sex  
35 offender under Article 1 (commencing with Section 6300) of  
36 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
37 Code, shall, prior to discharge, parole, or release, be informed of  
38 his or her duty to register under this section by the official in charge  
39 of the place of confinement or hospital, and the official shall  
40 require the person to read and sign any form that may be required



1 by the Department of Justice, stating that the duty of the person to  
2 register under this section has been explained to the person. The  
3 official in charge of the place of confinement or hospital shall  
4 obtain the address where the person expects to reside upon his or  
5 her discharge, parole, or release and shall report the address to the  
6 Department of Justice. The official shall at the same time forward  
7 a current photograph of the person to the Department of Justice.

8 (2) The official in charge of the place of confinement or  
9 hospital shall give one copy of the form to the person and shall send  
10 one copy to the Department of Justice and one copy to the  
11 appropriate law enforcement agency or agencies having  
12 jurisdiction over the place the person expects to reside upon  
13 discharge, parole, or release. If the conviction that makes the  
14 person subject to this section is a felony conviction, the official in  
15 charge shall, not later than 45 days prior to the scheduled release  
16 of the person, send one copy to the appropriate law enforcement  
17 agency or agencies having local jurisdiction where the person  
18 expects to reside upon discharge, parole, or release; one copy to the  
19 prosecuting agency that prosecuted the person; and one copy to the  
20 Department of Justice. The official in charge of the place of  
21 confinement or hospital shall retain one copy.

22 (c) (1) Any person who is convicted in this state of the  
23 commission or attempted commission of any of the offenses  
24 specified in subdivision (a) and who is released on probation, shall,  
25 prior to release or discharge, be informed of the duty to register  
26 under this section by the probation department, and a probation  
27 officer shall require the person to read and sign any form that may  
28 be required by the Department of Justice, stating that the duty of  
29 the person to register under this section has been explained to him  
30 or her. The probation officer shall obtain the address where the  
31 person expects to reside upon release or discharge and shall report  
32 within three days the address to the Department of Justice. The  
33 probation officer shall give one copy of the form to the person,  
34 send one copy to the Department of Justice, and forward one copy  
35 to the appropriate law enforcement agency or agencies having  
36 local jurisdiction where the person expects to reside upon his or her  
37 discharge, parole, or release.

38 (2) Any person who is convicted in this state of the commission  
39 or attempted commission of any of the offenses specified in  
40 subdivision (a) and who is granted conditional release without



1 supervised probation, or discharged upon payment of a fine, shall,  
2 prior to release or discharge, be informed of the duty to register  
3 under this section in open court by the court in which the person  
4 has been convicted, and the court shall require the person to read  
5 and sign any form that may be required by the Department of  
6 Justice, stating that the duty of the person to register under this  
7 section has been explained to him or her. If the court finds that it  
8 is in the interest of the efficiency of the court, the court may assign  
9 the bailiff to require the person to read and sign forms under this  
10 section. The court shall obtain the address where the person  
11 expects to reside upon release or discharge and shall report within  
12 three days the address to the Department of Justice. The court shall  
13 give one copy of the form to the person, send one copy to the  
14 Department of Justice, and forward one copy to the appropriate  
15 law enforcement agency or agencies having local jurisdiction  
16 where the person expects to reside upon his or her discharge,  
17 parole, or release.

18 (d) (1) Any person who, on or after January 1, 1986, is  
19 discharged or paroled from the Department of the Youth Authority  
20 to the custody of which he or she was committed after having been  
21 adjudicated a ward of the juvenile court pursuant to Section 602  
22 of the Welfare and Institutions Code because of the commission or  
23 attempted commission of any offense described in paragraph (3)  
24 shall be subject to registration under the procedures of this section.

25 (2) Any person who is discharged or paroled from a facility in  
26 another state that is equivalent to the Department of the Youth  
27 Authority, to the custody of which he or she was committed  
28 because of an offense which, if committed or attempted in this  
29 state, would have been punishable as one or more of the offenses  
30 described in paragraph (3), shall be subject to registration under  
31 the procedures of this section.

32 (3) Any person described in this subdivision who committed an  
33 offense in violation of any of the following provisions shall be  
34 required to register pursuant to this section:

35 (A) Assault with intent to commit rape, sodomy, oral  
36 copulation, or any violation of Section 264.1, 288, or 289 under  
37 Section 220.

38 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
39 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
40 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,



1 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
2 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
3 Section 289, or Section 647.6.

4 (C) A violation of Section 207 or 209 committed with the intent  
5 to violate Section 261, 286, 288, 288a, or 289.

6 (4) Prior to discharge or parole from the Department of the  
7 Youth Authority, any person who is subject to registration under  
8 this subdivision shall be informed of the duty to register under the  
9 procedures set forth in this section. Department of the Youth  
10 Authority officials shall transmit the required forms and  
11 information to the Department of Justice.

12 (5) All records specifically relating to the registration in the  
13 custody of the Department of Justice, law enforcement agencies,  
14 and other agencies or public officials shall be destroyed when the  
15 person who is required to register has his or her records sealed  
16 under the procedures set forth in Section 781 of the Welfare and  
17 Institutions Code. This subdivision shall not be construed as  
18 requiring the destruction of other criminal offender or juvenile  
19 records relating to the case that are maintained by the Department  
20 of Justice, law enforcement agencies, the juvenile court, or other  
21 agencies and public officials unless ordered by a court under  
22 Section 781 of the Welfare and Institutions Code.

23 (e) (1) On or after January 1, 1998, upon incarceration,  
24 placement, or commitment, or prior to release on probation, any  
25 person who is required to register under this section shall  
26 preregister. The preregistering official shall be the admitting  
27 officer at the place of incarceration, placement, or commitment, or  
28 the probation officer if the person is to be released on probation.  
29 The preregistration shall consist of all of the following:

30 (A) A preregistration statement in writing, signed by the  
31 person, giving information that shall be required by the  
32 Department of Justice.

33 (B) The fingerprints and a current photograph of the person.

34 (C) Any person who is preregistered pursuant to this  
35 subdivision is required to be preregistered only once.

36 (2) A person described in paragraph (2) of subdivision (a) shall  
37 register, or reregister if the person has previously registered, upon  
38 release from incarceration, placement, commitment, or release on  
39 probation pursuant to paragraph (1) of subdivision (a). The  
40 registration shall consist of all of the following:



1 (A) 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 (B) The fingerprints and a current photograph of the person  
7 taken by the registering official.

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

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

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

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

32 (f) (1) If any person who is required to register pursuant to this  
33 section changes his or her residence address or location, whether  
34 within the jurisdiction in which he or she is currently registered or  
35 to a new jurisdiction inside or outside the state, the person shall  
36 inform, in writing within five working days, the law enforcement  
37 agency or agencies with which he or she last registered of the new  
38 address or location. If the person does not know the new residence  
39 address or location, the registrant shall inform the last registering  
40 agency or agencies that he or she is moving within five working



1 days of the move, and shall later notify the agency or agencies of  
2 the new address or location within five working days of moving  
3 into the new residence address or location, whether temporary or  
4 permanent. The law enforcement agency or agencies shall, within  
5 three working days after receipt of this information, forward a  
6 copy of the change of address or location information to the  
7 Department of Justice. The Department of Justice shall forward  
8 appropriate registration data to the law enforcement agency or  
9 agencies having local jurisdiction of the new place of residence or  
10 location.

11 (2) If the person's new address is in a Department of the Youth  
12 Authority facility or a state prison or state mental institution, an  
13 official of the place of incarceration, placement, or commitment  
14 shall, within 90 days of receipt of the person, forward the  
15 registrant's change of address information to the Department of  
16 Justice. The agency need not provide a physical address for the  
17 registrant but shall indicate that he or she is serving a period of  
18 incarceration or commitment in a facility under the agency's  
19 jurisdiction. This paragraph shall apply to persons received in a  
20 Department of the Youth Authority facility or a state prison or state  
21 mental institution on or after January 1, 1999. The Department of  
22 Justice shall forward the change of address information to the  
23 agency with which the person last registered.

24 (3) If any person who is required to register pursuant to this  
25 section changes his or her name, the person shall inform, in person,  
26 the law enforcement agency or agencies with which he or she is  
27 currently registered within five working days. The law  
28 enforcement agency or agencies shall forward a copy of this  
29 information to the Department of Justice within three working  
30 days of its receipt.

31 (g) (1) Any person who is required to register under this  
32 section based on a misdemeanor conviction or juvenile  
33 adjudication who willfully violates any requirement of this section  
34 is guilty of a misdemeanor punishable by imprisonment in a  
35 county jail not exceeding one year.

36 (2) Except as provided in paragraphs (5) and (7), any person  
37 who is required to register under this section based on a felony  
38 conviction or juvenile adjudication who willfully violates any  
39 requirement of this section or who has a prior conviction or  
40 juvenile adjudication for the offense of failing to register under this



1 section and who subsequently and willfully violates any  
2 requirement of this section is guilty of a felony and shall be  
3 punished by imprisonment in the state prison for 16 months, or two  
4 or three years.

5 If probation is granted or if the imposition or execution of  
6 sentence is suspended, it shall be a condition of the probation or  
7 suspension that the person serve at least 90 days in a county jail.  
8 The penalty described in this paragraph shall apply whether or not  
9 the person has been released on parole or has been discharged from  
10 parole.

11 (3) Any person determined to be a mentally disordered sex  
12 offender or who has been found guilty in the guilt phase of trial for  
13 an offense for which registration is required under this section, but  
14 who has been found not guilty by reason of insanity in the sanity  
15 phase of the trial, or who has had a petition sustained in a juvenile  
16 adjudication for an offense for which registration is required under  
17 this section pursuant to subdivision (d), but who has been found  
18 not guilty by reason of insanity, who willfully violates any  
19 requirement of this section is guilty of a misdemeanor and shall be  
20 punished by imprisonment in a county jail not exceeding one year.  
21 For any second or subsequent willful violation of any requirement  
22 of this section, the person is guilty of a felony and shall be punished  
23 by imprisonment in the state prison for 16 months, or two or three  
24 years.

25 (4) If, after discharge from parole, the person is convicted of a  
26 felony or suffers a juvenile adjudication as specified in this  
27 subdivision, he or she shall be required to complete parole of at  
28 least one year, in addition to any other punishment imposed under  
29 this subdivision. A person convicted of a felony as specified in this  
30 subdivision may be granted probation only in the unusual case  
31 where the interests of justice would best be served. When  
32 probation is granted under this paragraph, the court shall specify  
33 on the record and shall enter into the minutes the circumstances  
34 indicating that the interests of justice would best be served by the  
35 disposition.

36 (5) Any person who has ever been adjudicated a sexually  
37 violent predator, as defined in Section 6600 of the Welfare and  
38 Institutions Code, and who fails to verify his or her registration  
39 every 90 days as required pursuant to subparagraph (E) of  
40 paragraph (1) of subdivision (a), shall be punished by



1 imprisonment in the state prison, or in a county jail not exceeding  
2 one year.

3 (6) Except as otherwise provided in paragraph (5), and in  
4 addition to any other penalty imposed under this subdivision, any  
5 person who is required pursuant to subparagraph (C) of paragraph  
6 (1) of subdivision (a) to update his or her registration every 60 days  
7 and willfully fails to update his or her registration is guilty of a  
8 misdemeanor and shall be punished by imprisonment in a county  
9 jail not exceeding six months. Any subsequent violation of this  
10 requirement that persons described in subparagraph (C) of  
11 paragraph (1) of subdivision (a) shall update their registration  
12 every 60 days is also a misdemeanor and shall be punished by  
13 imprisonment in a county jail not exceeding six months.

14 (7) Any person who fails to provide proof of residence as  
15 required by subparagraph (E) of paragraph (2) of subdivision (e),  
16 regardless of the offense upon which the duty to register is based,  
17 is guilty of a misdemeanor punishable by imprisonment in a  
18 county jail not exceeding six months.

19 (8) Any person who is required to register under this section  
20 who willfully violates any requirement of this section is guilty of  
21 a continuing offense as to each requirement he or she violated.

22 (h) Whenever any person is released on parole or probation and  
23 is required to register under this section but fails to do so within  
24 the time prescribed, the parole authority, the Youthful Offender  
25 Parole Board, or the court, as the case may be, shall order the  
26 parole or probation of the person revoked. For purposes of this  
27 subdivision, “parole authority” has the same meaning as  
28 described in Section 3000.

29 (i) Except as provided in Sections 290.01, 290.4, and 290.45,  
30 the statements, photographs, and fingerprints required by this  
31 section shall not be open to inspection by the public or by any  
32 person other than a regularly employed peace officer or other law  
33 enforcement officer.

34 (j) In any case in which a person who would be required to  
35 register pursuant to this section for a felony conviction is to be  
36 temporarily sent outside the institution where he or she is confined  
37 on any assignment within a city or county including firefighting,  
38 disaster control, or of whatever nature the assignment may be, the  
39 local law enforcement agency having jurisdiction over the place  
40 or places where the assignment shall occur shall be notified within



1 a reasonable time prior to removal from the institution. This  
2 subdivision shall not apply to any person who is temporarily  
3 released under guard from the institution where he or she is  
4 confined.

5 (k) As used in this section, “mentally disordered sex offender”  
6 includes any person who has been determined to be a sexual  
7 psychopath or a mentally disordered sex offender under any  
8 provision which, on or before January 1, 1976, was contained in  
9 Division 6 (commencing with Section 6000) of the Welfare and  
10 Institutions Code.

11 (l) (1) Every person who, prior to January 1, 1997, is required  
12 to register under this section, shall be notified whenever he or she  
13 next reregisters of the reduction of the registration period from 14  
14 to five working days. This notice shall be provided in writing by  
15 the registering agency or agencies. Failure to receive this  
16 notification shall be a defense against the penalties prescribed by  
17 subdivision (g) if the person did register within 14 days.

18 (2) Every person who, as a sexually violent predator, as defined  
19 in Section 6600 of the Welfare and Institutions Code, is required  
20 to verify his or her registration every 90 days, shall be notified  
21 wherever he or she next registers of his or her increased  
22 registration obligations. This notice shall be provided in writing by  
23 the registering agency or agencies. Failure to receive this notice  
24 shall be a defense against the penalties prescribed by paragraph (5)  
25 of subdivision (g).

26 (m) The registration provisions of this section are applicable to  
27 every person described in this section, without regard to when his  
28 or her crimes were committed or his or her duty to register pursuant  
29 to this section arose, and to every offense described in this section,  
30 regardless of when it was committed.

31 ~~SEC. 1.5.~~

32 *SEC. 1.1.* Section 290 of the Penal Code is amended to read:

33 290. (a) (1) (A) Every person described in paragraph (2),  
34 for the rest of his or her life while residing in, or, if he or she has  
35 no residence, while located within California, or while attending  
36 school or working in California, as described in subparagraph (G),  
37 shall be required to register with the chief of police of the city in  
38 which he or she is residing, or if he or she has no residence, is  
39 located, or the sheriff of the county if he or she is residing, or if he  
40 or she has no residence, is located, in an unincorporated area or city



1 that has no police department, and, additionally, with the chief of  
2 police of a campus of the University of California, the California  
3 State University, or community college if he or she is residing, or  
4 if he or she has no residence, is located upon the campus or in any  
5 of its facilities, within five working days of coming into, or  
6 changing his or her residence or location within, any city, county,  
7 or city and county, or campus in which he or she temporarily  
8 resides, or, if he or she has no residence, is located.

9 (B) If the person who is registering has more than one residence  
10 address or location at which he or she regularly resides or is  
11 located, he or she shall register in accordance with subparagraph  
12 (A) in each of the jurisdictions in which he or she regularly resides  
13 or is located. If all of the addresses or locations are within the same  
14 jurisdiction, the person shall provide the registering authority with  
15 all of the addresses or locations where he or she regularly resides  
16 or is located, regardless of the number of days or nights spent there.

17 (C) If the person who is registering has no residence address,  
18 he or she shall update his or her registration no less than once every  
19 60 days in addition to the requirement in subparagraph (A), on a  
20 form as may be required by the Department of Justice, with the  
21 entity or entities described in subparagraph (A) in whose  
22 jurisdiction he or she is located at the time he or she is updating the  
23 registration.

24 (D) Beginning on his or her first birthday following  
25 registration or change of address, the person shall be required to  
26 register annually, within five working days of his or her birthday,  
27 to update his or her registration with the entities described in  
28 subparagraph (A). At the annual update, the person shall provide  
29 current information as required on the Department of Justice  
30 annual update form, including the information described in  
31 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
32 subdivision (e).

33 (E) In addition, every person who has ever been adjudicated a  
34 sexually violent predator, as defined in Section 6600 of the  
35 Welfare and Institutions Code, shall, after his or her release from  
36 custody, verify his or her address no less than once every 90 days  
37 and place of employment, including the name and address of the  
38 employer, in a manner established by the Department of Justice.

39 (F) No entity shall require a person to pay a fee to register or  
40 update his or her registration pursuant to this section. The



1 registering agency shall submit registrations, including annual  
2 updates or changes of address, directly into the Department of  
3 Justice Violent Crime Information Network (VCIN).

4 (G) Persons required to register in their state of residence who  
5 are out-of-state residents employed, or carrying on a vocation in  
6 California on a full-time or part-time basis, with or without  
7 compensation, for more than 14 days, or for an aggregate period  
8 exceeding 30 days in a calendar year, shall register in accordance  
9 with subparagraph (A). Persons described in paragraph (2) who  
10 are out-of-state residents enrolled in any educational institution in  
11 California, as defined in Section 22129 of the Education Code, on  
12 a full-time or part-time basis, shall register in accordance with  
13 subparagraph (A). The place where the out-of-state resident is  
14 located, for purposes of registration, shall be the place where the  
15 person is employed, carrying on a vocation, or attending school.  
16 The out-of-state resident subject to this subparagraph shall, in  
17 addition to the information required pursuant to subdivision (e),  
18 provide the registering authority with the name of his or her place  
19 of employment or the name of the school attended in California,  
20 and his or her address or location in his or her state of residence.  
21 The registration requirement for persons subject to this  
22 subparagraph shall become operative on November 25, 2000. The  
23 terms “employed or carries on a vocation” include employment  
24 whether or not financially compensated, volunteered, or  
25 performed for government or educational benefit.

26 (2) The following persons shall be required to register pursuant  
27 to paragraph (1):

28 (A) Any person who, since July 1, 1944, has been or is hereafter  
29 convicted in any court in this state or in any federal or military  
30 court of a violation of Section 207 or 209 committed with intent  
31 to violate Section 261, 286, 288, 288a, or 289, Section 220, except  
32 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),  
33 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of  
34 subdivision (a) of Section 262 involving the use of force or  
35 violence for which the person is sentenced to the state prison,  
36 Section 264.1, 266, 266c, subdivision (b) of Section 266h,  
37 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,  
38 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d) of  
39 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,  
40 former Section 647a, subdivision (c) of Section 653f, subdivision



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

7 (B) Any person who, since July 1, 1944, has been or hereafter  
8 is released, discharged, or paroled from a penal institution where  
9 he or she was confined because of the commission or attempted  
10 commission of one of the offenses described in subparagraph (A).

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

19 (D) Any person who, since July 1, 1944, has been, or is  
20 hereafter convicted in any other court, including any state, federal,  
21 or military court, of any offense that, if committed or attempted in  
22 this state, would have been punishable as one or more of the  
23 offenses described in subparagraph (A) or any person ordered by  
24 any other court, including any state, federal, or military court, to  
25 register as a sex offender for any offense, if the court found at the  
26 time of conviction or sentencing that the person committed the  
27 offense as a result of sexual compulsion or for purposes of sexual  
28 gratification.

29 (E) Any person ordered by any court to register pursuant to this  
30 section for any offense not included specifically in this section if  
31 the court finds at the time of conviction or sentencing that the  
32 person committed the offense as a result of sexual compulsion or  
33 for purposes of sexual gratification. The court shall state on the  
34 record the reasons for its findings and the reasons for requiring  
35 registration.

36 (F) (i) Notwithstanding any other subdivision, a person who  
37 was convicted before January 1, 1976, under subdivision (a) of  
38 Section 286, or Section 288a, shall not be required to register  
39 pursuant to this section for that conviction if the conviction was for  
40 conduct between consenting adults that was decriminalized by



1 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes  
2 of 1976. The Department of Justice shall remove that person from  
3 the Sex Offender Registry, and the person is discharged from his  
4 or her duty to register pursuant to the following procedure:

5 (I) The person submits to the Department of Justice official  
6 documentary evidence, including court records or police reports,  
7 that demonstrate that the person's conviction pursuant to either of  
8 those sections was for conduct between consenting adults that was  
9 decriminalized; or

10 (II) The person submits to the department a declaration stating  
11 that the person's conviction pursuant to either of those sections was  
12 for consensual conduct between adults that has been  
13 decriminalized. The declaration shall be confidential and not a  
14 public record, and shall include the person's name, address,  
15 telephone number, date of birth, and a summary of the  
16 circumstances leading to the conviction, including the date of the  
17 conviction and county of the occurrence.

18 (III) The department shall determine whether the person's  
19 conviction was for conduct between consensual adults that has  
20 been decriminalized. If the conviction was for consensual conduct  
21 between adults that has been decriminalized, and the person has no  
22 other offenses for which he or she is required to register pursuant  
23 to this section, the department shall, within 60 days of receipt of  
24 those documents, notify the person that he or she is relieved of the  
25 duty to register, and shall notify the local law enforcement agency  
26 with which the person is registered that he or she has been relieved  
27 of the duty to register. The local law enforcement agency shall  
28 remove the person's registration from its files within 30 days of  
29 receipt of notification. If the documentary or other evidence  
30 submitted is insufficient to establish the person's claim, the  
31 department shall, within 60 days of receipt of those documents,  
32 notify the person that his or her claim cannot be established, and  
33 that the person shall continue to register pursuant to this section.  
34 The department shall provide, upon the person's request, any  
35 information relied upon by the department in making its  
36 determination that the person shall continue to register pursuant to  
37 this section. Any person whose claim has been denied by the  
38 department pursuant to this clause may petition the court to appeal  
39 the department's denial of the person's claim.



1 (ii) On or before July 1, 1998, the department shall make a  
2 report to the Legislature concerning the status of persons who may  
3 come under the provisions of this subparagraph, including the  
4 number of persons who were convicted before January 1, 1976,  
5 under subdivision (a) of Section 286 or Section 288a and are  
6 required to register under this section, the average age of these  
7 persons, the number of these persons who have any subsequent  
8 convictions for a registerable sex offense, and the number of these  
9 persons who have sought successfully or unsuccessfully to be  
10 relieved of their duty to register under this section.

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

30 (2) The official in charge of the place of confinement or  
31 hospital shall give one copy of the form to the person and shall send  
32 one copy to the Department of Justice and one copy to the  
33 appropriate law enforcement agency or agencies having  
34 jurisdiction over the place the person expects to reside upon  
35 discharge, parole, or release. If the conviction that makes the  
36 person subject to this section is a felony conviction, the official in  
37 charge shall, not later than 45 days prior to the scheduled release  
38 of the person, send one copy to the appropriate law enforcement  
39 agency or agencies having local jurisdiction where the person  
40 expects to reside upon discharge, parole, or release; one copy to the



1 prosecuting agency that prosecuted the person; and one copy to the  
2 Department of Justice. The official in charge of the place of  
3 confinement or hospital shall retain one copy.

4 (c) (1) Any person who is convicted in this state of the  
5 commission or attempted commission of any of the offenses  
6 specified in subdivision (a) and who is released on probation, shall,  
7 prior to release or discharge, be informed of the duty to register  
8 under this section by the probation department, and a probation  
9 officer shall require the person to read and sign any form that may  
10 be required by the Department of Justice, stating that the duty of  
11 the person to register under this section has been explained to him  
12 or her. The probation officer shall obtain the address where the  
13 person expects to reside upon release or discharge and shall report  
14 within three days the address to the Department of Justice. The  
15 probation officer shall give one copy of the form to the person,  
16 send one copy to the Department of Justice, and forward one copy  
17 to the appropriate law enforcement agency or agencies having  
18 local jurisdiction where the person expects to reside upon his or her  
19 discharge, parole, or release.

20 (2) Any person who is convicted in this state of the commission  
21 or attempted commission of any of the offenses specified in  
22 subdivision (a) and who is granted conditional release without  
23 supervised probation, or discharged upon payment of a fine, shall,  
24 prior to release or discharge, be informed of the duty to register  
25 under this section in open court by the court in which the person  
26 has been convicted, and the court shall require the person to read  
27 and sign any form that may be required by the Department of  
28 Justice, stating that the duty of the person to register under this  
29 section has been explained to him or her. If the court finds that it  
30 is in the interest of the efficiency of the court, the court may assign  
31 the bailiff to require the person to read and sign forms under this  
32 section. The court shall obtain the address where the person  
33 expects to reside upon release or discharge and shall report within  
34 three days the address to the Department of Justice. The court shall  
35 give one copy of the form to the person, send one copy to the  
36 Department of Justice, and forward one copy to the appropriate  
37 law enforcement agency or agencies having local jurisdiction  
38 where the person expects to reside upon his or her discharge,  
39 parole, or release.



1 (d) (1) Any person who, on or after January 1, 1986, is  
2 discharged or paroled from the Department of the Youth Authority  
3 to the custody of which he or she was committed after having been  
4 adjudicated a ward of the juvenile court pursuant to Section 602  
5 of the Welfare and Institutions Code because of the commission or  
6 attempted commission of any offense described in paragraph (3)  
7 shall be subject to registration under the procedures of this section.

8 (2) Any person who is discharged or paroled from a facility in  
9 another state that is equivalent to the Department of the Youth  
10 Authority, to the custody of which he or she was committed  
11 because of an offense which, if committed or attempted in this  
12 state, would have been punishable as one or more of the offenses  
13 described in paragraph (3), shall be subject to registration under  
14 the procedures of this section.

15 (3) Any person described in this subdivision who committed an  
16 offense in violation of any of the following provisions shall be  
17 required to register pursuant to this section:

18 (A) Assault with intent to commit rape, sodomy, oral  
19 copulation, or any violation of Section 264.1, 288, or 289 under  
20 Section 220.

21 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
22 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
23 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
24 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
25 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
26 Section 289, or Section 647.6.

27 (C) A violation of Section 207 or 209 committed with the intent  
28 to violate Section 261, 286, 288, 288a, or 289.

29 (4) Prior to discharge or parole from the Department of the  
30 Youth Authority, any person who is subject to registration under  
31 this subdivision shall be informed of the duty to register under the  
32 procedures set forth in this section. Department of the Youth  
33 Authority officials shall transmit the required forms and  
34 information to the Department of Justice.

35 (5) All records specifically relating to the registration in the  
36 custody of the Department of Justice, law enforcement agencies,  
37 and other agencies or public officials shall be destroyed when the  
38 person who is required to register has his or her records sealed  
39 under the procedures set forth in Section 781 of the Welfare and  
40 Institutions Code. This subdivision shall not be construed as



1 requiring the destruction of other criminal offender or juvenile  
2 records relating to the case that are maintained by the Department  
3 of Justice, law enforcement agencies, the juvenile court, or other  
4 agencies and public officials unless ordered by a court under  
5 Section 781 of the Welfare and Institutions Code.

6 (e) (1) On or after January 1, 1998, upon incarceration,  
7 placement, or commitment, or prior to release on probation, any  
8 person who is required to register under this section shall  
9 preregister. The preregistering official shall be the admitting  
10 officer at the place of incarceration, placement, or commitment, or  
11 the probation officer if the person is to be released on probation.  
12 The preregistration shall consist of all of the following:

13 (A) A preregistration statement in writing, signed by the  
14 person, giving information that shall be required by the  
15 Department of Justice.

16 (B) The fingerprints and a current photograph of the person.

17 (C) Any person who is preregistered pursuant to this  
18 subdivision is required to be preregistered only once.

19 (2) A person described in paragraph (2) of subdivision (a) shall  
20 register, or reregister if the person has previously registered, upon  
21 release from incarceration, placement, commitment, or release on  
22 probation pursuant to paragraph (1) of subdivision (a). The  
23 registration shall consist of all of the following:

24 (A) A statement in writing signed by the person, giving  
25 information as shall be required by the Department of Justice and  
26 giving the name and address of the person's employer, and the  
27 address of the person's place of employment if that is different  
28 from the employer's main address.

29 (B) The fingerprints and a current photograph of the person  
30 taken by the registering official.

31 (C) The license plate number of any vehicle owned by,  
32 regularly driven by, or registered in the name of the person.

33 (D) Notice to the person that, in addition to the requirements of  
34 paragraph (4), he or she may have a duty to register in any other  
35 state where he or she may relocate.

36 (E) Copies of adequate proof of residence, which shall be  
37 limited to a California driver's license, California identification  
38 card, recent rent or utility receipt, printed personalized checks or  
39 other recent banking documents showing that person's name and  
40 address, or any other information that the registering official



1 believes is reliable. If the person has no residence and no  
2 reasonable expectation of obtaining a residence in the foreseeable  
3 future, the person shall so advise the registering official and shall  
4 sign a statement provided by the registering official stating that  
5 fact. Upon presentation of proof of residence to the registering  
6 official or a signed statement that the person has no residence, the  
7 person shall be allowed to register. If the person claims that he or  
8 she has a residence but does not have any proof of residence, he or  
9 she shall be allowed to register but shall furnish proof of residence  
10 within 30 days of the day he or she is allowed to register.

11 (3) Within three days thereafter, the preregistering official or  
12 the registering law enforcement agency or agencies shall forward  
13 the statement, fingerprints, photograph, and vehicle license plate  
14 number, if any, to the Department of Justice.

15 (f) (1) If any person who is required to register pursuant to this  
16 section changes his or her residence address or location, whether  
17 within the jurisdiction in which he or she is currently registered or  
18 to a new jurisdiction inside or outside the state, the person shall  
19 inform, in writing within five working days, the law enforcement  
20 agency or agencies with which he or she last registered of the new  
21 address or location. If the person does not know the new residence  
22 address or location, the registrant shall inform the last registering  
23 agency or agencies that he or she is moving within five working  
24 days of the move, and shall later notify the agency or agencies of  
25 the new address or location within five working days of moving  
26 into the new residence address or location, whether temporary or  
27 permanent. The law enforcement agency or agencies shall, within  
28 three working days after receipt of this information, forward a  
29 copy of the change of address or location information to the  
30 Department of Justice. The Department of Justice shall forward  
31 appropriate registration data to the law enforcement agency or  
32 agencies having local jurisdiction of the new place of residence or  
33 location.

34 (2) If the person's new address is in a Department of the Youth  
35 Authority facility or a state prison or state mental institution, an  
36 official of the place of incarceration, placement, or commitment  
37 shall, within 90 days of receipt of the person, forward the  
38 registrant's change of address information to the Department of  
39 Justice. The agency need not provide a physical address for the  
40 registrant but shall indicate that he or she is serving a period of



1 incarceration or commitment in a facility under the agency's  
2 jurisdiction. This paragraph shall apply to persons received in a  
3 Department of the Youth Authority facility or a state prison or state  
4 mental institution on or after January 1, 1999. The Department of  
5 Justice shall forward the change of address information to the  
6 agency with which the person last registered.

7 (3) If any person who is required to register pursuant to this  
8 section changes his or her name, the person shall inform, in person,  
9 the law enforcement agency or agencies with which he or she is  
10 currently registered within five working days. The law  
11 enforcement agency or agencies shall forward a copy of this  
12 information to the Department of Justice within three working  
13 days of its receipt.

14 (g) (1) Any person who is required to register under this  
15 section based on a misdemeanor conviction or juvenile  
16 adjudication who willfully violates any requirement of this section  
17 is guilty of a misdemeanor punishable by imprisonment in a  
18 county jail not exceeding one year.

19 (2) Except as provided in paragraphs (5) and (7), any person  
20 who is required to register under this section based on a felony  
21 conviction or juvenile adjudication who willfully violates any  
22 requirement of this section or who has a prior conviction or  
23 juvenile adjudication for the offense of failing to register under this  
24 section and who subsequently and willfully violates any  
25 requirement of this section is guilty of a felony and shall be  
26 punished by imprisonment in the state prison for 16 months, or two  
27 or three years.

28 If probation is granted or if the imposition or execution of  
29 sentence is suspended, it shall be a condition of the probation or  
30 suspension that the person serve at least 90 days in a county jail.  
31 The penalty described in this paragraph shall apply whether or not  
32 the person has been released on parole or has been discharged from  
33 parole.

34 (3) Any person determined to be a mentally disordered sex  
35 offender or who has been found guilty in the guilt phase of trial for  
36 an offense for which registration is required under this section, but  
37 who has been found not guilty by reason of insanity in the sanity  
38 phase of the trial, or who has had a petition sustained in a juvenile  
39 adjudication for an offense for which registration is required under  
40 this section pursuant to subdivision (d), but who has been found



1 not guilty by reason of insanity, who willfully violates any  
2 requirement of this section is guilty of a misdemeanor and shall be  
3 punished by imprisonment in a county jail not exceeding one year.  
4 For any second or subsequent willful violation of any requirement  
5 of this section, the person is guilty of a felony and shall be punished  
6 by imprisonment in the state prison for 16 months, or two or three  
7 years.

8 (4) If, after discharge from parole, the person is convicted of a  
9 felony or suffers a juvenile adjudication as specified in this  
10 subdivision, he or she shall be required to complete parole of at  
11 least one year, in addition to any other punishment imposed under  
12 this subdivision. A person convicted of a felony as specified in this  
13 subdivision may be granted probation only in the unusual case  
14 where the interests of justice would best be served. When  
15 probation is granted under this paragraph, the court shall specify  
16 on the record and shall enter into the minutes the circumstances  
17 indicating that the interests of justice would best be served by the  
18 disposition.

19 (5) Any person who has ever been adjudicated a sexually  
20 violent predator, as defined in Section 6600 of the Welfare and  
21 Institutions Code, and who fails to verify his or her registration  
22 every 90 days as required pursuant to subparagraph (E) of  
23 paragraph (1) of subdivision (a), shall be punished by  
24 imprisonment in the state prison, or in a county jail not exceeding  
25 one year.

26 (6) Except as otherwise provided in paragraph (5), and in  
27 addition to any other penalty imposed under this subdivision, any  
28 person who is required pursuant to subparagraph (C) of paragraph  
29 (1) of subdivision (a) to update his or her registration every 60 days  
30 and willfully fails to update his or her registration is guilty of a  
31 misdemeanor and shall be punished by imprisonment in a county  
32 jail not exceeding six months. Any subsequent violation of this  
33 requirement that persons described in subparagraph (C) of  
34 paragraph (1) of subdivision (a) shall update their registration  
35 every 60 days is also a misdemeanor and shall be punished by  
36 imprisonment in a county jail not exceeding six months.

37 (7) Any person who fails to provide proof of residence as  
38 required by subparagraph (E) of paragraph (2) of subdivision (e),  
39 regardless of the offense upon which the duty to register is based,



1 is guilty of a misdemeanor punishable by imprisonment in a  
2 county jail not exceeding six months.

3 (8) Any person who is required to register under this section  
4 who willfully violates any requirement of this section is guilty of  
5 a continuing offense as to each requirement he or she violated.

6 (h) Whenever any person is released on parole or probation and  
7 is required to register under this section but fails to do so within  
8 the time prescribed, the parole authority, the Youthful Offender  
9 Parole Board, or the court, as the case may be, shall order the  
10 parole or probation of the person revoked. For purposes of this  
11 subdivision, “parole authority” has the same meaning as  
12 described in Section 3000.

13 (i) Except as provided in Sections 290.01, 290.4, 290.45, and  
14 290.46, the statements, photographs, and fingerprints required by  
15 this section shall not be open to inspection by the public or by any  
16 person other than a regularly employed peace officer or other law  
17 enforcement officer.

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

29 (k) As used in this section, “mentally disordered sex offender”  
30 includes any person who has been determined to be a sexual  
31 psychopath or a mentally disordered sex offender under any  
32 provision which, on or before January 1, 1976, was contained in  
33 Division 6 (commencing with Section 6000) of the Welfare and  
34 Institutions Code.

35 (l) (1) Every person who, prior to January 1, 1997, is required  
36 to register under this section, shall be notified whenever he or she  
37 next reregisters of the reduction of the registration period from 14  
38 to five working days. This notice shall be provided in writing by  
39 the registering agency or agencies. Failure to receive this



1 notification shall be a defense against the penalties prescribed by  
2 subdivision (g) if the person did register within 14 days.

3 (2) Every person who, as a sexually violent predator, as defined  
4 in Section 6600 of the Welfare and Institutions Code, is required  
5 to verify his or her registration every 90 days, shall be notified  
6 wherever he or she next registers of his or her increased  
7 registration obligations. This notice shall be provided in writing by  
8 the registering agency or agencies. Failure to receive this notice  
9 shall be a defense against the penalties prescribed by paragraph (5)  
10 of subdivision (g).

11 (m) The registration provisions of this section are applicable to  
12 every person described in this section, without regard to when his  
13 or her crimes were committed or his or her duty to register pursuant  
14 to this section arose, and to every offense described in this section,  
15 regardless of when it was committed.

16 *SEC. 1.2. Section 290 of the Penal Code is amended to read:*

17 290. (a) (1) (A) Every person described in paragraph (2),  
18 for the rest of his or her life while residing in, or, if he or she has  
19 no residence, while located within California, or while attending  
20 school or working in California, as described in subparagraph (G),  
21 shall be required to register with the chief of police of the city in  
22 which he or she is residing, or if he or she has no residence, is  
23 located, or the sheriff of the county if he or she is residing, or if he  
24 or she has no residence, is located, in an unincorporated area or city  
25 that has no police department, and, additionally, with the chief of  
26 police of a campus of the University of California, the California  
27 State University, or community college if he or she is residing, or  
28 if he or she has no residence, is located upon the campus or in any  
29 of its facilities, within five working days of coming into, or  
30 changing his or her residence or location within, any city, county,  
31 or city and county, or campus in which he or she temporarily  
32 resides, or, if he or she has no residence, is located.

33 (B) If the person who is registering has more than one residence  
34 address or location at which he or she regularly resides or is  
35 located, he or she shall register in accordance with subparagraph  
36 (A) in each of the jurisdictions in which he or she regularly resides  
37 or is located, *regardless of the number of days or nights spent*  
38 *there*. If all of the addresses or locations are within the same  
39 jurisdiction, the person shall provide the registering authority with



1 all of the addresses or locations where he or she regularly resides  
2 or is located.

3 (C) If the person who is registering has no residence address,  
4 he or she shall update his or her registration no less than once every  
5 60 days in addition to the requirement in subparagraph (A), on a  
6 form as may be required by the Department of Justice, with the  
7 entity or entities described in subparagraph (A) in whose  
8 jurisdiction he or she is located at the time he or she is updating the  
9 registration.

10 (D) Beginning on his or her first birthday following  
11 registration or change of address, the person shall be required to  
12 register annually, within five working days of his or her birthday,  
13 to update his or her registration with the entities described in  
14 subparagraph (A). At the annual update, the person shall provide  
15 current information as required on the Department of Justice  
16 annual update form, including the information described in  
17 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
18 subdivision (e).

19 (E) In addition, every person who has ever been adjudicated a  
20 sexually violent predator, as defined in Section 6600 of the  
21 Welfare and Institutions Code, shall, after his or her release from  
22 custody, verify his or her address no less than once every 90 days  
23 and place of employment, including the name and address of the  
24 employer, in a manner established by the Department of Justice.

25 (F) No entity shall require a person to pay a fee to register or  
26 update his or her registration pursuant to this section. The  
27 registering agency shall submit registrations, including annual  
28 updates or changes of address, directly into the Department of  
29 Justice Violent Crime Information Network (VCIN).

30 (G) Persons required to register in their state of residence who  
31 are out-of-state residents employed, or carrying on a vocation in  
32 California on a full-time or part-time basis, with or without  
33 compensation, for more than 14 days, or for an aggregate period  
34 exceeding 30 days in a calendar year, shall register in accordance  
35 with subparagraph (A). Persons described in paragraph (2) who  
36 are out-of-state residents enrolled in any educational institution in  
37 California, as defined in Section 22129 of the Education Code, on  
38 a full-time or part-time basis, shall register in accordance with  
39 subparagraph (A). The place where the out-of-state resident is  
40 located, for purposes of registration, shall be the place where the



1 person is employed, carrying on a vocation, or attending school.  
2 The out-of-state resident subject to this subparagraph shall, in  
3 addition to the information required pursuant to subdivision (e),  
4 provide the registering authority with the name of his or her place  
5 of employment or the name of the school attended in California,  
6 and his or her address or location in his or her state of residence.  
7 The registration requirement for persons subject to this  
8 subparagraph shall become operative on November 25, 2000. The  
9 terms “employed or carries on a vocation” include employment  
10 whether or not financially compensated, volunteered, or  
11 performed for government or educational benefit.

12 (2) The following persons shall be required to register pursuant  
13 to paragraph (1):

14 (A) Any person who, since July 1, 1944, has been or is hereafter  
15 convicted in any court in this state or in any federal or military  
16 court of a violation of Section 207 or 209 committed with intent  
17 to violate Section 261, 286, 288, 288a, or 289, Section 220, except  
18 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),  
19 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of  
20 subdivision (a) of Section 262 involving the use of force or  
21 violence for which the person is sentenced to the state prison,  
22 Section 264.1, 266, 266c, subdivision (b) of Section 266h,  
23 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,  
24 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d) of  
25 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,  
26 former Section 647a, subdivision (c) of Section 653f, subdivision  
27 1 or 2 of Section 314, any offense involving lewd or lascivious  
28 conduct under Section 272, or any felony violation of Section  
29 288.2; or any statutory predecessor that includes all elements of  
30 one of the above-mentioned offenses; or any person who since that  
31 date has been or is hereafter convicted of the attempt to commit any  
32 of the above-mentioned offenses.

33 (B) Any person who, since July 1, 1944, has been or hereafter  
34 is released, discharged, or paroled from a penal institution where  
35 he or she was confined because of the commission or attempted  
36 commission of one of the offenses described in subparagraph (A).

37 (C) Any person who, since July 1, 1944, has been or hereafter  
38 is determined to be a mentally disordered sex offender under  
39 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
40 of Division 6 of the Welfare and Institutions Code or any person



1 who has been found guilty in the guilt phase of a trial for an offense  
2 for which registration is required by this section but who has been  
3 found not guilty by reason of insanity in the sanity phase of the  
4 trial.

5 (D) (i) Any person who, since July 1, 1944, has been, or is  
6 hereafter convicted in any other court, including any state, federal,  
7 or military court, of any offense that, if committed or attempted in  
8 this state, would have been punishable as one or more of the  
9 offenses described in subparagraph (A) ~~or any~~.

10 (ii) Any person ordered by any other court, including any state,  
11 federal, or military court, to register as a sex offender for any  
12 offense, if the court found at the time of conviction or sentencing  
13 that the person committed the offense as a result of sexual  
14 compulsion or for purposes of sexual gratification.

15 (iii) *Except as provided in clause (iv), any person who would*  
16 *be required to register while residing in the state of conviction for*  
17 *a sex offense committed in that state.*

18 (iv) *Clause (iii) shall not apply to a person required to register*  
19 *in the state of conviction if the conviction was for the equivalent*  
20 *of one of the following offenses, and the person is not subject to*  
21 *clause (i):*

22 (I) *Indecent exposure, pursuant to Section 314.*

23 (II) *Unlawful sexual intercourse, pursuant to Section 261.5.*

24 (III) *Incest, pursuant to Section 285.*

25 (IV) *Sodomy, pursuant to Section 286, or oral copulation,*  
26 *pursuant to Section 288a, provided that the offender notifies the*  
27 *Department of Justice that the sodomy or oral copulation*  
28 *conviction was for conduct between consenting adults, as*  
29 *described in subparagraph (F) of paragraph (2) of subdivision (a),*  
30 *and the department is able, upon the exercise of reasonable*  
31 *diligence, to verify that fact.*

32 (E) Any person ordered by any court to register pursuant to this  
33 section for any offense not included specifically in this section if  
34 the court finds at the time of conviction or sentencing that the  
35 person committed the offense as a result of sexual compulsion or  
36 for purposes of sexual gratification. The court shall state on the  
37 record the reasons for its findings and the reasons for requiring  
38 registration.

39 (F) (i) Notwithstanding any other subdivision, a person who  
40 was convicted before January 1, 1976, under subdivision (a) of



1 Section 286, or Section 288a, shall not be required to register  
2 pursuant to this section for that conviction if the conviction was for  
3 conduct between consenting adults that was decriminalized by  
4 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes  
5 of 1976. The Department of Justice shall remove that person from  
6 the Sex Offender Registry, and the person is discharged from his  
7 or her duty to register pursuant to the following procedure:

8 (I) The person submits to the Department of Justice official  
9 documentary evidence, including court records or police reports,  
10 that demonstrate that the person's conviction pursuant to either of  
11 those sections was for conduct between consenting adults that was  
12 decriminalized; or

13 (II) The person submits to the department a declaration stating  
14 that the person's conviction pursuant to either of those sections was  
15 for consensual conduct between adults that has been  
16 decriminalized. The declaration shall be confidential and not a  
17 public record, and shall include the person's name, address,  
18 telephone number, date of birth, and a summary of the  
19 circumstances leading to the conviction, including the date of the  
20 conviction and county of the occurrence.

21 (III) The department shall determine whether the person's  
22 conviction was for conduct between consensual adults that has  
23 been decriminalized. If the conviction was for consensual conduct  
24 between adults that has been decriminalized, and the person has no  
25 other offenses for which he or she is required to register pursuant  
26 to this section, the department shall, within 60 days of receipt of  
27 those documents, notify the person that he or she is relieved of the  
28 duty to register, and shall notify the local law enforcement agency  
29 with which the person is registered that he or she has been relieved  
30 of the duty to register. The local law enforcement agency shall  
31 remove the person's registration from its files within 30 days of  
32 receipt of notification. If the documentary or other evidence  
33 submitted is insufficient to establish the person's claim, the  
34 department shall, within 60 days of receipt of those documents,  
35 notify the person that his or her claim cannot be established, and  
36 that the person shall continue to register pursuant to this section.  
37 The department shall provide, upon the person's request, any  
38 information relied upon by the department in making its  
39 determination that the person shall continue to register pursuant to  
40 this section. Any person whose claim has been denied by the



1 department pursuant to this clause may petition the court to appeal  
2 the department's denial of the person's claim.

3 (ii) On or before July 1, 1998, the department shall make a  
4 report to the Legislature concerning the status of persons who may  
5 come under the provisions of this subparagraph, including the  
6 number of persons who were convicted before January 1, 1976,  
7 under subdivision (a) of Section 286 or Section 288a and are  
8 required to register under this section, the average age of these  
9 persons, the number of these persons who have any subsequent  
10 convictions for a registerable sex offense, and the number of these  
11 persons who have sought successfully or unsuccessfully to be  
12 relieved of their duty to register under this section.

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

32 (2) The official in charge of the place of confinement or  
33 hospital shall give one copy of the form to the person and shall send  
34 one copy to the Department of Justice and one copy to the  
35 appropriate law enforcement agency or agencies having  
36 jurisdiction over the place the person expects to reside upon  
37 discharge, parole, or release. If the conviction that makes the  
38 person subject to this section is a felony conviction, the official in  
39 charge shall, not later than 45 days prior to the scheduled release  
40 of the person, send one copy to the appropriate law enforcement



1 agency or agencies having local jurisdiction where the person  
2 expects to reside upon discharge, parole, or release; one copy to the  
3 prosecuting agency that prosecuted the person; and one copy to the  
4 Department of Justice. The official in charge of the place of  
5 confinement or hospital shall retain one copy.

6 (c) (1) Any person who is convicted in this state of the  
7 commission or attempted commission of any of the offenses  
8 specified in subdivision (a) and who is released on probation, shall,  
9 prior to release or discharge, be informed of the duty to register  
10 under this section by the probation department, and a probation  
11 officer shall require the person to read and sign any form that may  
12 be required by the Department of Justice, stating that the duty of  
13 the person to register under this section has been explained to him  
14 or her. The probation officer shall obtain the address where the  
15 person expects to reside upon release or discharge and shall report  
16 within three days the address to the Department of Justice. The  
17 probation officer shall give one copy of the form to the person,  
18 send one copy to the Department of Justice, and forward one copy  
19 to the appropriate law enforcement agency or agencies having  
20 local jurisdiction where the person expects to reside upon his or her  
21 discharge, parole, or release.

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



1 where the person expects to reside upon his or her discharge,  
2 parole, or release.

3 (d) (1) Any person who, on or after January 1, 1986, is  
4 discharged or paroled from the Department of the Youth Authority  
5 to the custody of which he or she was committed after having been  
6 adjudicated a ward of the juvenile court pursuant to Section 602  
7 of the Welfare and Institutions Code because of the commission or  
8 attempted commission of any offense described in paragraph (3)  
9 shall be subject to registration under the procedures of this section.

10 (2) Any person who is discharged or paroled from a facility in  
11 another state that is equivalent to the Department of the Youth  
12 Authority, to the custody of which he or she was committed  
13 because of an offense which, if committed or attempted in this  
14 state, would have been punishable as one or more of the offenses  
15 described in paragraph (3), shall be subject to registration under  
16 the procedures of this section.

17 (3) Any person described in this subdivision who committed an  
18 offense in violation of any of the following provisions shall be  
19 required to register pursuant to this section:

20 (A) Assault with intent to commit rape, sodomy, oral  
21 copulation, or any violation of Section 264.1, 288, or 289 under  
22 Section 220.

23 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
24 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
25 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
26 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
27 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
28 Section 289, or Section 647.6.

29 (C) A violation of Section 207 or 209 committed with the intent  
30 to violate Section 261, 286, 288, 288a, or 289.

31 (4) Prior to discharge or parole from the Department of the  
32 Youth Authority, any person who is subject to registration under  
33 this subdivision shall be informed of the duty to register under the  
34 procedures set forth in this section. Department of the Youth  
35 Authority officials shall transmit the required forms and  
36 information to the Department of Justice.

37 (5) All records specifically relating to the registration in the  
38 custody of the Department of Justice, law enforcement agencies,  
39 and other agencies or public officials shall be destroyed when the  
40 person who is required to register has his or her records sealed



1 under the procedures set forth in Section 781 of the Welfare and  
2 Institutions Code. This subdivision shall not be construed as  
3 requiring the destruction of other criminal offender or juvenile  
4 records relating to the case that are maintained by the Department  
5 of Justice, law enforcement agencies, the juvenile court, or other  
6 agencies and public officials unless ordered by a court under  
7 Section 781 of the Welfare and Institutions Code.

8 (e) (1) On or after January 1, 1998, upon incarceration,  
9 placement, or commitment, or prior to release on probation, any  
10 person who is required to register under this section shall  
11 preregister. The preregistering official shall be the admitting  
12 officer at the place of incarceration, placement, or commitment, or  
13 the probation officer if the person is to be released on probation.  
14 The preregistration shall consist of all of the following:

15 (A) A preregistration statement in writing, signed by the  
16 person, giving information that shall be required by the  
17 Department of Justice.

18 (B) The fingerprints and a current photograph of the person.

19 (C) Any person who is preregistered pursuant to this  
20 subdivision is required to be preregistered only once.

21 (2) A person described in paragraph (2) of subdivision (a) shall  
22 register, or reregister if the person has previously registered, upon  
23 release from incarceration, placement, ~~or~~ commitment, *or release*  
24 *on probation* pursuant to paragraph (1) of subdivision (a). The  
25 registration shall consist of all of the following:

26 (A) A statement in writing signed by the person, giving  
27 information as shall be required by the Department of Justice and  
28 giving the name and address of the person's employer, and the  
29 address of the person's place of employment if that is different  
30 from the employer's main address.

31 (B) The fingerprints and a current photograph of the person  
32 taken by the registering official.

33 (C) The license plate number of any vehicle owned by,  
34 regularly driven by, or registered in the name of the person.

35 (D) Notice to the person that, in addition to the requirements of  
36 paragraph (4), he or she may have a duty to register in any other  
37 state where he or she may relocate.

38 (E) Copies of adequate proof of residence, which shall be  
39 limited to a California driver's license, California identification  
40 card, recent rent or utility receipt, printed personalized checks or



1 other recent banking documents showing that person's name and  
2 address, or any other information that the registering official  
3 believes is reliable. If the person has no residence and no  
4 reasonable expectation of obtaining a residence in the foreseeable  
5 future, the person shall so advise the registering official and shall  
6 sign a statement provided by the registering official stating that  
7 fact. Upon presentation of proof of residence to the registering  
8 official or a signed statement that the person has no residence, the  
9 person shall be allowed to register. If the person claims that he or  
10 she has a residence but does not have any proof of residence, he or  
11 she shall be allowed to register but shall furnish proof of residence  
12 within 30 days of the day he or she is allowed to register.

13 (3) Within three days thereafter, the preregistering official or  
14 the registering law enforcement agency or agencies shall forward  
15 the statement, fingerprints, photograph, and vehicle license plate  
16 number, if any, to the Department of Justice.

17 (f) (1) If any person who is required to register pursuant to this  
18 section changes his or her residence address or location, whether  
19 within the jurisdiction in which he or she is currently registered or  
20 to a new jurisdiction inside or outside the state, the person shall  
21 inform, in writing within five working days, the law enforcement  
22 agency or agencies with which he or she last registered of the new  
23 address or location. *If the person does not know the new residence*  
24 *address or location, the registrant shall inform the last registering*  
25 *agency or agencies that he or she is moving within five working*  
26 *days of the move, and shall later notify the agency or agencies of*  
27 *the new address or location within five working days of moving*  
28 *into the new residence address or location, whether temporary or*  
29 *permanent.* The law enforcement agency or agencies shall, within  
30 three working days after receipt of this information, forward a  
31 copy of the change of address or location information to the  
32 Department of Justice. The Department of Justice shall forward  
33 appropriate registration data to the law enforcement agency or  
34 agencies having local jurisdiction of the new place of residence or  
35 location.

36 (2) If the person's new address is in a Department of the Youth  
37 Authority facility or a state prison or state mental institution, an  
38 official of the place of incarceration, placement, or commitment  
39 shall, within 90 days of receipt of the person, forward the  
40 registrant's change of address information to the Department of



1 Justice. The agency need not provide a physical address for the  
2 registrant but shall indicate that he or she is serving a period of  
3 incarceration or commitment in a facility under the agency's  
4 jurisdiction. This paragraph shall apply to persons received in a  
5 Department of the Youth Authority facility or a state prison or state  
6 mental institution on or after January 1, 1999. The Department of  
7 Justice shall forward the change of address information to the  
8 agency with which the person last registered.

9 (3) If any person who is required to register pursuant to this  
10 section changes his or her name, the person shall inform, in person,  
11 the law enforcement agency or agencies with which he or she is  
12 currently registered within five working days. The law  
13 enforcement agency or agencies shall forward a copy of this  
14 information to the Department of Justice within three working  
15 days of its receipt.

16 (g) (1) Any person who is required to register under this  
17 section based on a misdemeanor conviction or juvenile  
18 adjudication who willfully violates any requirement of this section  
19 is guilty of a misdemeanor punishable by imprisonment in a  
20 county jail not exceeding one year.

21 (2) Except as provided in paragraphs (5) and (7), any person  
22 who is required to register under this section based on a felony  
23 conviction or juvenile adjudication who willfully violates any  
24 requirement of this section or who has a prior conviction or  
25 juvenile adjudication for the offense of failing to register under this  
26 section and who subsequently and willfully violates any  
27 requirement of this section is guilty of a felony and shall be  
28 punished by imprisonment in the state prison for 16 months, or two  
29 or three years.

30 If probation is granted or if the imposition or execution of  
31 sentence is suspended, it shall be a condition of the probation or  
32 suspension that the person serve at least 90 days in a county jail.  
33 The penalty described in this paragraph shall apply whether or not  
34 the person has been released on parole or has been discharged from  
35 parole.

36 (3) Any person determined to be a mentally disordered sex  
37 offender or who has been found guilty in the guilt phase of trial for  
38 an offense for which registration is required under this section, but  
39 who has been found not guilty by reason of insanity in the sanity  
40 phase of the trial, or who has had a petition sustained in a juvenile



1 adjudication for an offense for which registration is required under  
2 this section pursuant to subdivision (d), but who has been found  
3 not guilty by reason of insanity, who willfully violates any  
4 requirement of this section is guilty of a misdemeanor and shall be  
5 punished by imprisonment in a county jail not exceeding one year.  
6 For any second or subsequent willful violation of any requirement  
7 of this section, the person is guilty of a felony and shall be punished  
8 by imprisonment in the state prison for 16 months, or two or three  
9 years.

10 (4) If, after discharge from parole, the person is convicted of a  
11 felony or suffers a juvenile adjudication as specified in this  
12 subdivision, he or she shall be required to complete parole of at  
13 least one year, in addition to any other punishment imposed under  
14 this subdivision. A person convicted of a felony as specified in this  
15 subdivision may be granted probation only in the unusual case  
16 where the interests of justice would best be served. When  
17 probation is granted under this paragraph, the court shall specify  
18 on the record and shall enter into the minutes the circumstances  
19 indicating that the interests of justice would best be served by the  
20 disposition.

21 (5) Any person who has ever been adjudicated a sexually  
22 violent predator, as defined in Section 6600 of the Welfare and  
23 Institutions Code, and who fails to verify his or her registration  
24 every 90 days as required pursuant to subparagraph (E) of  
25 paragraph (1) of subdivision (a), shall be punished by  
26 imprisonment in the state prison, or in a county jail not exceeding  
27 one year.

28 (6) Except as otherwise provided in paragraph (5), and in  
29 addition to any other penalty imposed under this subdivision, any  
30 person who is required pursuant to subparagraph (C) of paragraph  
31 (1) of subdivision (a) to update his or her registration every 60 days  
32 and willfully fails to update his or her registration is guilty of a  
33 misdemeanor and shall be punished by imprisonment in a county  
34 jail not exceeding six months. Any subsequent violation of this  
35 requirement that persons described in subparagraph (C) of  
36 paragraph (1) of subdivision (a) shall update their registration  
37 every 60 days is also a misdemeanor and shall be punished by  
38 imprisonment in a county jail not exceeding six months.

39 (7) Any person who fails to provide proof of residence as  
40 required by subparagraph (E) of paragraph (2) of subdivision (e),



1 regardless of the offense upon which the duty to register is based,  
2 is guilty of a misdemeanor punishable by imprisonment in a  
3 county jail not exceeding six months.

4 (8) Any person who is required to register under this section  
5 who willfully violates any requirement of this section is guilty of  
6 a continuing offense *as to each requirement he or she violated*.

7 (h) Whenever any person is released on parole or probation and  
8 is required to register under this section but fails to do so within  
9 the time prescribed, the parole authority, the Youthful Offender  
10 Parole Board, or the court, as the case may be, shall order the  
11 parole or probation of the person revoked. For purposes of this  
12 subdivision, “parole authority” has the same meaning as  
13 described in Section 3000.

14 (i) Except as provided in Sections ~~290.4~~ 290.01, 290.4, and  
15 290.45, the statements, photographs, and fingerprints required by  
16 this section shall not be open to inspection by the public or by any  
17 person other than a regularly employed peace officer or other law  
18 enforcement officer.

19 (j) In any case in which a person who would be required to  
20 register pursuant to this section 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  
27 subdivision shall not apply to any person who is temporarily  
28 released under guard from the institution where he or she is  
29 confined.

30 (k) As used in this section, “mentally disordered sex offender”  
31 includes any person who has been determined to be a sexual  
32 psychopath or a mentally disordered sex offender under any  
33 provision which, on or before January 1, 1976, was contained in  
34 Division 6 (commencing with Section 6000) of the Welfare and  
35 Institutions Code.

36 (l) (1) Every person who, prior to January 1, 1997, is required  
37 to register under this section, shall be notified whenever he or she  
38 next reregisters of the reduction of the registration period from 14  
39 to ~~five~~ 5 working days. This notice shall be provided in writing by  
40 the registering agency or agencies. Failure to receive this



1 notification shall be a defense against the penalties prescribed by  
2 subdivision (g) if the person did register within 14 days.

3 (2) Every person who, as a sexually violent predator, as defined  
4 in Section 6600 of the Welfare and Institutions Code, is required  
5 to verify his or her registration every 90 days, shall be notified  
6 wherever he or she next registers of his or her increased  
7 registration obligations. This notice shall be provided in writing by  
8 the registering agency or agencies. Failure to receive this notice  
9 shall be a defense against the penalties prescribed by paragraph (5)  
10 of subdivision (g).

11 (m) The registration provisions of this section are applicable to  
12 every person described in this section, without regard to when his  
13 or her crimes were committed or his or her duty to register pursuant  
14 to this section arose, and to every offense described in this section,  
15 regardless of when it was committed.

16 *SEC. 1.3. Section 290 of the Penal Code is amended to read:*

17 290. (a) (1) (A) Every person described in paragraph (2),  
18 for the rest of his or her life while residing in, ~~or, if he or she has~~  
19 ~~no residence, while located within~~ California, or while attending  
20 school or working in California, as described in subparagraph (G),  
21 shall be required to register with the chief of police of the city in  
22 which he or she is residing, ~~or if he or she has no residence, is~~  
23 ~~located, or the sheriff of the county if he or she is residing, or if he~~  
24 ~~or she has no residence, is located,~~ in an unincorporated area or city  
25 that has no police department, and, additionally, with the chief of  
26 police of a campus of the University of California, the California  
27 State University, or community college if he or she is residing, ~~or~~  
28 ~~if he or she has no residence, is located~~ upon the campus or in any  
29 of its facilities, within five working days of coming into, or  
30 changing his or her residence ~~or location~~ within, any city, county,  
31 or city and county, or campus in which he or she temporarily  
32 resides, ~~or, if he or she has no residence, is located.~~

33 (B) If the person who is registering has more than one residence  
34 address ~~or location~~ at which he or she regularly resides ~~or is~~  
35 ~~located,~~ he or she shall register in accordance with subparagraph  
36 (A) in each of the jurisdictions in which he or she regularly resides  
37 ~~or is located,~~ *regardless of the number of days or nights spent*  
38 *there.* If all of the addresses ~~or locations~~ are within the same  
39 jurisdiction, the person shall provide the registering authority with



1 all of the addresses ~~or locations~~ where he or she regularly resides  
2 ~~or is located.~~

3 (C) ~~If the person who is registering has no residence address,~~  
4 ~~he or she shall update his or her registration no less than once every~~  
5 ~~60 days in addition to the requirement in subparagraph (A), on a~~  
6 ~~form as may be required by the Department of Justice, with the~~  
7 ~~entity or entities described in subparagraph (A) in whose~~  
8 ~~jurisdiction he or she is located at the time he or she is updating the~~  
9 ~~registration.~~ *Every person described in paragraph (2), for the rest*  
10 *of his or her life while living as a transient in California shall be*  
11 *required to register, as follows:*

12 (i) *A transient must register, or reregister if the person has*  
13 *previously registered, within five working days from release from*  
14 *incarceration, placement or commitment, or release on probation,*  
15 *pursuant to paragraph (1) of subdivision (a), except that if the*  
16 *person previously registered as a transient less than 30 days from*  
17 *the date of his or her release from incarceration, he or she does not*  
18 *need to reregister as a transient until his or her next required*  
19 *30-day update of registration. If a transient is not physically*  
20 *present in any one jurisdiction for five consecutive working days,*  
21 *he or she must register in the jurisdiction in which he or she is*  
22 *physically present on the fifth working day following release,*  
23 *pursuant to paragraph (1) of subdivision (a). Beginning on or*  
24 *before the 30th day following initial registration upon release, a*  
25 *transient must reregister no less than once every 30 days thereafter.*  
26 *A transient shall register with the chief of police of the city in which*  
27 *he or she is physically present within that 30-day period, or the*  
28 *sheriff of the county if he or she is physically present in an*  
29 *unincorporated area or city that has no police department, and*  
30 *additionally, with the chief of police of a campus of the University*  
31 *of California, the California State University, or community*  
32 *college if he or she is physically present upon the campus or in any*  
33 *of its facilities. A transient must reregister no less than once every*  
34 *30 days regardless of the length of time he or she has been*  
35 *physically present in the particular jurisdiction in which he or she*  
36 *reregisters. If a transient fails to reregister within any 30-day*  
37 *period, he or she may be prosecuted in any jurisdiction in which*  
38 *he or she is physically present.*

39 (ii) *A transient who moves to a residence shall have five*  
40 *working days within which to register at that address, in*



1 *accordance with subparagraph (A) of paragraph (1) of*  
2 *subdivision (a). A person registered at a residence address in*  
3 *accordance with subparagraph (A) of paragraph (1) of*  
4 *subdivision (a), who becomes transient shall have five working*  
5 *days within which to reregister as a transient in accordance with*  
6 *clause (i).*

7 *(iii) Beginning on his or her first birthday following*  
8 *registration, a transient shall register annually, within five*  
9 *working days of his or her birthday, to update his or her*  
10 *registration with the entities described in clause (i). A transient*  
11 *shall register in whichever jurisdiction he or she is physically*  
12 *present on that date. At the 30-day updates and the annual update,*  
13 *a transient shall provide current information as required on the*  
14 *Department of Justice annual update form, including the*  
15 *information described in subparagraphs (A) to (C), inclusive, of*  
16 *paragraph (2) of subdivision (e), and the information specified in*  
17 *clause (iv).*

18 *(iv) A transient shall, upon registration and reregistration,*  
19 *provide current information as required on the Department of*  
20 *Justice registration forms, and shall also list the places where he*  
21 *or she sleeps, eats, works, frequents, and engages in leisure*  
22 *activities. If a transient changes or adds to the places listed on the*  
23 *form during the 30-day period, he or she does not need to report*  
24 *the new place or places until the next required reregistration.*

25 *(v) Failure to comply with the requirement of reregistering*  
26 *every 30 days following initial registration pursuant to clause (i)*  
27 *of this subparagraph shall be punished in accordance with*  
28 *paragraph (6) of subdivision (g). Failure to comply with any other*  
29 *requirement of this section, shall be punished in accordance with*  
30 *either paragraph (1) or (2) of subdivision (g).*

31 *(vi) A transient who moves out of state shall inform, in person*  
32 *or in writing, the chief of police in the city in which he or she is*  
33 *physically present, or the sheriff of the county, if he or she is*  
34 *physically present in an unincorporated area or city that has no*  
35 *police department, within five working days of his or her move out*  
36 *of state. The transient shall inform that registering agency of his*  
37 *or her planned destination, residence, or transient location out of*  
38 *state, and any plans he or she has to return to California, if known.*  
39 *The law enforcement agency shall, within three days after receipt*  
40 *of this information, forward a copy of the change of location*



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

5 (vii) *For purposes of this section, “transient” means a person*  
6 *who has no residence. “Residence” means a place where a person*  
7 *is living or temporarily staying for more than five days, such as a*  
8 *shelter or structure that can be located by a street address,*  
9 *including, but not limited to, houses, apartment buildings, motels,*  
10 *hotels, homeless shelters, and recreational and other vehicles.*

11 (viii) *The transient registrant’s duty to update his or her*  
12 *registration no less than every 30 days shall begin with his or her*  
13 *second transient update following the date this subdivision*  
14 *became effective.*

15 (D) Beginning on his or her first birthday following  
16 registration or change of address, the person shall be required to  
17 register annually, within five working days of his or her birthday,  
18 to update his or her registration with the entities described in  
19 subparagraph (A). At the annual update, the person shall provide  
20 current information as required on the Department of Justice  
21 annual update form, including the information described in  
22 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
23 subdivision (e).

24 (E) In addition, every person who has ever been adjudicated a  
25 sexually violent predator, as defined in Section 6600 of the  
26 Welfare and Institutions Code, shall, after his or her release from  
27 custody, verify his or her address no less than once every 90 days  
28 and place of employment, including the name and address of the  
29 employer, in a manner established by the Department of Justice.

30 (F) No entity shall require a person to pay a fee to register or  
31 update his or her registration pursuant to this section. The  
32 registering agency shall submit registrations, including annual  
33 updates or changes of address, directly into the Department of  
34 Justice Violent Crime Information Network (VCIN).

35 (G) Persons required to register in their state of residence who  
36 are out-of-state residents employed, or carrying on a vocation in  
37 California on a full-time or part-time basis, with or without  
38 compensation, for more than 14 days, or for an aggregate period  
39 exceeding 30 days in a calendar year, shall register in accordance  
40 with subparagraph (A). Persons described in paragraph (2) who



1 are out-of-state residents enrolled in any educational institution in  
2 California, as defined in Section 22129 of the Education Code, on  
3 a full-time or part-time basis, shall register in accordance with  
4 subparagraph (A). The place where the out-of-state resident is  
5 located, for purposes of registration, shall be the place where the  
6 person is employed, carrying on a vocation, or attending school.  
7 The out-of-state resident subject to this subparagraph shall, in  
8 addition to the information required pursuant to subdivision (e),  
9 provide the registering authority with the name of his or her place  
10 of employment or the name of the school attended in California,  
11 and his or her address or location in his or her state of residence.  
12 The registration requirement for persons subject to this  
13 subparagraph shall become operative on November 25, 2000. The  
14 terms “employed or carries on a vocation” include employment  
15 whether or not financially compensated, volunteered, or  
16 performed for government or educational benefit.

17 (2) The following persons shall be required to register pursuant  
18 to paragraph (1):

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

38 (B) Any person who, since July 1, 1944, has been or hereafter  
39 is released, discharged, or paroled from a penal institution where



1 he or she was confined because of the commission or attempted  
2 commission of one of the offenses described in subparagraph (A).

3 (C) Any person who, since July 1, 1944, has been or hereafter  
4 is determined to be a mentally disordered sex offender under  
5 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
6 of Division 6 of the Welfare and Institutions Code or any person  
7 who has been found guilty in the guilt phase of a trial for an offense  
8 for which registration is required by this section but who has been  
9 found not guilty by reason of insanity in the sanity phase of the  
10 trial.

11 (D) Any person who, since July 1, 1944, has been, or is  
12 hereafter convicted in any other court, including any state, federal,  
13 or military court, of any offense that, if committed or attempted in  
14 this state, would have been punishable as one or more of the  
15 offenses described in subparagraph (A) or any person ordered by  
16 any other court, including any state, federal, or military court, to  
17 register as a sex offender for any offense, if the court found at the  
18 time of conviction or sentencing that the person committed the  
19 offense as a result of sexual compulsion or for purposes of sexual  
20 gratification.

21 (E) Any person ordered by any court to register pursuant to this  
22 section for any offense not included specifically in this section if  
23 the court finds at the time of conviction or sentencing that the  
24 person committed the offense as a result of sexual compulsion or  
25 for purposes of sexual gratification. The court shall state on the  
26 record the reasons for its findings and the reasons for requiring  
27 registration.

28 (F) (i) Notwithstanding any other subdivision, a person who  
29 was convicted before January 1, 1976, under subdivision (a) of  
30 Section 286, or Section 288a, shall not be required to register  
31 pursuant to this section for that conviction if the conviction was for  
32 conduct between consenting adults that was decriminalized by  
33 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes  
34 of 1976. The Department of Justice shall remove that person from  
35 the Sex Offender Registry, and the person is discharged from his  
36 or her duty to register pursuant to the following procedure:

37 (I) The person submits to the Department of Justice official  
38 documentary evidence, including court records or police reports,  
39 that demonstrate that the person's conviction pursuant to either of



1 those sections was for conduct between consenting adults that was  
2 decriminalized; or

3 (II) The person submits to the department a declaration stating  
4 that the person's conviction pursuant to either of those sections was  
5 for consensual conduct between adults that has been  
6 decriminalized. The declaration shall be confidential and not a  
7 public record, and shall include the person's name, address,  
8 telephone number, date of birth, and a summary of the  
9 circumstances leading to the conviction, including the date of the  
10 conviction and county of the occurrence.

11 (III) The department shall determine whether the person's  
12 conviction was for conduct between consensual adults that has  
13 been decriminalized. If the conviction was for consensual conduct  
14 between adults that has been decriminalized, and the person has no  
15 other offenses for which he or she is required to register pursuant  
16 to this section, the department shall, within 60 days of receipt of  
17 those documents, notify the person that he or she is relieved of the  
18 duty to register, and shall notify the local law enforcement agency  
19 with which the person is registered that he or she has been relieved  
20 of the duty to register. The local law enforcement agency shall  
21 remove the person's registration from its files within 30 days of  
22 receipt of notification. If the documentary or other evidence  
23 submitted is insufficient to establish the person's claim, the  
24 department shall, within 60 days of receipt of those documents,  
25 notify the person that his or her claim cannot be established, and  
26 that the person shall continue to register pursuant to this section.  
27 The department shall provide, upon the person's request, any  
28 information relied upon by the department in making its  
29 determination that the person shall continue to register pursuant to  
30 this section. Any person whose claim has been denied by the  
31 department pursuant to this clause may petition the court to appeal  
32 the department's denial of the person's claim.

33 (ii) On or before July 1, 1998, the department shall make a  
34 report to the Legislature concerning the status of persons who may  
35 come under the provisions of this subparagraph, including the  
36 number of persons who were convicted before January 1, 1976,  
37 under subdivision (a) of Section 286 or Section 288a and are  
38 required to register under this section, the average age of these  
39 persons, the number of these persons who have any subsequent  
40 convictions for a registerable sex offense, and the number of these



1 persons who have sought successfully or unsuccessfully to be  
2 relieved of their duty to register under this section.

3 (b) (1) Any person who is released, discharged, or paroled  
4 from a jail, state or federal prison, school, road camp, or other  
5 institution where he or she was confined because of the  
6 commission or attempted commission of one of the offenses  
7 specified in subdivision (a) or is released from a state hospital to  
8 which he or she was committed as a mentally disordered sex  
9 offender under Article 1 (commencing with Section 6300) of  
10 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
11 Code, shall, prior to discharge, parole, or release, be informed of  
12 his or her duty to register under this section by the official in charge  
13 of the place of confinement or hospital, and the official shall  
14 require the person to read and sign any form that may be required  
15 by the Department of Justice, stating that the duty of the person to  
16 register under this section has been explained to the person. The  
17 official in charge of the place of confinement or hospital shall  
18 obtain the address where the person expects to reside upon his or  
19 her discharge, parole, or release and shall report the address to the  
20 Department of Justice. The official shall at the same time forward  
21 a current photograph of the person to the Department of Justice.

22 (2) The official in charge of the place of confinement or  
23 hospital shall give one copy of the form to the person and shall send  
24 one copy to the Department of Justice and one copy to the  
25 appropriate law enforcement agency or agencies having  
26 jurisdiction over the place the person expects to reside upon  
27 discharge, parole, or release. If the conviction that makes the  
28 person subject to this section is a felony conviction, the official in  
29 charge shall, not later than 45 days prior to the scheduled release  
30 of the person, send one copy to the appropriate law enforcement  
31 agency or agencies having local jurisdiction where the person  
32 expects to reside upon discharge, parole, or release; one copy to the  
33 prosecuting agency that prosecuted the person; and one copy to the  
34 Department of Justice. The official in charge of the place of  
35 confinement or hospital shall retain one copy.

36 (c) (1) Any person who is convicted in this state of the  
37 commission or attempted commission of any of the offenses  
38 specified in subdivision (a) and who is released on probation, shall,  
39 prior to release or discharge, be informed of the duty to register  
40 under this section by the probation department, and a probation



1 officer shall require the person to read and sign any form that may  
2 be required by the Department of Justice, stating that the duty of  
3 the person to register under this section has been explained to him  
4 or her. The probation officer shall obtain the address where the  
5 person expects to reside upon release or discharge and shall report  
6 within three days the address to the Department of Justice. The  
7 probation officer shall give one copy of the form to the person,  
8 send one copy to the Department of Justice, and forward one copy  
9 to the appropriate law enforcement agency or agencies having  
10 local jurisdiction where the person expects to reside upon his or her  
11 discharge, parole, or release.

12 (2) Any person who is convicted in this state of the commission  
13 or attempted commission of any of the offenses specified in  
14 subdivision (a) and who is granted conditional release without  
15 supervised probation, or discharged upon payment of a fine, shall,  
16 prior to release or discharge, be informed of the duty to register  
17 under this section in open court by the court in which the person  
18 has been convicted, and the court shall require the person to read  
19 and sign any form that may be required by the Department of  
20 Justice, stating that the duty of the person to register under this  
21 section has been explained to him or her. If the court finds that it  
22 is in the interest of the efficiency of the court, the court may assign  
23 the bailiff to require the person to read and sign forms under this  
24 section. The court shall obtain the address where the person  
25 expects to reside upon release or discharge and shall report within  
26 three days the address to the Department of Justice. The court shall  
27 give one copy of the form to the person, send one copy to the  
28 Department of Justice, and forward one copy to the appropriate  
29 law enforcement agency or agencies having local jurisdiction  
30 where the person expects to reside upon his or her discharge,  
31 parole, or release.

32 (d) (1) Any person who, on or after January 1, 1986, is  
33 discharged or paroled from the Department of the Youth Authority  
34 to the custody of which he or she was committed after having been  
35 adjudicated a ward of the juvenile court pursuant to Section 602  
36 of the Welfare and Institutions Code because of the commission or  
37 attempted commission of any offense described in paragraph (3)  
38 shall be subject to registration under the procedures of this section.

39 (2) Any person who is discharged or paroled from a facility in  
40 another state that is equivalent to the Department of the Youth



1 Authority, to the custody of which he or she was committed  
2 because of an offense which, if committed or attempted in this  
3 state, would have been punishable as one or more of the offenses  
4 described in paragraph (3), shall be subject to registration under  
5 the procedures of this section.

6 (3) Any person described in this subdivision who committed an  
7 offense in violation of any of the following provisions shall be  
8 required to register pursuant to this section:

9 (A) Assault with intent to commit rape, sodomy, oral  
10 copulation, or any violation of Section 264.1, 288, or 289 under  
11 Section 220.

12 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
13 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
14 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
15 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
16 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
17 Section 289, or Section 647.6.

18 (C) A violation of Section 207 or 209 committed with the intent  
19 to violate Section 261, 286, 288, 288a, or 289.

20 (4) Prior to discharge or parole from the Department of the  
21 Youth Authority, any person who is subject to registration under  
22 this subdivision shall be informed of the duty to register under the  
23 procedures set forth in this section. Department of the Youth  
24 Authority officials shall transmit the required forms and  
25 information to the Department of Justice.

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

37 (e) (1) On or after January 1, 1998, upon incarceration,  
38 placement, or commitment, or prior to release on probation, any  
39 person who is required to register under this section shall  
40 preregister. The preregistering official shall be the admitting



1 officer at the place of incarceration, placement, or commitment, or  
2 the probation officer if the person is to be released on probation.

3 The preregistration shall consist of all of the following:

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

7 (B) The fingerprints and a current photograph of the person.

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

10 (2) A person described in paragraph (2) of subdivision (a) shall  
11 register, or reregister if the person has previously registered, upon  
12 release from incarceration, placement, ~~or~~ commitment, *or release*  
13 *on probation* pursuant to paragraph (1) of subdivision (a). The  
14 registration shall consist of all of the following:

15 (A) A statement in writing signed by the person, giving  
16 information as shall be required by the Department of Justice and  
17 giving the name and address of the person's employer, and the  
18 address of the person's place of employment if that is different  
19 from the employer's main address.

20 (B) The fingerprints and a current photograph of the person  
21 taken by the registering official.

22 (C) The license plate number of any vehicle owned by,  
23 regularly driven by, or registered in the name of the person.

24 (D) Notice to the person that, in addition to the requirements of  
25 paragraph (4), he or she may have a duty to register in any other  
26 state where he or she may relocate.

27 (E) Copies of adequate proof of residence, which shall be  
28 limited to a California driver's license, California identification  
29 card, recent rent or utility receipt, printed personalized checks or  
30 other recent banking documents showing that person's name and  
31 address, or any other information that the registering official  
32 believes is reliable. If the person has no residence and no  
33 reasonable expectation of obtaining a residence in the foreseeable  
34 future, the person shall so advise the registering official and shall  
35 sign a statement provided by the registering official stating that  
36 fact. Upon presentation of proof of residence to the registering  
37 official or a signed statement that the person has no residence, the  
38 person shall be allowed to register. If the person claims that he or  
39 she has a residence but does not have any proof of residence, he or



1 she shall be allowed to register but shall furnish proof of residence  
2 within 30 days of the ~~day~~ *date* he or she is allowed to register.

3 (3) Within three days thereafter, the preregistering official or  
4 the registering law enforcement agency or agencies shall forward  
5 the statement, fingerprints, photograph, and vehicle license plate  
6 number, if any, to the Department of Justice.

7 (f) (1) If any person who is required to register pursuant to this  
8 section *and who has a residence address* changes his or her  
9 residence address ~~or location~~, whether within the jurisdiction in  
10 which he or she is currently registered or to a new jurisdiction  
11 inside or outside the state, the person shall inform, in writing  
12 within five working days, the law enforcement agency or agencies  
13 with which he or she last registered of the new address or *transient*  
14 location *and any plans he or she has to return to California, if*  
15 *known. If the person does not know the new residence address or*  
16 *location, the registrant shall inform the last registering agency or*  
17 *agencies that he or she is moving within five working days of the*  
18 *move, and shall later notify the agency or agencies of the new*  
19 *address or location within five working days of moving into the*  
20 *new residence address or location, whether temporary or*  
21 *permanent. The law enforcement agency or agencies shall, within*  
22 *three working days after receipt of this information, forward a*  
23 *copy of the change of address ~~or location~~ information to the*  
24 *Department of Justice. The Department of Justice shall forward*  
25 *appropriate registration data to the law enforcement agency or*  
26 *agencies having local jurisdiction of the new place of residence ~~or~~*  
27 *location.*

28 (2) If the person's new address is in a Department of the Youth  
29 Authority facility or a state prison or state mental institution, an  
30 official of the place of incarceration, placement, or commitment  
31 shall, within 90 days of receipt of the person, forward the  
32 registrant's change of address information to the Department of  
33 Justice. The agency need not provide a physical address for the  
34 registrant but shall indicate that he or she is serving a period of  
35 incarceration or commitment in a facility under the agency's  
36 jurisdiction. This paragraph shall apply to persons received in a  
37 Department of the Youth Authority facility or a state prison or state  
38 mental institution on or after January 1, 1999. The Department of  
39 Justice shall forward the change of address information to the  
40 agency with which the person last registered.



1 (3) If any person who is required to register pursuant to this  
2 section changes his or her name, the person shall inform, in person,  
3 the law enforcement agency or agencies with which he or she is  
4 currently registered within five working days. The law  
5 enforcement agency or agencies shall forward a copy of this  
6 information to the Department of Justice within three working  
7 days of its receipt.

8 (g) (1) Any person who is required to register under this  
9 section based on a misdemeanor conviction or juvenile  
10 adjudication who willfully violates any requirement of this section  
11 is guilty of a misdemeanor punishable by imprisonment in a  
12 county jail not exceeding one year.

13 (2) Except as provided in paragraphs (5), (7), and ~~(7)~~ (9), any  
14 person who is required to register under this section based on a  
15 felony conviction or juvenile adjudication who willfully violates  
16 any requirement of this section or who has a prior conviction or  
17 juvenile adjudication for the offense of failing to register under this  
18 section and who subsequently and willfully violates any  
19 requirement of this section is guilty of a felony and shall be  
20 punished by imprisonment in the state prison for 16 months, or two  
21 or three years.

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

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



1 by imprisonment in the state prison for 16 months, or two or three  
2 years.

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

14 (5) Any person who has ever been adjudicated a sexually  
15 violent predator, as defined in Section 6600 of the Welfare and  
16 Institutions Code, and who fails to verify his or her registration  
17 every 90 days as required pursuant to subparagraph (E) of  
18 paragraph (1) of subdivision (a), shall be punished by  
19 imprisonment in the state prison, or in a county jail not exceeding  
20 one year.

21 (6) Except as otherwise provided in paragraph (5), ~~and in~~  
22 ~~addition to any other penalty imposed under this subdivision,~~ any  
23 person who is required *to register or reregister pursuant to clause*  
24 *(i) of subparagraph (C) of paragraph (1) of subdivision (a) to*  
25 ~~update his or her registration every 60 days~~ and willfully fails to  
26 ~~update his or her registration~~ *comply with the requirement that he*  
27 *or she reregister no less than every 30 days* is guilty of a  
28 misdemeanor and shall be punished by imprisonment in a county  
29 jail ~~not exceeding six months. Any subsequent violation of this~~  
30 ~~requirement that persons described in~~ *at least 30 days, but not*  
31 *exceeding six months. A person who willfully fails to comply with*  
32 *the requirement that he or she reregister no less than every 30 days*  
33 *shall not be charged with this violation more often than once for*  
34 *a failure to register in any period of 90 days. Any person who*  
35 *willfully commits a third or subsequent violation of the*  
36 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
37 *(a) shall update their registration every 60 days is also a*  
38 ~~misdemeanor and shall be punished by imprisonment in a county~~  
39 ~~jail not exceeding six months that he or she reregister no less than~~



1 *every 30 days shall be punished in accordance with either*  
2 *paragraph (1) or (2) of this subdivision.*

3 (7) Any person who fails to provide proof of residence as  
4 required by subparagraph (E) of paragraph (2) of subdivision (e),  
5 regardless of the offense upon which the duty to register is based,  
6 is guilty of a misdemeanor punishable by imprisonment in a  
7 county jail not exceeding six months.

8 (8) Any person who is required to register under this section  
9 who willfully violates any requirement of this section is guilty of  
10 a continuing offense *as to each requirement he or she violated.*

11 (9) *In addition to any other penalty imposed under this*  
12 *subdivision, the failure to provide information required on*  
13 *registration and reregistration forms of the Department of Justice,*  
14 *or the provision of false information, is a crime punishable by*  
15 *imprisonment in a county jail for a period not exceeding one year.*

16 (h) Whenever any person is released on parole or probation and  
17 is required to register under this section but fails to do so within  
18 the time prescribed, the parole authority, the Youthful Offender  
19 Parole Board, or the court, as the case may be, shall order the  
20 parole or probation of the person revoked. For purposes of this  
21 subdivision, “parole authority” has the same meaning as  
22 described in Section 3000.

23 (i) Except as provided in Sections ~~290.4~~ 290.01, 290.4, and  
24 290.45, the statements, photographs, and fingerprints required by  
25 this section shall not be open to inspection by the public or by any  
26 person other than a regularly employed peace officer or other law  
27 enforcement officer.

28 (j) In any case in which a person who would be required to  
29 register pursuant to this section for a felony conviction is to be  
30 temporarily sent outside the institution where he or she is confined  
31 on any assignment within a city or county including firefighting,  
32 disaster control, or of whatever nature the assignment may be, the  
33 local law enforcement agency having jurisdiction over the place  
34 or places where the assignment shall occur shall be notified within  
35 a reasonable time prior to removal from the institution. This  
36 subdivision shall not apply to any person who is temporarily  
37 released under guard from the institution where he or she is  
38 confined.

39 (k) As used in this section, “mentally disordered sex offender”  
40 includes any person who has been determined to be a sexual



1 psychopath or a mentally disordered sex offender under any  
2 provision which, on or before January 1, 1976, was contained in  
3 Division 6 (commencing with Section 6000) of the Welfare and  
4 Institutions Code.

5 (l) (1) Every person who, prior to January 1, 1997, is required  
6 to register under this section, shall be notified whenever he or she  
7 next reregisters of the reduction of the registration period from 14  
8 to ~~five~~ 5 working days. This notice shall be provided in writing by  
9 the registering agency or agencies. Failure to receive this  
10 notification shall be a defense against the penalties prescribed by  
11 subdivision (g) if the person did register within 14 days.

12 (2) Every person who, as a sexually violent predator, as defined  
13 in Section 6600 of the Welfare and Institutions Code, is required  
14 to verify his or her registration every 90 days, shall be notified  
15 wherever he or she next registers of his or her increased  
16 registration obligations. This notice shall be provided in writing by  
17 the registering agency or agencies. Failure to receive this notice  
18 shall be a defense against the penalties prescribed by paragraph (5)  
19 of subdivision (g).

20 (m) The registration provisions of this section are applicable to  
21 every person described in this section, without regard to when his  
22 or her *crime or crimes* were committed or his or her duty to register  
23 pursuant to this section arose, and to every offense described in this  
24 section, regardless of when it was committed.

25 *SEC. 1.4. Section 290 of the Penal Code is amended to read:*

26 290. (a) (1) (A) Every person described in paragraph (2),  
27 for the rest of his or her life while residing in, or, if he or she has  
28 no residence, while located within California, or while attending  
29 school or working in California, as described in subparagraph (G),  
30 shall be required to register with the chief of police of the city in  
31 which he or she is residing, or if he or she has no residence, is  
32 located, or the sheriff of the county if he or she is residing, or if he  
33 or she has no residence, is located, in an unincorporated area or city  
34 that has no police department, and, additionally, with the chief of  
35 police of a campus of the University of California, the California  
36 State University, or community college if he or she is residing, or  
37 if he or she has no residence, is located upon the campus or in any  
38 of its facilities, within five working days of coming into, or  
39 changing his or her residence or location within, any city, county,



1 or city and county, or campus in which he or she temporarily  
2 resides, or, if he or she has no residence, is located.

3 (B) If the person who is registering has more than one residence  
4 address or location at which he or she regularly resides or is  
5 located, he or she shall register in accordance with subparagraph  
6 (A) in each of the jurisdictions in which he or she regularly resides  
7 or is located, *regardless of the number of days or nights spent*  
8 *there*. If all of the addresses or locations are within the same  
9 jurisdiction, the person shall provide the registering authority with  
10 all of the addresses or locations where he or she regularly resides  
11 or is located.

12 (C) If the person who is registering has no residence address,  
13 he or she shall update his or her registration no less than once every  
14 60 days in addition to the requirement in subparagraph (A), on a  
15 form as may be required by the Department of Justice, with the  
16 entity or entities described in subparagraph (A) in whose  
17 jurisdiction he or she is located at the time he or she is updating the  
18 registration.

19 (D) Beginning on his or her first birthday following  
20 registration or change of address, the person shall be required to  
21 register annually, within five working days of his or her birthday,  
22 to update his or her registration with the entities described in  
23 subparagraph (A). At the annual update, the person shall provide  
24 current information as required on the Department of Justice  
25 annual update form, including the information described in  
26 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
27 subdivision (e).

28 (E) In addition, every person who has ever been adjudicated a  
29 sexually violent predator, as defined in Section 6600 of the  
30 Welfare and Institutions Code, shall, after his or her release from  
31 custody, verify his or her address no less than once every 90 days  
32 and place of employment, including the name and address of the  
33 employer, in a manner established by the Department of Justice.

34 (F) No entity shall require a person to pay a fee to register or  
35 update his or her registration pursuant to this section. The  
36 registering agency shall submit registrations, including annual  
37 updates or changes of address, directly into the Department of  
38 Justice Violent Crime Information Network (VCIN).

39 (G) Persons required to register in their state of residence who  
40 are out-of-state residents employed, or carrying on a vocation in



1 California on a full-time or part-time basis, with or without  
2 compensation, for more than 14 days, or for an aggregate period  
3 exceeding 30 days in a calendar year, shall register in accordance  
4 with subparagraph (A). Persons described in paragraph (2) who  
5 are out-of-state residents enrolled in any educational institution in  
6 California, as defined in Section 22129 of the Education Code, on  
7 a full-time or part-time basis, shall register in accordance with  
8 subparagraph (A). The place where the out-of-state resident is  
9 located, for purposes of registration, shall be the place where the  
10 person is employed, carrying on a vocation, or attending school.  
11 The out-of-state resident subject to this subparagraph shall, in  
12 addition to the information required pursuant to subdivision (e),  
13 provide the registering authority with the name of his or her place  
14 of employment or the name of the school attended in California,  
15 and his or her address or location in his or her state of residence.  
16 The registration requirement for persons subject to this  
17 subparagraph shall become operative on November 25, 2000. The  
18 terms “employed or carries on a vocation” include employment  
19 whether or not financially compensated, volunteered, or  
20 performed for government or educational benefit.

21 (2) The following persons shall be required to register pursuant  
22 to paragraph (1):

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



1 date has been or is hereafter convicted of the attempt to commit any  
2 of the above-mentioned offenses.

3 (B) Any person who, since July 1, 1944, has been or hereafter  
4 is released, discharged, or paroled from a penal institution where  
5 he or she was confined because of the commission or attempted  
6 commission of one of the offenses described in subparagraph (A).

7 (C) Any person who, since July 1, 1944, has been or hereafter  
8 is determined to be a mentally disordered sex offender under  
9 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
10 of Division 6 of the Welfare and Institutions Code or any person  
11 who has been found guilty in the guilt phase of a trial for an offense  
12 for which registration is required by this section but who has been  
13 found not guilty by reason of insanity in the sanity phase of the  
14 trial.

15 (D) (i) Any person who, since July 1, 1944, has been, or is  
16 hereafter convicted in any other court, including any state, federal,  
17 or military court, of any offense that, if committed or attempted in  
18 this state, would have been punishable as one or more of the  
19 offenses described in subparagraph (A) ~~or any~~.

20 (ii) Any person ordered by any other court, including any state,  
21 federal, or military court, to register as a sex offender for any  
22 offense, if the court found at the time of conviction or sentencing  
23 that the person committed the offense as a result of sexual  
24 compulsion or for purposes of sexual gratification.

25 (iii) *Except as provided in clause (iv), any person who would*  
26 *be required to register while residing in the state of conviction for*  
27 *a sex offense committed in that state.*

28 (iv) *Clause (iii) shall not apply to a person required to register*  
29 *in the state of conviction if the conviction was for the equivalent*  
30 *of one of the following offenses, and the person is not subject to*  
31 *clause (i):*

32 (I) *Indecent exposure, pursuant to Section 314.*

33 (II) *Unlawful sexual intercourse, pursuant to Section 261.5.*

34 (III) *Incest, pursuant to Section 285.*

35 (IV) *Sodomy, pursuant to Section 286, or oral copulation,*  
36 *pursuant to Section 288a, provided that the offender notifies the*  
37 *Department of Justice that the sodomy or oral copulation*  
38 *conviction was for conduct between consenting adults, as*  
39 *described in subparagraph (F) of paragraph (2) of subdivision (a),*



1 *and the department is able, upon the exercise of reasonable*  
2 *diligence, to verify that fact.*

3 (E) Any person ordered by any court to register pursuant to this  
4 section for any offense not included specifically in this section if  
5 the court finds at the time of conviction or sentencing that the  
6 person committed the offense as a result of sexual compulsion or  
7 for purposes of sexual gratification. The court shall state on the  
8 record the reasons for its findings and the reasons for requiring  
9 registration.

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

19 (I) The person submits to the Department of Justice official  
20 documentary evidence, including court records or police reports,  
21 that demonstrate that the person's conviction pursuant to either of  
22 those sections was for conduct between consenting adults that was  
23 decriminalized; or

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

32 (III) The department shall determine whether the person's  
33 conviction was for conduct between consensual adults that has  
34 been decriminalized. If the conviction was for consensual conduct  
35 between adults that has been decriminalized, and the person has no  
36 other offenses for which he or she is required to register pursuant  
37 to this section, the department shall, within 60 days of receipt of  
38 those documents, notify the person that he or she is relieved of the  
39 duty to register, and shall notify the local law enforcement agency  
40 with which the person is registered that he or she has been relieved



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

14 (ii) On or before July 1, 1998, the department shall make a  
15 report to the Legislature concerning the status of persons who may  
16 come under the provisions of this subparagraph, including the  
17 number of persons who were convicted before January 1, 1976,  
18 under subdivision (a) of Section 286 or Section 288a and are  
19 required to register under this section, the average age of these  
20 persons, the number of these persons who have any subsequent  
21 convictions for a registerable sex offense, and the number of these  
22 persons who have sought successfully or unsuccessfully to be  
23 relieved of their duty to register under this section.

24 (b) (1) Any person who is released, discharged, or paroled  
25 from a jail, state or federal prison, school, road camp, or other  
26 institution where he or she was confined because of the  
27 commission or attempted commission of one of the offenses  
28 specified in subdivision (a) or is released from a state hospital to  
29 which he or she was committed as a mentally disordered sex  
30 offender under Article 1 (commencing with Section 6300) of  
31 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
32 Code, shall, prior to discharge, parole, or release, be informed of  
33 his or her duty to register under this section by the official in charge  
34 of the place of confinement or hospital, and the official shall  
35 require the person to read and sign any form that may be required  
36 by the Department of Justice, stating that the duty of the person to  
37 register under this section has been explained to the person. The  
38 official in charge of the place of confinement or hospital shall  
39 obtain the address where the person expects to reside upon his or  
40 her discharge, parole, or release and shall report the address to the



1 Department of Justice. The official shall at the same time forward  
2 a current photograph of the person to the Department of Justice.

3 (2) The official in charge of the place of confinement or  
4 hospital shall give one copy of the form to the person and shall send  
5 one copy to the Department of Justice and one copy to the  
6 appropriate law enforcement agency or agencies having  
7 jurisdiction over the place the person expects to reside upon  
8 discharge, parole, or release. If the conviction that makes the  
9 person subject to this section is a felony conviction, the official in  
10 charge shall, not later than 45 days prior to the scheduled release  
11 of the person, send one copy to the appropriate law enforcement  
12 agency or agencies having local jurisdiction where the person  
13 expects to reside upon discharge, parole, or release; one copy to the  
14 prosecuting agency that prosecuted the person; and one copy to the  
15 Department of Justice. The official in charge of the place of  
16 confinement or hospital shall retain one copy.

17 (c) (1) Any person who is convicted in this state of the  
18 commission or attempted commission of any of the offenses  
19 specified in subdivision (a) and who is released on probation, shall,  
20 prior to release or discharge, be informed of the duty to register  
21 under this section by the probation department, and a probation  
22 officer shall require the person to read and sign any form that may  
23 be required by the Department of Justice, stating that the duty of  
24 the person to register under this section has been explained to him  
25 or her. The probation officer shall obtain the address where the  
26 person expects to reside upon release or discharge and shall report  
27 within three days the address to the Department of Justice. The  
28 probation officer shall give one copy of the form to the person,  
29 send one copy to the Department of Justice, and forward one copy  
30 to the appropriate law enforcement agency or agencies having  
31 local jurisdiction where the person expects to reside upon his or her  
32 discharge, parole, or release.

33 (2) Any person who is convicted in this state of the commission  
34 or attempted commission of any of the offenses specified in  
35 subdivision (a) and who is granted conditional release without  
36 supervised probation, or discharged upon payment of a fine, shall,  
37 prior to release or discharge, be informed of the duty to register  
38 under this section in open court by the court in which the person  
39 has been convicted, and the court shall require the person to read  
40 and sign any form that may be required by the Department of



1 Justice, stating that the duty of the person to register under this  
2 section has been explained to him or her. If the court finds that it  
3 is in the interest of the efficiency of the court, the court may assign  
4 the bailiff to require the person to read and sign forms under this  
5 section. The court shall obtain the address where the person  
6 expects to reside upon release or discharge and shall report within  
7 three days the address to the Department of Justice. The court shall  
8 give one copy of the form to the person, send one copy to the  
9 Department of Justice, and forward one copy to the appropriate  
10 law enforcement agency or agencies having local jurisdiction  
11 where the person expects to reside upon his or her discharge,  
12 parole, or release.

13 (d) (1) Any person who, on or after January 1, 1986, is  
14 discharged or paroled from the Department of the Youth Authority  
15 to the custody of which he or she was committed after having been  
16 adjudicated a ward of the juvenile court pursuant to Section 602  
17 of the Welfare and Institutions Code because of the commission or  
18 attempted commission of any offense described in paragraph (3)  
19 shall be subject to registration under the procedures of this section.

20 (2) Any person who is discharged or paroled from a facility in  
21 another state that is equivalent to the Department of the Youth  
22 Authority, to the custody of which he or she was committed  
23 because of an offense which, if committed or attempted in this  
24 state, would have been punishable as one or more of the offenses  
25 described in paragraph (3), shall be subject to registration under  
26 the procedures of this section.

27 (3) Any person described in this subdivision who committed an  
28 offense in violation of any of the following provisions shall be  
29 required to register pursuant to this section:

30 (A) Assault with intent to commit rape, sodomy, oral  
31 copulation, or any violation of Section 264.1, 288, or 289 under  
32 Section 220.

33 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
34 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
35 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
36 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
37 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
38 Section 289, or Section 647.6.

39 (C) A violation of Section 207 or 209 committed with the intent  
40 to violate Section 261, 286, 288, 288a, or 289.



1 (4) Prior to discharge or parole from the Department of the  
2 Youth Authority, any person who is subject to registration under  
3 this subdivision shall be informed of the duty to register under the  
4 procedures set forth in this section. Department of the Youth  
5 Authority officials shall transmit the required forms and  
6 information to the Department of Justice.

7 (5) All records specifically relating to the registration in the  
8 custody of the Department of Justice, law enforcement agencies,  
9 and other agencies or public officials shall be destroyed when the  
10 person who is required to register has his or her records sealed  
11 under the procedures set forth in Section 781 of the Welfare and  
12 Institutions Code. This subdivision shall not be construed as  
13 requiring the destruction of other criminal offender or juvenile  
14 records relating to the case that are maintained by the Department  
15 of Justice, law enforcement agencies, the juvenile court, or other  
16 agencies and public officials unless ordered by a court under  
17 Section 781 of the Welfare and Institutions Code.

18 (e) (1) On or after January 1, 1998, upon incarceration,  
19 placement, or commitment, or prior to release on probation, any  
20 person who is required to register under this section shall  
21 preregister. The preregistering official shall be the admitting  
22 officer at the place of incarceration, placement, or commitment, or  
23 the probation officer if the person is to be released on probation.  
24 The preregistration shall consist of all of the following:

25 (A) A preregistration statement in writing, signed by the  
26 person, giving information that shall be required by the  
27 Department of Justice.

28 (B) The fingerprints and a current photograph of the person.

29 (C) Any person who is preregistered pursuant to this  
30 subdivision is required to be preregistered only once.

31 (2) A person described in paragraph (2) of subdivision (a) shall  
32 register, or reregister if the person has previously registered, upon  
33 release from incarceration, placement, ~~or~~ commitment, *or release*  
34 *on probation* pursuant to paragraph (1) of subdivision (a). The  
35 registration shall consist of all of the following:

36 (A) A statement in writing signed by the person, giving  
37 information as shall be required by the Department of Justice and  
38 giving the name and address of the person's employer, and the  
39 address of the person's place of employment if that is different  
40 from the employer's main address.



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

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

5 (D) Notice to the person that, in addition to the requirements of  
6 paragraph (4), he or she may have a duty to register in any other  
7 state where he or she may relocate.

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

23 (3) Within three days thereafter, the preregistering official or  
24 the registering law enforcement agency or agencies shall forward  
25 the statement, fingerprints, photograph, and vehicle license plate  
26 number, if any, to the Department of Justice.

27 (f) (1) If any person who is required to register pursuant to this  
28 section changes his or her residence address or location, whether  
29 within the jurisdiction in which he or she is currently registered or  
30 to a new jurisdiction inside or outside the state, the person shall  
31 inform, in writing within five working days, the law enforcement  
32 agency or agencies with which he or she last registered of the new  
33 address or location. *If the person does not know the new residence*  
34 *address or location, the registrant shall inform the last registering*  
35 *agency or agencies that he or she is moving within five working*  
36 *days of the move, and shall later notify the agency or agencies of*  
37 *the new address or location within five working days of moving*  
38 *into the new residence address or location, whether temporary or*  
39 *permanent.* The law enforcement agency or agencies shall, within  
40 three working days after receipt of this information, forward a



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

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

19 (3) If any person who is required to register pursuant to this  
20 section changes his or her name, the person shall inform, in person,  
21 the law enforcement agency or agencies with which he or she is  
22 currently registered within five working days. The law  
23 enforcement agency or agencies shall forward a copy of this  
24 information to the Department of Justice within three working  
25 days of its receipt.

26 (g) (1) Any person who is required to register under this  
27 section based on a misdemeanor conviction or juvenile  
28 adjudication who willfully violates any requirement of this section  
29 is guilty of a misdemeanor punishable by imprisonment in a  
30 county jail not exceeding one year.

31 (2) Except as provided in paragraphs (5) and (7), any person  
32 who is required to register under this section based on a felony  
33 conviction or juvenile adjudication who willfully violates any  
34 requirement of this section or who has a prior conviction or  
35 juvenile adjudication for the offense of failing to register under this  
36 section and who subsequently and willfully violates any  
37 requirement of this section is guilty of a felony and shall be  
38 punished by imprisonment in the state prison for 16 months, or two  
39 or three years.



1 If probation is granted or if the imposition or execution of  
2 sentence is suspended, it shall be a condition of the probation or  
3 suspension that the person serve at least 90 days in a county jail.  
4 The penalty described in this paragraph shall apply whether or not  
5 the person has been released on parole or has been discharged from  
6 parole.

7 (3) Any person determined to be a mentally disordered sex  
8 offender or who has been found guilty in the guilt phase of trial for  
9 an offense for which registration is required under this section, but  
10 who has been found not guilty by reason of insanity in the sanity  
11 phase of the trial, or who has had a petition sustained in a juvenile  
12 adjudication for an offense for which registration is required under  
13 this section pursuant to subdivision (d), but who has been found  
14 not guilty by reason of insanity, who willfully violates any  
15 requirement of this section is guilty of a misdemeanor and shall be  
16 punished by imprisonment in a county jail not exceeding one year.  
17 For any second or subsequent willful violation of any requirement  
18 of this section, the person is guilty of a felony and shall be punished  
19 by imprisonment in the state prison for 16 months, or two or three  
20 years.

21 (4) If, after discharge from parole, the person is convicted of a  
22 felony or suffers a juvenile adjudication as specified in this  
23 subdivision, he or she shall be required to complete parole of at  
24 least one year, in addition to any other punishment imposed under  
25 this subdivision. A person convicted of a felony as specified in this  
26 subdivision may be granted probation only in the unusual case  
27 where the interests of justice would best be served. When  
28 probation is granted under this paragraph, the court shall specify  
29 on the record and shall enter into the minutes the circumstances  
30 indicating that the interests of justice would best be served by the  
31 disposition.

32 (5) Any person who has ever been adjudicated a sexually  
33 violent predator, as defined in Section 6600 of the Welfare and  
34 Institutions Code, and who fails to verify his or her registration  
35 every 90 days as required pursuant to subparagraph (E) of  
36 paragraph (1) of subdivision (a), shall be punished by  
37 imprisonment in the state prison, or in a county jail not exceeding  
38 one year.

39 (6) Except as otherwise provided in paragraph (5), and in  
40 addition to any other penalty imposed under this subdivision, any



1 person who is required pursuant to subparagraph (C) of paragraph  
2 (1) of subdivision (a) to update his or her registration every 60 days  
3 and willfully fails to update his or her registration is guilty of a  
4 misdemeanor and shall be punished by imprisonment in a county  
5 jail not exceeding six months. Any subsequent violation of this  
6 requirement that persons described in subparagraph (C) of  
7 paragraph (1) of subdivision (a) shall update their registration  
8 every 60 days is also a misdemeanor and shall be punished by  
9 imprisonment in a county jail not exceeding six months.

10 (7) Any person who fails to provide proof of residence as  
11 required by subparagraph (E) of paragraph (2) of subdivision (e),  
12 regardless of the offense upon which the duty to register is based,  
13 is guilty of a misdemeanor punishable by imprisonment in a  
14 county jail not exceeding six months.

15 (8) Any person who is required to register under this section  
16 who willfully violates any requirement of this section is guilty of  
17 a continuing offense *as to each requirement he or she violated*.

18 (h) Whenever any person is released on parole or probation and  
19 is required to register under this section but fails to do so within  
20 the time prescribed, the parole authority, the Youthful Offender  
21 Parole Board, or the court, as the case may be, shall order the  
22 parole or probation of the person revoked. For purposes of this  
23 subdivision, “parole authority” has the same meaning as  
24 described in Section 3000.

25 (i) Except as provided in Sections ~~290.4 and 290.01~~, 290.4,  
26 290.45, and 290.46, the statements, photographs, and fingerprints  
27 required by this section shall not be open to inspection by the  
28 public or by any person other than a regularly employed peace  
29 officer or other law enforcement officer.

30 (j) In any case in which a person who would be required to  
31 register pursuant to this section for a felony conviction is to be  
32 temporarily sent outside the institution where he or she is confined  
33 on any assignment within a city or county including firefighting,  
34 disaster control, or of whatever nature the assignment may be, the  
35 local law enforcement agency having jurisdiction over the place  
36 or places where the assignment shall occur shall be notified within  
37 a reasonable time prior to removal from the institution. This  
38 subdivision shall not apply to any person who is temporarily  
39 released under guard from the institution where he or she is  
40 confined.



1 (k) As used in this section, “mentally disordered sex offender”  
2 includes any person who has been determined to be a sexual  
3 psychopath or a mentally disordered sex offender under any  
4 provision which, on or before January 1, 1976, was contained in  
5 Division 6 (commencing with Section 6000) of the Welfare and  
6 Institutions Code.

7 (l) (1) Every person who, prior to January 1, 1997, is required  
8 to register under this section, shall be notified whenever he or she  
9 next reregisters of the reduction of the registration period from 14  
10 to ~~five~~ 5 working days. This notice shall be provided in writing by  
11 the registering agency or agencies. Failure to receive this  
12 notification shall be a defense against the penalties prescribed by  
13 subdivision (g) if the person did register within 14 days.

14 (2) Every person who, as a sexually violent predator, as defined  
15 in Section 6600 of the Welfare and Institutions Code, is required  
16 to verify his or her registration every 90 days, shall be notified  
17 wherever he or she next registers of his or her increased  
18 registration obligations. This notice shall be provided in writing by  
19 the registering agency or agencies. Failure to receive this notice  
20 shall be a defense against the penalties prescribed by paragraph (5)  
21 of subdivision (g).

22 (m) The registration provisions of this section are applicable to  
23 every person described in this section, without regard to when his  
24 or her crimes were committed or his or her duty to register pursuant  
25 to this section arose, and to every offense described in this section,  
26 regardless of when it was committed.

27 *SEC. 1.5. Section 290 of the Penal Code is amended to read:*

28 290. (a) (1) (A) Every person described in paragraph (2),  
29 for the rest of his or her life while residing in, ~~or, if he or she has~~  
30 ~~no residence, while located within~~ California, or while attending  
31 school or working in California, as described in subparagraph (G),  
32 shall be required to register with the chief of police of the city in  
33 which he or she is residing, ~~or if he or she has no residence, is~~  
34 ~~located,~~ or the sheriff of the county if he or she is residing, ~~or if he~~  
35 ~~or she has no residence, is located,~~ in an unincorporated area or city  
36 that has no police department, and, additionally, with the chief of  
37 police of a campus of the University of California, the California  
38 State University, or community college if he or she is residing, ~~or~~  
39 ~~if he or she has no residence, is located~~ upon the campus or in any  
40 of its facilities, within five working days of coming into, or



1 changing his or her residence ~~or location~~ within, any city, county,  
2 or city and county, or campus in which he or she temporarily  
3 resides, ~~or, if he or she has no residence, is located.~~

4 (B) If the person who is registering has more than one residence  
5 address ~~or location~~ at which he or she regularly resides ~~or is~~  
6 ~~located~~, he or she shall register in accordance with subparagraph  
7 (A) in each of the jurisdictions in which he or she regularly resides  
8 ~~or is located~~, *regardless of the number of days or nights spent*  
9 *there*. If all of the addresses ~~or locations~~ are within the same  
10 jurisdiction, the person shall provide the registering authority with  
11 all of the addresses ~~or locations~~ where he or she regularly resides  
12 ~~or is located~~.

13 (C) ~~If the person who is registering has no residence address,~~  
14 ~~he or she shall update his or her registration no less than once every~~  
15 ~~60 days in addition to the requirement in subparagraph (A), on a~~  
16 ~~form as may be required by the Department of Justice, with the~~  
17 ~~entity or entities described in subparagraph (A) in whose~~  
18 ~~jurisdiction he or she is located at the time he or she is updating the~~  
19 ~~registration.~~ *Every person described in paragraph (2), for the rest*  
20 *of his or her life while living as a transient in California shall be*  
21 *required to register, as follows:*

22 (i) *A transient must register, or reregister if the person has*  
23 *previously registered, within five working days from release from*  
24 *incarceration, placement or commitment, or release on probation,*  
25 *pursuant to paragraph (1) of subdivision (a), except that if the*  
26 *person previously registered as a transient less than 30 days from*  
27 *the date of his or her release from incarceration, he or she does not*  
28 *need to reregister as a transient until his or her next required*  
29 *30-day update of registration. If a transient is not physically*  
30 *present in any one jurisdiction for five consecutive working days,*  
31 *he or she must register in the jurisdiction in which he or she is*  
32 *physically present on the fifth working day following release,*  
33 *pursuant to paragraph (1) of subdivision (a). Beginning on or*  
34 *before the 30th day following initial registration upon release, a*  
35 *transient must reregister no less than once every 30 days thereafter.*  
36 *A transient shall register with the chief of police of the city in which*  
37 *he or she is physically present within that 30-day period, or the*  
38 *sheriff of the county if he or she is physically present in an*  
39 *unincorporated area or city that has no police department, and*  
40 *additionally, with the chief of police of a campus of the University*



1 of California, the California State University, or community  
2 college if he or she is physically present upon the campus or in any  
3 of its facilities. A transient must reregister no less than once every  
4 30 days regardless of the length of time he or she has been  
5 physically present in the particular jurisdiction in which he or she  
6 reregisters. If a transient fails to reregister within any 30-day  
7 period, he or she may be prosecuted in any jurisdiction in which  
8 he or she is physically present.

9 (ii) A transient who moves to a residence shall have five  
10 working days within which to register at that address, in  
11 accordance with subparagraph (A) of paragraph (1) of  
12 subdivision (a). A person registered at a residence address in  
13 accordance with subparagraph (A) of paragraph (1) of  
14 subdivision (a), who becomes transient shall have five working  
15 days within which to reregister as a transient in accordance with  
16 clause (i).

17 (iii) Beginning on his or her first birthday following  
18 registration, a transient shall register annually, within five  
19 working days of his or her birthday, to update his or her  
20 registration with the entities described in clause (i). A transient  
21 shall register in whichever jurisdiction he or she is physically  
22 present on that date. At the 30-day updates and the annual update,  
23 a transient shall provide current information as required on the  
24 Department of Justice annual update form, including the  
25 information described in subparagraphs (A) to (C), inclusive, of  
26 paragraph (2) of subdivision (e), and the information specified in  
27 clause (iv).

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

35 (v) Failure to comply with the requirement of reregistering  
36 every 30 days following initial registration pursuant to clause (i)  
37 of this subparagraph shall be punished in accordance with  
38 paragraph (6) of subdivision (g). Failure to comply with any other  
39 requirement of this section, shall be punished in accordance with  
40 either paragraph (1) or (2) of subdivision (g).



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

15 (vii) For purposes of this section, “transient” means a person  
16 who has no residence. “Residence” means a place where a person  
17 is living or temporarily staying for more than five days, such as a  
18 shelter or structure that can be located by a street address,  
19 including, but not limited to, houses, apartment buildings, motels,  
20 hotels, homeless shelters, and recreational and other vehicles.

21 (viii) 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 subdivision  
24 became effective.

25 (D) Beginning on his or her first birthday following  
26 registration or change of address, the person shall be required to  
27 register annually, within five working days of his or her birthday,  
28 to update his or her registration with the entities described in  
29 subparagraph (A). At the annual update, the person shall provide  
30 current information as required on the Department of Justice  
31 annual update form, including the information described in  
32 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
33 subdivision (e).

34 (E) In addition, every person who has ever been adjudicated a  
35 sexually violent predator, as defined in Section 6600 of the  
36 Welfare and Institutions Code, shall, after his or her release from  
37 custody, verify his or her address no less than once every 90 days  
38 and place of employment, including the name and address of the  
39 employer, in a manner established by the Department of Justice.



1 (F) No entity shall require a person to pay a fee to register or  
2 update his or her registration pursuant to this section. The  
3 registering agency shall submit registrations, including annual  
4 updates or changes of address, directly into the Department of  
5 Justice Violent Crime Information Network (VCIN).

6 (G) Persons required to register in their state of residence who  
7 are out-of-state residents employed, or carrying on a vocation in  
8 California on a full-time or part-time basis, with or without  
9 compensation, for more than 14 days, or for an aggregate period  
10 exceeding 30 days in a calendar year, shall register in accordance  
11 with subparagraph (A). Persons described in paragraph (2) who  
12 are out-of-state residents enrolled in any educational institution in  
13 California, as defined in Section 22129 of the Education Code, on  
14 a full-time or part-time basis, shall register in accordance with  
15 subparagraph (A). The place where the out-of-state resident is  
16 located, for purposes of registration, shall be the place where the  
17 person is employed, carrying on a vocation, or attending school.  
18 The out-of-state resident subject to this subparagraph shall, in  
19 addition to the information required pursuant to subdivision (e),  
20 provide the registering authority with the name of his or her place  
21 of employment or the name of the school attended in California,  
22 and his or her address or location in his or her state of residence.  
23 The registration requirement for persons subject to this  
24 subparagraph shall become operative on November 25, 2000. The  
25 terms “employed or carries on a vocation” include employment  
26 whether or not financially compensated, volunteered, or  
27 performed for government or educational benefit.

28 (2) The following persons shall be required to register pursuant  
29 to paragraph (1):

30 (A) Any person who, since July 1, 1944, has been or is hereafter  
31 convicted in any court in this state or in any federal or military  
32 court of a violation of Section 207 or 209 committed with intent  
33 to violate Section 261, 286, 288, 288a, or 289, Section 220, except  
34 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),  
35 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of  
36 subdivision (a) of Section 262 involving the use of force or  
37 violence for which the person is sentenced to the state prison,  
38 Section 264.1, 266, or 266c, subdivision (b) of Section 266h,  
39 subdivision (b) of Section 266i, 266j, Section 267, 269, 285, 286,  
40 288, 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d)



1 of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,  
2 former Section 647a, subdivision (c) of Section 653f, subdivision  
3 1 or 2 of Section 314, any offense involving lewd or lascivious  
4 conduct under Section 272, or any felony violation of Section  
5 288.2; or any statutory predecessor that includes all elements of  
6 one of the above-mentioned offenses; or any person who since that  
7 date has been or is hereafter convicted of the attempt to commit any  
8 of the above-mentioned offenses.

9 (B) Any person who, since July 1, 1944, has been or hereafter  
10 is released, discharged, or paroled from a penal institution where  
11 he or she was confined because of the commission or attempted  
12 commission of one of the offenses described in subparagraph (A).

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

21 (D) (i) Any person who, since July 1, 1944, has been, or is  
22 hereafter convicted in any other court, including any state, federal,  
23 or military court, of any offense that, if committed or attempted in  
24 this state, would have been punishable as one or more of the  
25 offenses described in subparagraph (A) ~~or any~~.

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

31 (iii) *Except as provided in clause (iv), any person who would*  
32 *be required to register while residing in the state of conviction for*  
33 *a sex offense committed in that state.*

34 (iv) *Clause (iii) shall not apply to a person required to register*  
35 *in the state of conviction if the conviction was for the equivalent*  
36 *of one of the following offenses, and the person is not subject to*  
37 *clause (i):*

38 (I) *Indecent exposure, pursuant to Section 314.*

39 (II) *Unlawful sexual intercourse, pursuant to Section 261.5.*

40 (III) *Incest, pursuant to Section 285.*



1 (IV) Sodomy, pursuant to Section 286, or oral copulation,  
2 pursuant to Section 288a, provided that the offender notifies the  
3 Department of Justice that the sodomy or oral copulation  
4 conviction was for conduct between consenting adults, as  
5 described in subparagraph (F) of paragraph (2) of subdivision (a),  
6 and the department is able, upon the exercise of reasonable  
7 diligence, to verify that fact.

8 (E) Any person ordered by any court to register pursuant to this  
9 section for any offense not included specifically in this section if  
10 the court finds at the time of conviction or sentencing that the  
11 person committed the offense as a result of sexual compulsion or  
12 for purposes of sexual gratification. The court shall state on the  
13 record the reasons for its findings and the reasons for requiring  
14 registration.

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

24 (I) The person submits to the Department of Justice official  
25 documentary evidence, including court records or police reports,  
26 that demonstrate that the person's conviction pursuant to either of  
27 those sections was for conduct between consenting adults that was  
28 decriminalized; or

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

37 (III) The department shall determine whether the person's  
38 conviction was for conduct between consensual adults that has  
39 been decriminalized. If the conviction was for consensual conduct  
40 between adults that has been decriminalized, and the person has no



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

19 (ii) On or before July 1, 1998, the department shall make a  
20 report to the Legislature concerning the status of persons who may  
21 come under the provisions of this subparagraph, including the  
22 number of persons who were convicted before January 1, 1976,  
23 under subdivision (a) of Section 286 or Section 288a and are  
24 required to register under this section, the average age of these  
25 persons, the number of these persons who have any subsequent  
26 convictions for a registerable sex offense, and the number of these  
27 persons who have sought successfully or unsuccessfully to be  
28 relieved of their duty to register under this section.

29 (b) (1) Any person who is released, discharged, or paroled  
30 from a jail, state or federal prison, school, road camp, or other  
31 institution where he or she was confined because of the  
32 commission or attempted commission of one of the offenses  
33 specified in subdivision (a) or is released from a state hospital to  
34 which he or she was committed as a mentally disordered sex  
35 offender under Article 1 (commencing with Section 6300) of  
36 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
37 Code, shall, prior to discharge, parole, or release, be informed of  
38 his or her duty to register under this section by the official in charge  
39 of the place of confinement or hospital, and the official shall  
40 require the person to read and sign any form that may be required



1 by the Department of Justice, stating that the duty of the person to  
2 register under this section has been explained to the person. The  
3 official in charge of the place of confinement or hospital shall  
4 obtain the address where the person expects to reside upon his or  
5 her discharge, parole, or release and shall report the address to the  
6 Department of Justice. The official shall at the same time forward  
7 a current photograph of the person to the Department of Justice.

8 (2) The official in charge of the place of confinement or  
9 hospital shall give one copy of the form to the person and shall send  
10 one copy to the Department of Justice and one copy to the  
11 appropriate law enforcement agency or agencies having  
12 jurisdiction over the place the person expects to reside upon  
13 discharge, parole, or release. If the conviction that makes the  
14 person subject to this section is a felony conviction, the official in  
15 charge shall, not later than 45 days prior to the scheduled release  
16 of the person, send one copy to the appropriate law enforcement  
17 agency or agencies having local jurisdiction where the person  
18 expects to reside upon discharge, parole, or release; one copy to the  
19 prosecuting agency that prosecuted the person; and one copy to the  
20 Department of Justice. The official in charge of the place of  
21 confinement or hospital shall retain one copy.

22 (c) (1) Any person who is convicted in this state of the  
23 commission or attempted commission of any of the offenses  
24 specified in subdivision (a) and who is released on probation, shall,  
25 prior to release or discharge, be informed of the duty to register  
26 under this section by the probation department, and a probation  
27 officer shall require the person to read and sign any form that may  
28 be required by the Department of Justice, stating that the duty of  
29 the person to register under this section has been explained to him  
30 or her. The probation officer shall obtain the address where the  
31 person expects to reside upon release or discharge and shall report  
32 within three days the address to the Department of Justice. The  
33 probation officer shall give one copy of the form to the person,  
34 send one copy to the Department of Justice, and forward one copy  
35 to the appropriate law enforcement agency or agencies having  
36 local jurisdiction where the person expects to reside upon his or her  
37 discharge, parole, or release.

38 (2) Any person who is convicted in this state of the commission  
39 or attempted commission of any of the offenses specified in  
40 subdivision (a) and who is granted conditional release without



1 supervised probation, or discharged upon payment of a fine, shall,  
2 prior to release or discharge, be informed of the duty to register  
3 under this section in open court by the court in which the person  
4 has been convicted, and the court shall require the person to read  
5 and sign any form that may be required by the Department of  
6 Justice, stating that the duty of the person to register under this  
7 section has been explained to him or her. If the court finds that it  
8 is in the interest of the efficiency of the court, the court may assign  
9 the bailiff to require the person to read and sign forms under this  
10 section. The court shall obtain the address where the person  
11 expects to reside upon release or discharge and shall report within  
12 three days the address to the Department of Justice. The court shall  
13 give one copy of the form to the person, send one copy to the  
14 Department of Justice, and forward one copy to the appropriate  
15 law enforcement agency or agencies having local jurisdiction  
16 where the person expects to reside upon his or her discharge,  
17 parole, or release.

18 (d) (1) Any person who, on or after January 1, 1986, is  
19 discharged or paroled from the Department of the Youth Authority  
20 to the custody of which he or she was committed after having been  
21 adjudicated a ward of the juvenile court pursuant to Section 602  
22 of the Welfare and Institutions Code because of the commission or  
23 attempted commission of any offense described in paragraph (3)  
24 shall be subject to registration under the procedures of this section.

25 (2) Any person who is discharged or paroled from a facility in  
26 another state that is equivalent to the Department of the Youth  
27 Authority, to the custody of which he or she was committed  
28 because of an offense which, if committed or attempted in this  
29 state, would have been punishable as one or more of the offenses  
30 described in paragraph (3), shall be subject to registration under  
31 the procedures of this section.

32 (3) Any person described in this subdivision who committed an  
33 offense in violation of any of the following provisions shall be  
34 required to register pursuant to this section:

35 (A) Assault with intent to commit rape, sodomy, oral  
36 copulation, or any violation of Section 264.1, 288, or 289 under  
37 Section 220.

38 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
39 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
40 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,



1 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
2 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
3 Section 289, or Section 647.6.

4 (C) A violation of Section 207 or 209 committed with the intent  
5 to violate Section 261, 286, 288, 288a, or 289.

6 (4) Prior to discharge or parole from the Department of the  
7 Youth Authority, any person who is subject to registration under  
8 this subdivision shall be informed of the duty to register under the  
9 procedures set forth in this section. Department of the Youth  
10 Authority officials shall transmit the required forms and  
11 information to the Department of Justice.

12 (5) All records specifically relating to the registration in the  
13 custody of the Department of Justice, law enforcement agencies,  
14 and other agencies or public officials shall be destroyed when the  
15 person who is required to register has his or her records sealed  
16 under the procedures set forth in Section 781 of the Welfare and  
17 Institutions Code. This subdivision shall not be construed as  
18 requiring the destruction of other criminal offender or juvenile  
19 records relating to the case that are maintained by the Department  
20 of Justice, law enforcement agencies, the juvenile court, or other  
21 agencies and public officials unless ordered by a court under  
22 Section 781 of the Welfare and Institutions Code.

23 (e) (1) On or after January 1, 1998, upon incarceration,  
24 placement, or commitment, or prior to release on probation, any  
25 person who is required to register under this section shall  
26 preregister. The preregistering official shall be the admitting  
27 officer at the place of incarceration, placement, or commitment, or  
28 the probation officer if the person is to be released on probation.  
29 The preregistration shall consist of all of the following:

30 (A) A preregistration statement in writing, signed by the  
31 person, giving information that shall be required by the  
32 Department of Justice.

33 (B) The fingerprints and a current photograph of the person.

34 (C) Any person who is preregistered pursuant to this  
35 subdivision is required to be preregistered only once.

36 (2) A person described in paragraph (2) of subdivision (a) shall  
37 register, or reregister if the person has previously registered, upon  
38 release from incarceration, placement, ~~or~~ commitment, *or release*  
39 *on probation* pursuant to paragraph (1) of subdivision (a). The  
40 registration shall consist of all of the following:



1 (A) 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 (B) The fingerprints and a current photograph of the person  
7 taken by the registering official.

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

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

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

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

32 (f) (1) If any person who is required to register pursuant to this  
33 section *and who has a residence address* changes his or her  
34 residence address ~~or location~~, whether within the jurisdiction in  
35 which he or she is currently registered or to a new jurisdiction  
36 inside or outside the state, the person shall inform, in writing  
37 within five working days, the law enforcement agency or agencies  
38 with which he or she last registered of the new address or *transient*  
39 location *and any plans he or she has to return to California, if*  
40 *known. If the person does not know the new residence address or*



1 *location, the registrant shall inform the last registering agency or*  
2 *agencies that he or she is moving within five working days of the*  
3 *move, and shall later notify the agency or agencies of the new*  
4 *address or location within five working days of moving into the*  
5 *new residence address or location, whether temporary or*  
6 *permanent. The law enforcement agency or agencies shall, within*  
7 *three working days after receipt of this information, forward a*  
8 *copy of the change of address ~~or location~~ information to the*  
9 *Department of Justice. The Department of Justice shall forward*  
10 *appropriate registration data to the law enforcement agency or*  
11 *agencies having local jurisdiction of the new place of residence ~~or~~*  
12 *location.*

13 (2) If the person's new address is in a Department of the Youth  
14 Authority facility or a state prison or state mental institution, an  
15 official of the place of incarceration, placement, or commitment  
16 shall, within 90 days of receipt of the person, forward the  
17 registrant's change of address information to the Department of  
18 Justice. The agency need not provide a physical address for the  
19 registrant but shall indicate that he or she is serving a period of  
20 incarceration or commitment in a facility under the agency's  
21 jurisdiction. This paragraph shall apply to persons received in a  
22 Department of the Youth Authority facility or a state prison or state  
23 mental institution on or after January 1, 1999. The Department of  
24 Justice shall forward the change of address information to the  
25 agency with which the person last registered.

26 (3) If any person who is required to register pursuant to this  
27 section changes his or her name, the person shall inform, in person,  
28 the law enforcement agency or agencies with which he or she is  
29 currently registered within five working days. The law  
30 enforcement agency or agencies shall forward a copy of this  
31 information to the Department of Justice within three working  
32 days of its receipt.

33 (g) (1) Any person who is required to register under this  
34 section based on a misdemeanor conviction or juvenile  
35 adjudication who willfully violates any requirement of this section  
36 is guilty of a misdemeanor punishable by imprisonment in a  
37 county jail not exceeding one year.

38 (2) Except as provided in paragraphs (5), (7), and ~~(7)~~ (9), any  
39 person who is required to register under this section based on a  
40 felony conviction or juvenile adjudication who willfully violates



1 any requirement of this section or who has a prior conviction or  
2 juvenile adjudication for the offense of failing to register under this  
3 section and who subsequently and willfully violates any  
4 requirement of this section is guilty of a felony and shall be  
5 punished by imprisonment in the state prison for 16 months, or two  
6 or three years.

7 If probation is granted or if the imposition or execution of  
8 sentence is suspended, it shall be a condition of the probation or  
9 suspension that the person serve at least 90 days in a county jail.  
10 The penalty described in this paragraph shall apply whether or not  
11 the person has been released on parole or has been discharged from  
12 parole.

13 (3) Any person determined to be a mentally disordered sex  
14 offender or who has been found guilty in the guilt phase of trial for  
15 an offense for which registration is required under this section, but  
16 who has been found not guilty by reason of insanity in the sanity  
17 phase of the trial, or who has had a petition sustained in a juvenile  
18 adjudication for an offense for which registration is required under  
19 this section pursuant to subdivision (d), but who has been found  
20 not guilty by reason of insanity, who willfully violates any  
21 requirement of this section is guilty of a misdemeanor and shall be  
22 punished by imprisonment in a county jail not exceeding one year.  
23 For any second or subsequent willful violation of any requirement  
24 of this section, the person is guilty of a felony and shall be punished  
25 by imprisonment in the state prison for 16 months, or two or three  
26 years.

27 (4) If, after discharge from parole, the person is convicted of a  
28 felony or suffers a juvenile adjudication as specified in this  
29 subdivision, he or she shall be required to complete parole of at  
30 least one year, in addition to any other punishment imposed under  
31 this subdivision. A person convicted of a felony as specified in this  
32 subdivision may be granted probation only in the unusual case  
33 where the interests of justice would best be served. When  
34 probation is granted under this paragraph, the court shall specify  
35 on the record and shall enter into the minutes the circumstances  
36 indicating that the interests of justice would best be served by the  
37 disposition.

38 (5) Any person who has ever been adjudicated a sexually  
39 violent predator, as defined in Section 6600 of the Welfare and  
40 Institutions Code, and who fails to verify his or her registration



1 every 90 days as required pursuant to subparagraph (E) of  
2 paragraph (1) of subdivision (a), shall be punished by  
3 imprisonment in the state prison, or in a county jail not exceeding  
4 one year.

5 (6) Except as otherwise provided in paragraph (5), ~~and in~~  
6 ~~addition to any other penalty imposed under this subdivision,~~ any  
7 person who is required *to register or reregister* pursuant to *clause*  
8 *(i) of subparagraph (C) of paragraph (1) of subdivision (a) to*  
9 ~~update his or her registration every 60 days and willfully fails to~~  
10 ~~update his or her registration~~ *comply with the requirement that he*  
11 *or she reregister no less than every 30 days* is guilty of a  
12 misdemeanor and shall be punished by imprisonment in a county  
13 jail not exceeding six months. ~~Any subsequent violation of this~~  
14 ~~requirement that persons described in~~ *at least 30 days, but not*  
15 *exceeding six months. A person who willfully fails to comply with*  
16 *the requirement that he or she reregister no less than every 30 days*  
17 *shall not be charged with this violation more often than once for*  
18 *a failure to register in any period of 90 days. Any person who*  
19 *willfully commits a third or subsequent violation of the*  
20 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
21 *(a) shall update their registration every 60 days is also a*  
22 ~~misdemeanor and shall be punished by imprisonment in a county~~  
23 ~~jail not exceeding six months that he or she reregister no less than~~  
24 ~~every 30 days shall be punished in accordance with either~~  
25 ~~paragraph (1) or (2) of this subdivision.~~

26 (7) Any person who fails to provide proof of residence as  
27 required by subparagraph (E) of paragraph (2) of subdivision (e),  
28 regardless of the offense upon which the duty to register is based,  
29 is guilty of a misdemeanor punishable by imprisonment in a  
30 county jail not exceeding six months.

31 (8) Any person who is required to register under this section  
32 who willfully violates any requirement of this section is guilty of  
33 a continuing offense *as to each requirement he or she violated.*

34 (9) *In addition to any other penalty imposed under this*  
35 *subdivision, the failure to provide information required on*  
36 *registration and reregistration forms of the Department of Justice,*  
37 *or the provision of false information, is a crime punishable by*  
38 *imprisonment in a county jail for a period not exceeding one year.*

39 (h) Whenever any person is released on parole or probation and  
40 is required to register under this section but fails to do so within



1 the time prescribed, the parole authority, the Youthful Offender  
2 Parole Board, or the court, as the case may be, shall order the  
3 parole or probation of the person revoked. For purposes of this  
4 subdivision, “parole authority” has the same meaning as  
5 described in Section 3000.

6 (i) Except as provided in Sections ~~290.4~~ 290.01, 290.4, and  
7 290.45, the statements, photographs, and fingerprints required by  
8 this section shall not be open to inspection by the public or by any  
9 person other than a regularly employed peace officer or other law  
10 enforcement officer.

11 (j) In any case in which a person who would be required to  
12 register pursuant to this section for a felony conviction is to be  
13 temporarily sent outside the institution where he or she is confined  
14 on any assignment within a city or county including firefighting,  
15 disaster control, or of whatever nature the assignment may be, the  
16 local law enforcement agency having jurisdiction over the place  
17 or places where the assignment shall occur shall be notified within  
18 a reasonable time prior to removal from the institution. This  
19 subdivision shall not apply to any person who is temporarily  
20 released under guard from the institution where he or she is  
21 confined.

22 (k) As used in this section, “mentally disordered sex offender”  
23 includes any person who has been determined to be a sexual  
24 psychopath or a mentally disordered sex offender under any  
25 provision which, on or before January 1, 1976, was contained in  
26 Division 6 (commencing with Section 6000) of the Welfare and  
27 Institutions Code.

28 (l) (1) Every person who, prior to January 1, 1997, is required  
29 to register under this section, shall be notified whenever he or she  
30 next reregisters of the reduction of the registration period from 14  
31 to ~~five~~ 5 working days. This notice shall be provided in writing by  
32 the registering agency or agencies. Failure to receive this  
33 notification shall be a defense against the penalties prescribed by  
34 subdivision (g) if the person did register within 14 days.

35 (2) Every person who, as a sexually violent predator, as defined  
36 in Section 6600 of the Welfare and Institutions Code, is required  
37 to verify his or her registration every 90 days, shall be notified  
38 wherever he or she next registers of his or her increased  
39 registration obligations. This notice shall be provided in writing by  
40 the registering agency or agencies. Failure to receive this notice



1 shall be a defense against the penalties prescribed by paragraph (5)  
2 of subdivision (g).

3 (m) The registration provisions of this section are applicable to  
4 every person described in this section, without regard to when his  
5 or her *crime or crimes* were committed or his or her duty to register  
6 pursuant to this section arose, and to every offense described in this  
7 section, regardless of when it was committed.

8 *SEC. 1.6. Section 290 of the Penal Code is amended to read:*

9 290. (a) (1) (A) Every person described in paragraph (2),  
10 for the rest of his or her life while residing in, ~~or, if he or she has~~  
11 ~~no residence, while located within~~ California, or while attending  
12 school or working in California, as described in subparagraph (G),  
13 shall be required to register with the chief of police of the city in  
14 which he or she is residing, ~~or if he or she has no residence, is~~  
15 ~~located, or the sheriff of the county if he or she is residing, or if he~~  
16 ~~or she has no residence, is located,~~ in an unincorporated area or city  
17 that has no police department, and, additionally, with the chief of  
18 police of a campus of the University of California, the California  
19 State University, or community college if he or she is residing, ~~or~~  
20 ~~if he or she has no residence, is located~~ upon the campus or in any  
21 of its facilities, within five working days of coming into, or  
22 changing his or her residence ~~or location~~ within, any city, county,  
23 or city and county, or campus in which he or she temporarily  
24 resides, ~~or, if he or she has no residence, is located.~~

25 (B) If the person who is registering has more than one residence  
26 address ~~or location~~ at which he or she regularly resides ~~or is~~  
27 ~~located,~~ he or she shall register in accordance with subparagraph  
28 (A) in each of the jurisdictions in which he or she regularly resides  
29 ~~or is located,~~ *regardless of the number of days or nights spent*  
30 *there.* If all of the addresses ~~or locations~~ are within the same  
31 jurisdiction, the person shall provide the registering authority with  
32 all of the addresses ~~or locations~~ where he or she regularly resides  
33 ~~or is located.~~

34 (C) ~~If the person who is registering has no residence address,~~  
35 ~~he or she shall update his or her registration no less than once every~~  
36 ~~60 days in addition to the requirement in subparagraph (A), on a~~  
37 ~~form as may be required by the Department of Justice, with the~~  
38 ~~entity or entities described in subparagraph (A) in whose~~  
39 ~~jurisdiction he or she is located at the time he or she is updating the~~  
40 ~~registration. Every person described in paragraph (2), for the rest~~



1 of his or her life while living as a transient in California shall be  
2 required to register, as follows:

3 (i) A transient must register, or reregister if the person has  
4 previously registered, within five working days from release from  
5 incarceration, placement or commitment, or release on probation,  
6 pursuant to paragraph (1) of subdivision (a), except that if the  
7 person previously registered as a transient less than 30 days from  
8 the date of his or her release from incarceration, he or she does not  
9 need to reregister as a transient until his or her next required  
10 30-day update of registration. If a transient is not physically  
11 present in any one jurisdiction for five consecutive working days,  
12 he or she must register in the jurisdiction in which he or she is  
13 physically present on the fifth working day following release,  
14 pursuant to paragraph (1) of subdivision (a). Beginning on or  
15 before the 30th day following initial registration upon release, a  
16 transient must reregister no less than once every 30 days thereafter.  
17 A transient shall register with the chief of police of the city in which  
18 he or she is physically present within that 30-day period, or the  
19 sheriff of the county if he or she is physically present in an  
20 unincorporated area or city that has no police department, and  
21 additionally, with the chief of police of a campus of the University  
22 of California, the California State University, or community  
23 college if he or she is physically present upon the campus or in any  
24 of its facilities. A transient must reregister no less than once every  
25 30 days regardless of the length of time he or she has been  
26 physically present in the particular jurisdiction in which he or she  
27 reregisters. If a transient fails to reregister within any 30-day  
28 period, he or she may be prosecuted in any jurisdiction in which  
29 he or she is physically present.

30 (ii) A transient who moves to a residence shall have five  
31 working days within which to register at that address, in  
32 accordance with subparagraph (A) of paragraph (1) of  
33 subdivision (a). A person registered at a residence address in  
34 accordance with subparagraph (A) of paragraph (1) of  
35 subdivision (a), who becomes transient shall have five working  
36 days within which to reregister as a transient in accordance with  
37 clause (i).

38 (iii) Beginning on his or her first birthday following  
39 registration, a transient shall register annually, within five  
40 working days of his or her birthday, to update his or her



1 registration with the entities described in clause (i). A transient  
2 shall register in whichever jurisdiction he or she is physically  
3 present on that date. At the 30-day updates and the annual update,  
4 a transient shall provide current information as required on the  
5 Department of Justice annual update form, including the  
6 information described in subparagraphs (A) to (C), inclusive, of  
7 paragraph (2) of subdivision (e), and the information specified in  
8 clause (iv).

9 (iv) A transient shall, upon registration and reregistration,  
10 provide current information as required on the Department of  
11 Justice registration forms, and shall also list the places where he  
12 or she sleeps, eats, works, frequents, and engages in leisure  
13 activities. If a transient changes or adds to the places listed on the  
14 form during the 30-day period, he or she does not need to report  
15 the new place or places until the next required reregistration.

16 (v) Failure to comply with the requirement of reregistering  
17 every 30 days following initial registration pursuant to clause (i)  
18 of this subparagraph shall be punished in accordance with  
19 paragraph (6) of subdivision (g). Failure to comply with any other  
20 requirement of this section, shall be punished in accordance with  
21 either paragraph (1) or (2) of subdivision (g).

22 (vi) A transient who moves out of state shall inform, in person  
23 or in writing, the chief of police in the city in which he or she is  
24 physically present, or the sheriff of the county, if he or she is  
25 physically present in an unincorporated area or city that has no  
26 police department, within five working days of his or her move out  
27 of state. The transient shall inform that registering agency of his  
28 or her planned destination, residence, or transient location out of  
29 state, and any plans he or she has to return to California, if known.  
30 The law enforcement agency shall, within three days after receipt  
31 of this information, forward a copy of the change of location  
32 information to the Department of Justice. The department shall  
33 forward appropriate registration data to the law enforcement  
34 agency having local jurisdiction of the new place of residence or  
35 location.

36 (vii) For purposes of this section, “transient” means a person  
37 who has no residence. “Residence” means a place where a person  
38 is living or temporarily staying for more than five days, such as a  
39 shelter or structure that can be located by a street address,



1 *including, but not limited to, houses, apartment buildings, motels,*  
2 *hotels, homeless shelters, and recreational and other vehicles.*

3 *(viii) The transient registrant's duty to update his or her*  
4 *registration no less than every 30 days shall begin with his or her*  
5 *second transient update following the date this subdivision*  
6 *became effective.*

7 (D) Beginning on his or her first birthday following  
8 registration or change of address, the person shall be required to  
9 register annually, within five working days of his or her birthday,  
10 to update his or her registration with the entities described in  
11 subparagraph (A). At the annual update, the person shall provide  
12 current information as required on the Department of Justice  
13 annual update form, including the information described in  
14 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
15 subdivision (e).

16 (E) In addition, every person who has ever been adjudicated a  
17 sexually violent predator, as defined in Section 6600 of the  
18 Welfare and Institutions Code, shall, after his or her release from  
19 custody, verify his or her address no less than once every 90 days  
20 and place of employment, including the name and address of the  
21 employer, in a manner established by the Department of Justice.

22 (F) No entity shall require a person to pay a fee to register or  
23 update his or her registration pursuant to this section. The  
24 registering agency shall submit registrations, including annual  
25 updates or changes of address, directly into the Department of  
26 Justice Violent Crime Information Network (VCIN).

27 (G) Persons required to register in their state of residence who  
28 are out-of-state residents employed, or carrying on a vocation in  
29 California on a full-time or part-time basis, with or without  
30 compensation, for more than 14 days, or for an aggregate period  
31 exceeding 30 days in a calendar year, shall register in accordance  
32 with subparagraph (A). Persons described in paragraph (2) who  
33 are out-of-state residents enrolled in any educational institution in  
34 California, as defined in Section 22129 of the Education Code, on  
35 a full-time or part-time basis, shall register in accordance with  
36 subparagraph (A). The place where the out-of-state resident is  
37 located, for purposes of registration, shall be the place where the  
38 person is employed, carrying on a vocation, or attending school.  
39 The out-of-state resident subject to this subparagraph shall, in  
40 addition to the information required pursuant to subdivision (e),



1 provide the registering authority with the name of his or her place  
2 of employment or the name of the school attended in California,  
3 and his or her address or location in his or her state of residence.  
4 The registration requirement for persons subject to this  
5 subparagraph shall become operative on November 25, 2000. The  
6 terms “employed or carries on a vocation” include employment  
7 whether or not financially compensated, volunteered, or  
8 performed for government or educational benefit.

9 (2) The following persons shall be required to register pursuant  
10 to paragraph (1):

11 (A) Any person who, since July 1, 1944, has been or is hereafter  
12 convicted in any court in this state or in any federal or military  
13 court of a violation of Section 207 or 209 committed with intent  
14 to violate Section 261, 286, 288, 288a, or 289, Section 220, except  
15 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),  
16 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of  
17 subdivision (a) of Section 262 involving the use of force or  
18 violence for which the person is sentenced to the state prison,  
19 Section 264.1, 266, *or* 266c, subdivision (b) of Section 266h,  
20 subdivision (b) of Section 266i, 266j, *Section* 267, 269, 285, 286,  
21 288, 288a, 288.5, or 289, Section 311.1, subdivision (b), (c), or (d)  
22 of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,  
23 former Section 647a, subdivision (c) of Section 653f, subdivision  
24 1 or 2 of Section 314, any offense involving lewd or lascivious  
25 conduct under Section 272, or any felony violation of Section  
26 288.2; or any statutory predecessor that includes all elements of  
27 one of the above-mentioned offenses; or any person who since that  
28 date has been or is hereafter convicted of the attempt to commit any  
29 of the above-mentioned offenses.

30 (B) Any person who, since July 1, 1944, has been or hereafter  
31 is released, discharged, or paroled from a penal institution where  
32 he or she was confined because of the commission or attempted  
33 commission of one of the offenses described in subparagraph (A).

34 (C) Any person who, since July 1, 1944, has been or hereafter  
35 is determined to be a mentally disordered sex offender under  
36 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
37 of Division 6 of the Welfare and Institutions Code or any person  
38 who has been found guilty in the guilt phase of a trial for an offense  
39 for which registration is required by this section but who has been



1 found not guilty by reason of insanity in the sanity phase of the  
2 trial.

3 (D) Any person who, since July 1, 1944, has been, or is  
4 hereafter convicted in any other court, including any state, federal,  
5 or military court, of any offense that, if committed or attempted in  
6 this state, would have been punishable as one or more of the  
7 offenses described in subparagraph (A) or any person ordered by  
8 any other court, including any state, federal, or military court, to  
9 register as a sex offender for any offense, if the court found at the  
10 time of conviction or sentencing that the person committed the  
11 offense as a result of sexual compulsion or for purposes of sexual  
12 gratification.

13 (E) Any person ordered by any court to register pursuant to this  
14 section for any offense not included specifically in this section if  
15 the court finds at the time of conviction or sentencing that the  
16 person committed the offense as a result of sexual compulsion or  
17 for purposes of sexual gratification. The court shall state on the  
18 record the reasons for its findings and the reasons for requiring  
19 registration.

20 (F) (i) Notwithstanding any other subdivision, a person who  
21 was convicted before January 1, 1976, under subdivision (a) of  
22 Section 286, or Section 288a, shall not be required to register  
23 pursuant to this section for that conviction if the conviction was for  
24 conduct between consenting adults that was decriminalized by  
25 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes  
26 of 1976. The Department of Justice shall remove that person from  
27 the Sex Offender Registry, and the person is discharged from his  
28 or her duty to register pursuant to the following procedure:

29 (I) The person submits to the Department of Justice official  
30 documentary evidence, including court records or police reports,  
31 that demonstrate that the person's conviction pursuant to either of  
32 those sections was for conduct between consenting adults that was  
33 decriminalized; or

34 (II) The person submits to the department a declaration stating  
35 that the person's conviction pursuant to either of those sections was  
36 for consensual conduct between adults that has been  
37 decriminalized. The declaration shall be confidential and not a  
38 public record, and shall include the person's name, address,  
39 telephone number, date of birth, and a summary of the



1 circumstances leading to the conviction, including the date of the  
2 conviction and county of the occurrence.

3 (III) The department shall determine whether the person's  
4 conviction was for conduct between consensual adults that has  
5 been decriminalized. If the conviction was for consensual conduct  
6 between adults that has been decriminalized, and the person has no  
7 other offenses for which he or she is required to register pursuant  
8 to this section, the department shall, within 60 days of receipt of  
9 those documents, notify the person that he or she is relieved of the  
10 duty to register, and shall notify the local law enforcement agency  
11 with which the person is registered that he or she has been relieved  
12 of the duty to register. The local law enforcement agency shall  
13 remove the person's registration from its files within 30 days of  
14 receipt of notification. If the documentary or other evidence  
15 submitted is insufficient to establish the person's claim, the  
16 department shall, within 60 days of receipt of those documents,  
17 notify the person that his or her claim cannot be established, and  
18 that the person shall continue to register pursuant to this section.  
19 The department shall provide, upon the person's request, any  
20 information relied upon by the department in making its  
21 determination that the person shall continue to register pursuant to  
22 this section. Any person whose claim has been denied by the  
23 department pursuant to this clause may petition the court to appeal  
24 the department's denial of the person's claim.

25 (ii) On or before July 1, 1998, the department shall make a  
26 report to the Legislature concerning the status of persons who may  
27 come under the provisions of this subparagraph, including the  
28 number of persons who were convicted before January 1, 1976,  
29 under subdivision (a) of Section 286 or Section 288a and are  
30 required to register under this section, the average age of these  
31 persons, the number of these persons who have any subsequent  
32 convictions for a registerable sex offense, and the number of these  
33 persons who have sought successfully or unsuccessfully to be  
34 relieved of their duty to register under this section.

35 (b) (1) Any person who is released, discharged, or paroled  
36 from a jail, state or federal prison, school, road camp, or other  
37 institution where he or she was confined because of the  
38 commission or attempted commission of one of the offenses  
39 specified in subdivision (a) or is released from a state hospital to  
40 which he or she was committed as a mentally disordered sex



1 offender under Article 1 (commencing with Section 6300) of  
2 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions  
3 Code, shall, prior to discharge, parole, or release, be informed of  
4 his or her duty to register under this section by the official in charge  
5 of the place of confinement or hospital, and the official shall  
6 require the person to read and sign any form that may be required  
7 by the Department of Justice, stating that the duty of the person to  
8 register under this section has been explained to the person. The  
9 official in charge of the place of confinement or hospital shall  
10 obtain the address where the person expects to reside upon his or  
11 her discharge, parole, or release and shall report the address to the  
12 Department of Justice. The official shall at the same time forward  
13 a current photograph of the person to the Department of Justice.

14 (2) The official in charge of the place of confinement or  
15 hospital shall give one copy of the form to the person and shall send  
16 one copy to the Department of Justice and one copy to the  
17 appropriate law enforcement agency or agencies having  
18 jurisdiction over the place the person expects to reside upon  
19 discharge, parole, or release. If the conviction that makes the  
20 person subject to this section is a felony conviction, the official in  
21 charge shall, not later than 45 days prior to the scheduled release  
22 of the person, send one copy to the appropriate law enforcement  
23 agency or agencies having local jurisdiction where the person  
24 expects to reside upon discharge, parole, or release; one copy to the  
25 prosecuting agency that prosecuted the person; and one copy to the  
26 Department of Justice. The official in charge of the place of  
27 confinement or hospital shall retain one copy.

28 (c) (1) Any person who is convicted in this state of the  
29 commission or attempted commission of any of the offenses  
30 specified in subdivision (a) and who is released on probation, shall,  
31 prior to release or discharge, be informed of the duty to register  
32 under this section by the probation department, and a probation  
33 officer shall require the person to read and sign any form that may  
34 be required by the Department of Justice, stating that the duty of  
35 the person to register under this section has been explained to him  
36 or her. The probation officer shall obtain the address where the  
37 person expects to reside upon release or discharge and shall report  
38 within three days the address to the Department of Justice. The  
39 probation officer shall give one copy of the form to the person,  
40 send one copy to the Department of Justice, and forward one copy



1 to the appropriate law enforcement agency or agencies having  
2 local jurisdiction where the person expects to reside upon his or her  
3 discharge, parole, or release.

4 (2) Any person who is convicted in this state of the commission  
5 or attempted commission of any of the offenses specified in  
6 subdivision (a) and who is granted conditional release without  
7 supervised probation, or discharged upon payment of a fine, shall,  
8 prior to release or discharge, be informed of the duty to register  
9 under this section in open court by the court in which the person  
10 has been convicted, and the court shall require the person to read  
11 and sign any form that may be required by the Department of  
12 Justice, stating that the duty of the person to register under this  
13 section has been explained to him or her. If the court finds that it  
14 is in the interest of the efficiency of the court, the court may assign  
15 the bailiff to require the person to read and sign forms under this  
16 section. The court shall obtain the address where the person  
17 expects to reside upon release or discharge and shall report within  
18 three days the address to the Department of Justice. The court shall  
19 give one copy of the form to the person, send one copy to the  
20 Department of Justice, and forward one copy to the appropriate  
21 law enforcement agency or agencies having local jurisdiction  
22 where the person expects to reside upon his or her discharge,  
23 parole, or release.

24 (d) (1) Any person who, on or after January 1, 1986, is  
25 discharged or paroled from the Department of the Youth Authority  
26 to the custody of which he or she was committed after having been  
27 adjudicated a ward of the juvenile court pursuant to Section 602  
28 of the Welfare and Institutions Code because of the commission or  
29 attempted commission of any offense described in paragraph (3)  
30 shall be subject to registration under the procedures of this section.

31 (2) Any person who is discharged or paroled from a facility in  
32 another state that is equivalent to the Department of the Youth  
33 Authority, to the custody of which he or she was committed  
34 because of an offense which, if committed or attempted in this  
35 state, would have been punishable as one or more of the offenses  
36 described in paragraph (3), shall be subject to registration under  
37 the procedures of this section.

38 (3) Any person described in this subdivision who committed an  
39 offense in violation of any of the following provisions shall be  
40 required to register pursuant to this section:



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

4 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
5 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
6 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
7 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
8 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
9 Section 289, or Section 647.6.

10 (C) A violation of Section 207 or 209 committed with the intent  
11 to violate Section 261, 286, 288, 288a, or 289.

12 (4) Prior to discharge or parole from the Department of the  
13 Youth Authority, any person who is subject to registration under  
14 this subdivision shall be informed of the duty to register under the  
15 procedures set forth in this section. Department of the Youth  
16 Authority officials shall transmit the required forms and  
17 information to the Department of Justice.

18 (5) All records specifically relating to the registration in the  
19 custody of the Department of Justice, law enforcement agencies,  
20 and other agencies or public officials shall be destroyed when the  
21 person who is required to register has his or her records sealed  
22 under the procedures set forth in Section 781 of the Welfare and  
23 Institutions Code. This subdivision shall not be construed as  
24 requiring the destruction of other criminal offender or juvenile  
25 records relating to the case that are maintained by the Department  
26 of Justice, law enforcement agencies, the juvenile court, or other  
27 agencies and public officials unless ordered by a court under  
28 Section 781 of the Welfare and Institutions Code.

29 (e) (1) On or after January 1, 1998, upon incarceration,  
30 placement, or commitment, or prior to release on probation, any  
31 person who is required to register under this section shall  
32 preregister. The preregistering official shall be the admitting  
33 officer at the place of incarceration, placement, or commitment, or  
34 the probation officer if the person is to be released on probation.  
35 The preregistration shall consist of all of the following:

36 (A) A preregistration statement in writing, signed by the  
37 person, giving information that shall be required by the  
38 Department of Justice.

39 (B) The fingerprints and a current photograph of the person.



1 (C) Any person who is preregistered pursuant to this  
2 subdivision is required to be preregistered only once.

3 (2) A person described in paragraph (2) of subdivision (a) shall  
4 register, or reregister if the person has previously registered, upon  
5 release from incarceration, placement, ~~or~~ commitment, *or release*  
6 *on probation* pursuant to paragraph (1) of subdivision (a). The  
7 registration shall consist of all of the following:

8 (A) A statement in writing signed by the person, giving  
9 information as shall be required by the Department of Justice and  
10 giving the name and address of the person's employer, and the  
11 address of the person's place of employment if that is different  
12 from the employer's main address.

13 (B) The fingerprints and a current photograph of the person  
14 taken by the registering official.

15 (C) The license plate number of any vehicle owned by,  
16 regularly driven by, or registered in the name of the person.

17 (D) Notice to the person that, in addition to the requirements of  
18 paragraph (4), he or she may have a duty to register in any other  
19 state where he or she may relocate.

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

35 (3) Within three days thereafter, the preregistering official or  
36 the registering law enforcement agency or agencies shall forward  
37 the statement, fingerprints, photograph, and vehicle license plate  
38 number, if any, to the Department of Justice.

39 (f) (1) If any person who is required to register pursuant to this  
40 section *and who has a residence address* changes his or her



1 residence address ~~or location~~, whether within the jurisdiction in  
2 which he or she is currently registered or to a new jurisdiction  
3 inside or outside the state, the person shall inform, in writing  
4 within five working days, the law enforcement agency or agencies  
5 with which he or she last registered of the new address or *transient*  
6 *location and any plans he or she has to return to California if*  
7 *known. If the person does not know the new residence address or*  
8 *location, the registrant shall inform the last registering agency or*  
9 *agencies that he or she is moving within five working days of the*  
10 *move, and shall later notify the agency or agencies of the new*  
11 *address or location within five working days of moving into the*  
12 *new residence address or location, whether temporary or*  
13 *permanent. The law enforcement agency or agencies shall, within*  
14 *three working days after receipt of this information, forward a*  
15 *copy of the change of address ~~or location~~ information to the*  
16 *Department of Justice. The Department of Justice shall forward*  
17 *appropriate registration data to the law enforcement agency or*  
18 *agencies having local jurisdiction of the new place of residence ~~or~~*  
19 *location.*

20 (2) If the person's new address is in a Department of the Youth  
21 Authority facility or a state prison or state mental institution, an  
22 official of the place of incarceration, placement, or commitment  
23 shall, within 90 days of receipt of the person, forward the  
24 registrant's change of address information to the Department of  
25 Justice. The agency need not provide a physical address for the  
26 registrant but shall indicate that he or she is serving a period of  
27 incarceration or commitment in a facility under the agency's  
28 jurisdiction. This paragraph shall apply to persons received in a  
29 Department of the Youth Authority facility or a state prison or state  
30 mental institution on or after January 1, 1999. The Department of  
31 Justice shall forward the change of address information to the  
32 agency with which the person last registered.

33 (3) If any person who is required to register pursuant to this  
34 section changes his or her name, the person shall inform, in person,  
35 the law enforcement agency or agencies with which he or she is  
36 currently registered within five working days. The law  
37 enforcement agency or agencies shall forward a copy of this  
38 information to the Department of Justice within three working  
39 days of its receipt.



1 (g) (1) Any person who is required to register under this  
2 section based on a misdemeanor conviction or juvenile  
3 adjudication who willfully violates any requirement of this section  
4 is guilty of a misdemeanor punishable by imprisonment in a  
5 county jail not exceeding one year.

6 (2) Except as provided in paragraphs (5), (7), and ~~(7)~~ (9), any  
7 person who is required to register under this section based on a  
8 felony conviction or juvenile adjudication who willfully violates  
9 any requirement of this section or who has a prior conviction or  
10 juvenile adjudication for the offense of failing to register under this  
11 section and who subsequently and willfully violates any  
12 requirement of this section is guilty of a felony and shall be  
13 punished by imprisonment in the state prison for 16 months, or two  
14 or three years.

15 If probation is granted or if the imposition or execution of  
16 sentence is suspended, it shall be a condition of the probation or  
17 suspension that the person serve at least 90 days in a county jail.  
18 The penalty described in this paragraph shall apply whether or not  
19 the person has been released on parole or has been discharged from  
20 parole.

21 (3) Any person determined to be a mentally disordered sex  
22 offender or who has been found guilty in the guilt phase of trial for  
23 an offense for which registration is required under this section, but  
24 who has been found not guilty by reason of insanity in the sanity  
25 phase of the trial, or who has had a petition sustained in a juvenile  
26 adjudication for an offense for which registration is required under  
27 this section pursuant to subdivision (d), but who has been found  
28 not guilty by reason of insanity, who willfully violates any  
29 requirement of this section is guilty of a misdemeanor and shall be  
30 punished by imprisonment in a county jail not exceeding one year.  
31 For any second or subsequent willful violation of any requirement  
32 of this section, the person is guilty of a felony and shall be punished  
33 by imprisonment in the state prison for 16 months, or two or three  
34 years.

35 (4) If, after discharge from parole, the person is convicted of a  
36 felony or suffers a juvenile adjudication as specified in this  
37 subdivision, he or she shall be required to complete parole of at  
38 least one year, in addition to any other punishment imposed under  
39 this subdivision. A person convicted of a felony as specified in this  
40 subdivision may be granted probation only in the unusual case



1 where the interests of justice would best be served. When  
2 probation is granted under this paragraph, the court shall specify  
3 on the record and shall enter into the minutes the circumstances  
4 indicating that the interests of justice would best be served by the  
5 disposition.

6 (5) Any person who has ever been adjudicated a sexually  
7 violent predator, as defined in Section 6600 of the Welfare and  
8 Institutions Code, and who fails to verify his or her registration  
9 every 90 days as required pursuant to subparagraph (E) of  
10 paragraph (1) of subdivision (a), shall be punished by  
11 imprisonment in the state prison, or in a county jail not exceeding  
12 one year.

13 (6) Except as otherwise provided in paragraph (5), ~~and in~~  
14 ~~addition to any other penalty imposed under this subdivision,~~ any  
15 person who is required *to register or reregister* pursuant to *clause*  
16 *(i) of subparagraph (C) of paragraph (1) of subdivision (a) to*  
17 ~~update his or her registration every 60 days and willfully fails to~~  
18 ~~update his or her registration~~ *comply with the requirement that he*  
19 *or she reregister no less than every 30 days* is guilty of a  
20 misdemeanor and shall be punished by imprisonment in a county  
21 jail ~~not exceeding six months. Any subsequent violation of this~~  
22 ~~requirement that persons described in~~ *at least 30 days, but not*  
23 *exceeding six months. A person who willfully fails to comply with*  
24 *the requirement that he or she reregister no less than every 30 days*  
25 *shall not be charged with this violation more often than once for*  
26 *a failure to register in any period of 90 days. Any person who*  
27 *willfully commits a third or subsequent violation of the*  
28 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
29 *(a) shall update their registration every 60 days is also a*  
30 ~~misdemeanor and shall be punished by imprisonment in a county~~  
31 ~~jail not exceeding six months that he or she reregister no less than~~  
32 *every 30 days shall be punished in accordance with either*  
33 *paragraph (1) or (2) of this subdivision.*

34 (7) Any person who fails to provide proof of residence as  
35 required by subparagraph (E) of paragraph (2) of subdivision (e),  
36 regardless of the offense upon which the duty to register is based,  
37 is guilty of a misdemeanor punishable by imprisonment in a  
38 county jail not exceeding six months.



1 (8) Any person who is required to register under this section  
2 who willfully violates any requirement of this section is guilty of  
3 a continuing offense *as to each requirement he or she violated.*

4 (9) *In addition to any other penalty imposed under this*  
5 *subdivision, the failure to provide information required on*  
6 *registration and reregistration forms of the Department of Justice,*  
7 *or the provision of false information, is a crime punishable by*  
8 *imprisonment in a county jail for a period not exceeding one year.*

9 (h) Whenever any person is released on parole or probation and  
10 is required to register under this section but fails to do so within  
11 the time prescribed, the parole authority, the Youthful Offender  
12 Parole Board, or the court, as the case may be, shall order the  
13 parole or probation of the person revoked. For purposes of this  
14 subdivision, “parole authority” has the same meaning as  
15 described in Section 3000.

16 (i) Except as provided in Sections ~~290.4~~ and 290.01, 290.4,  
17 290.45, and 290.46, the statements, photographs, and fingerprints  
18 required by this section shall not be open to inspection by the  
19 public or by any person other than a regularly employed peace  
20 officer or other law enforcement officer.

21 (j) In any case in which a person who would be required to  
22 register pursuant to this section for a felony conviction is to be  
23 temporarily sent outside the institution where he or she is confined  
24 on any assignment within a city or county including firefighting,  
25 disaster control, or of whatever nature the assignment may be, the  
26 local law enforcement agency having jurisdiction over the place  
27 or places where the assignment shall occur shall be notified within  
28 a reasonable time prior to removal from the institution. This  
29 subdivision shall not apply to any person who is temporarily  
30 released under guard from the institution where he or she is  
31 confined.

32 (k) As used in this section, “mentally disordered sex offender”  
33 includes any person who has been determined to be a sexual  
34 psychopath or a mentally disordered sex offender under any  
35 provision which, on or before January 1, 1976, was contained in  
36 Division 6 (commencing with Section 6000) of the Welfare and  
37 Institutions Code.

38 (l) (1) Every person who, prior to January 1, 1997, is required  
39 to register under this section, shall be notified whenever he or she  
40 next reregisters of the reduction of the registration period from 14



1 to ~~five~~ 5 working days. This notice shall be provided in writing by  
2 the registering agency or agencies. Failure to receive this  
3 notification shall be a defense against the penalties prescribed by  
4 subdivision (g) if the person did register within 14 days.

5 (2) Every person who, as a sexually violent predator, as defined  
6 in Section 6600 of the Welfare and Institutions Code, is required  
7 to verify his or her registration every 90 days, shall be notified  
8 wherever he or she next registers of his or her increased  
9 registration obligations. This notice shall be provided in writing by  
10 the registering agency or agencies. Failure to receive this notice  
11 shall be a defense against the penalties prescribed by paragraph (5)  
12 of subdivision (g).

13 (m) The registration provisions of this section are applicable to  
14 every person described in this section, without regard to when his  
15 or her *crime or crimes* were committed or his or her duty to register  
16 pursuant to this section arose, and to every offense described in this  
17 section, regardless of when it was committed.

18 *SEC. 1.7. Section 290 of the Penal Code is amended to read:*

19 290. (a) (1) (A) Every person described in paragraph (2),  
20 for the rest of his or her life while residing in, ~~or, if he or she has~~  
21 ~~no residence, while located within~~ California, or while attending  
22 school or working in California, as described in subparagraph (G),  
23 shall be required to register with the chief of police of the city in  
24 which he or she is residing, ~~or if he or she has no residence, is~~  
25 ~~located, or the sheriff of the county if he or she is residing, or if he~~  
26 ~~or she has no residence, is located,~~ in an unincorporated area or city  
27 that has no police department, and, additionally, with the chief of  
28 police of a campus of the University of California, the California  
29 State University, or community college if he or she is residing, ~~or~~  
30 ~~if he or she has no residence, is located~~ upon the campus or in any  
31 of its facilities, within five working days of coming into, or  
32 changing his or her residence or ~~location~~ within, any city, county,  
33 or city and county, or campus in which he or she temporarily  
34 resides, ~~or, if he or she has no residence, is located.~~

35 (B) If the person who is registering has more than one residence  
36 address ~~or location~~ at which he or she regularly resides ~~or is~~  
37 ~~located,~~ he or she shall register in accordance with subparagraph  
38 (A) in each of the jurisdictions in which he or she regularly resides  
39 ~~or is located,~~ *regardless of the number of days or nights spent*  
40 *there.* If all of the addresses ~~or locations~~ are within the same



1 jurisdiction, the person shall provide the registering authority with  
2 all of the addresses or locations where he or she regularly resides  
3 or is located.

4 (C) ~~If the person who is registering has no residence address,~~  
5 ~~he or she shall update his or her registration no less than once every~~  
6 ~~60 days in addition to the requirement in subparagraph (A), on a~~  
7 ~~form as may be required by the Department of Justice, with the~~  
8 ~~entity or entities described in subparagraph (A) in whose~~  
9 ~~jurisdiction he or she is located at the time he or she is updating the~~  
10 ~~registration. Every person described in paragraph (2), for the rest~~  
11 ~~of his or her life while living as a transient in California shall be~~  
12 ~~required to register, as follows:~~

13 (i) *A transient must register, or reregister if the person has*  
14 *previously registered, within five working days from release from*  
15 *incarceration, placement or commitment, or release on probation,*  
16 *pursuant to paragraph (1) of subdivision (a), except that if the*  
17 *person previously registered as a transient less than 30 days from*  
18 *the date of his or her release from incarceration, he or she does not*  
19 *need to reregister as a transient until his or her next required*  
20 *30-day update of registration. If a transient is not physically*  
21 *present in any one jurisdiction for five consecutive working days,*  
22 *he or she must register in the jurisdiction in which he or she is*  
23 *physically present on the fifth working day following release,*  
24 *pursuant to paragraph (1) of subdivision (a). Beginning on or*  
25 *before the 30th day following initial registration upon release, a*  
26 *transient must reregister no less than once every 30 days thereafter.*  
27 *A transient shall register with the chief of police of the city in which*  
28 *he or she is physically present within that 30-day period, or the*  
29 *sheriff of the county if he or she is physically present in an*  
30 *unincorporated area or city that has no police department, and*  
31 *additionally, with the chief of police of a campus of the University*  
32 *of California, the California State University, or community*  
33 *college if he or she is physically present upon the campus or in any*  
34 *of its facilities. A transient must reregister no less than once every*  
35 *30 days regardless of the length of time he or she has been*  
36 *physically present in the particular jurisdiction in which he or she*  
37 *reregisters. If a transient fails to reregister within any 30-day*  
38 *period, he or she may be prosecuted in any jurisdiction in which*  
39 *he or she is physically present.*



1 (ii) A transient who moves to a residence shall have five  
2 working days within which to register at that address, in  
3 accordance with subparagraph (A) of paragraph (1) of  
4 subdivision (a). A person registered at a residence address in  
5 accordance with subparagraph (A) of paragraph (1) of  
6 subdivision (a), who becomes transient shall have five working  
7 days within which to reregister as a transient in accordance with  
8 clause (i).

9 (iii) Beginning on his or her first birthday following  
10 registration, a transient shall register annually, within five  
11 working days of his or her birthday, to update his or her  
12 registration with the entities described in clause (i). A transient  
13 shall register in whichever jurisdiction he or she is physically  
14 present on that date. At the 30-day updates and the annual update,  
15 a transient shall provide current information as required on the  
16 Department of Justice annual update form, including the  
17 information described in subparagraphs (A) to (C), inclusive, of  
18 paragraph (2) of subdivision (e), and the information specified in  
19 clause (iv).

20 (iv) A transient shall, upon registration and reregistration,  
21 provide current information as required on the Department of  
22 Justice registration forms, and shall also list the places where he  
23 or she sleeps, eats, works, frequents, and engages in leisure  
24 activities. If a transient changes or adds to the places listed on the  
25 form during the 30-day period, he or she does not need to report  
26 the new place or places until the next required reregistration.

27 (v) Failure to comply with the requirement of reregistering  
28 every 30 days following initial registration pursuant to clause (i)  
29 of this subparagraph shall be punished in accordance with  
30 paragraph (6) of subdivision (g). Failure to comply with any other  
31 requirement of this section, shall be punished in accordance with  
32 either paragraph (1) or (2) of subdivision (g).

33 (vi) A transient who moves out of state shall inform, in person  
34 or in writing, the chief of police in the city in which he or she is  
35 physically present, or the sheriff of the county, if he or she is  
36 physically present in an unincorporated area or city that has no  
37 police department, within five working days of his or her move out  
38 of state. The transient shall inform that registering agency of his  
39 or her planned destination, residence, or transient location out of  
40 state, and any plans he or she has to return to California, if known.



1 *The law enforcement agency shall, within three days after receipt*  
2 *of this information, forward a copy of the change of location*  
3 *information to the Department of Justice. The department shall*  
4 *forward appropriate registration data to the law enforcement*  
5 *agency having local jurisdiction of the new place of residence or*  
6 *location.*

7 *(vii) For purposes of this section, “transient” means a person*  
8 *who has no residence. “Residence” means a place where a person*  
9 *is living or temporarily staying for more than five days, such as a*  
10 *shelter or structure that can be located by a street address,*  
11 *including, but not limited to, houses, apartment buildings, motels,*  
12 *hotels, homeless shelters, and recreational and other vehicles.*

13 *(viii) The transient registrant’s duty to update his or her*  
14 *registration no less than every 30 days shall begin with his or her*  
15 *second transient update following the date this subdivision*  
16 *became effective.*

17 (D) Beginning on his or her first birthday following  
18 registration or change of address, the person shall be required to  
19 register annually, within five working days of his or her birthday,  
20 to update his or her registration with the entities described in  
21 subparagraph (A). At the annual update, the person shall provide  
22 current information as required on the Department of Justice  
23 annual update form, including the information described in  
24 subparagraphs (A) to (C), inclusive, of paragraph (2) of  
25 subdivision (e).

26 (E) In addition, every person who has ever been adjudicated a  
27 sexually violent predator, as defined in Section 6600 of the  
28 Welfare and Institutions Code, shall, after his or her release from  
29 custody, verify his or her address no less than once every 90 days  
30 and place of employment, including the name and address of the  
31 employer, in a manner established by the Department of Justice.

32 (F) No entity shall require a person to pay a fee to register or  
33 update his or her registration pursuant to this section. The  
34 registering agency shall submit registrations, including annual  
35 updates or changes of address, directly into the Department of  
36 Justice Violent Crime Information Network (VCIN).

37 (G) Persons required to register in their state of residence who  
38 are out-of-state residents employed, or carrying on a vocation in  
39 California on a full-time or part-time basis, with or without  
40 compensation, for more than 14 days, or for an aggregate period



1 exceeding 30 days in a calendar year, shall register in accordance  
2 with subparagraph (A). Persons described in paragraph (2) who  
3 are out-of-state residents enrolled in any educational institution in  
4 California, as defined in Section 22129 of the Education Code, on  
5 a full-time or part-time basis, shall register in accordance with  
6 subparagraph (A). The place where the out-of-state resident is  
7 located, for purposes of registration, shall be the place where the  
8 person is employed, carrying on a vocation, or attending school.  
9 The out-of-state resident subject to this subparagraph shall, in  
10 addition to the information required pursuant to subdivision (e),  
11 provide the registering authority with the name of his or her place  
12 of employment or the name of the school attended in California,  
13 and his or her address or location in his or her state of residence.  
14 The registration requirement for persons subject to this  
15 subparagraph shall become operative on November 25, 2000. The  
16 terms “employed or carries on a vocation” include employment  
17 whether or not financially compensated, volunteered, or  
18 performed for government or educational benefit.

19 (2) The following persons shall be required to register pursuant  
20 to paragraph (1):

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



1 (B) Any person who, since July 1, 1944, has been or hereafter  
2 is released, discharged, or paroled from a penal institution where  
3 he or she was confined because of the commission or attempted  
4 commission of one of the offenses described in subparagraph (A).

5 (C) Any person who, since July 1, 1944, has been or hereafter  
6 is determined to be a mentally disordered sex offender under  
7 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2  
8 of Division 6 of the Welfare and Institutions Code or any person  
9 who has been found guilty in the guilt phase of a trial for an offense  
10 for which registration is required by this section but who has been  
11 found not guilty by reason of insanity in the sanity phase of the  
12 trial.

13 (D) (i) Any person who, since July 1, 1944, has been, or is  
14 hereafter convicted in any other court, including any state, federal,  
15 or military court, of any offense that, if committed or attempted in  
16 this state, would have been punishable as one or more of the  
17 offenses described in subparagraph (A) ~~or any~~.

18 (ii) Any person ordered by any other court, including any state,  
19 federal, or military court, to register as a sex offender for any  
20 offense, if the court found at the time of conviction or sentencing  
21 that the person committed the offense as a result of sexual  
22 compulsion or for purposes of sexual gratification.

23 (iii) *Except as provided in clause (iv), any person who would*  
24 *be required to register while residing in the state of conviction for*  
25 *a sex offense committed in that state.*

26 (iv) *Clause (iii) shall not apply to a person required to register*  
27 *in the state of conviction if the conviction was for the equivalent*  
28 *of one of the following offenses, and the person is not subject to*  
29 *clause (i):*

30 (I) *Indecent exposure, pursuant to Section 314.*

31 (II) *Unlawful sexual intercourse, pursuant to Section 261.5.*

32 (III) *Incest, pursuant to Section 285.*

33 (IV) *Sodomy, pursuant to Section 286, or oral copulation,*  
34 *pursuant to Section 288a, provided that the offender notifies the*  
35 *Department of Justice that the sodomy or oral copulation*  
36 *conviction was for conduct between consenting adults, as*  
37 *described in subparagraph (F) of paragraph (2) of subdivision (a),*  
38 *and the department is able, upon the exercise of reasonable*  
39 *diligence, to verify that fact.*



1 (E) Any person ordered by any court to register pursuant to this  
2 section for any offense not included specifically in this section if  
3 the court finds at the time of conviction or sentencing that the  
4 person committed the offense as a result of sexual compulsion or  
5 for purposes of sexual gratification. The court shall state on the  
6 record the reasons for its findings and the reasons for requiring  
7 registration.

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

17 (I) The person submits to the Department of Justice official  
18 documentary evidence, including court records or police reports,  
19 that demonstrate that the person's conviction pursuant to either of  
20 those sections was for conduct between consenting adults that was  
21 decriminalized; or

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

30 (III) The department shall determine whether the person's  
31 conviction was for conduct between consensual adults that has  
32 been decriminalized. If the conviction was for consensual conduct  
33 between adults that has been decriminalized, and the person has no  
34 other offenses for which he or she is required to register pursuant  
35 to this section, the department shall, within 60 days of receipt of  
36 those documents, notify the person that he or she is relieved of the  
37 duty to register, and shall notify the local law enforcement agency  
38 with which the person is registered that he or she has been relieved  
39 of the duty to register. The local law enforcement agency shall  
40 remove the person's registration from its files within 30 days of



1 receipt of notification. If the documentary or other evidence  
2 submitted is insufficient to establish the person's claim, the  
3 department shall, within 60 days of receipt of those documents,  
4 notify the person that his or her claim cannot be established, and  
5 that the person shall continue to register pursuant to this section.  
6 The department shall provide, upon the person's request, any  
7 information relied upon by the department in making its  
8 determination that the person shall continue to register pursuant to  
9 this section. Any person whose claim has been denied by the  
10 department pursuant to this clause may petition the court to appeal  
11 the department's denial of the person's claim.

12 (ii) On or before July 1, 1998, the department shall make a  
13 report to the Legislature concerning the status of persons who may  
14 come under the provisions of this subparagraph, including the  
15 number of persons who were convicted before January 1, 1976,  
16 under subdivision (a) of Section 286 or Section 288a and are  
17 required to register under this section, the average age of these  
18 persons, the number of these persons who have any subsequent  
19 convictions for a registerable sex offense, and the number of these  
20 persons who have sought successfully or unsuccessfully to be  
21 relieved of their duty to register under this section.

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



1 (2) The official in charge of the place of confinement or  
2 hospital shall give one copy of the form to the person and shall send  
3 one copy to the Department of Justice and one copy to the  
4 appropriate law enforcement agency or agencies having  
5 jurisdiction over the place the person expects to reside upon  
6 discharge, parole, or release. If the conviction that makes the  
7 person subject to this section is a felony conviction, the official in  
8 charge shall, not later than 45 days prior to the scheduled release  
9 of the person, send one copy to the appropriate law enforcement  
10 agency or agencies having local jurisdiction where the person  
11 expects to reside upon discharge, parole, or release; one copy to the  
12 prosecuting agency that prosecuted the person; and one copy to the  
13 Department of Justice. The official in charge of the place of  
14 confinement or hospital shall retain one copy.

15 (c) (1) Any person who is convicted in this state of the  
16 commission or attempted commission of any of the offenses  
17 specified in subdivision (a) and who is released on probation, shall,  
18 prior to release or discharge, be informed of the duty to register  
19 under this section by the probation department, and a probation  
20 officer shall require the person to read and sign any form that may  
21 be required by the Department of Justice, stating that the duty of  
22 the person to register under this section has been explained to him  
23 or her. The probation officer shall obtain the address where the  
24 person expects to reside upon release or discharge and shall report  
25 within three days the address to the Department of Justice. The  
26 probation officer shall give one copy of the form to the person,  
27 send one copy to the Department of Justice, and forward one copy  
28 to the appropriate law enforcement agency or agencies having  
29 local jurisdiction where the person expects to reside upon his or her  
30 discharge, parole, or release.

31 (2) Any person who is convicted in this state of the commission  
32 or attempted commission of any of the offenses specified in  
33 subdivision (a) and who is granted conditional release without  
34 supervised probation, or discharged upon payment of a fine, shall,  
35 prior to release or discharge, be informed of the duty to register  
36 under this section in open court by the court in which the person  
37 has been convicted, and the court shall require the person to read  
38 and sign any form that may be required by the Department of  
39 Justice, stating that the duty of the person to register under this  
40 section has been explained to him or her. If the court finds that it



1 is in the interest of the efficiency of the court, the court may assign  
2 the bailiff to require the person to read and sign forms under this  
3 section. The court shall obtain the address where the person  
4 expects to reside upon release or discharge and shall report within  
5 three days the address to the Department of Justice. The court shall  
6 give one copy of the form to the person, send one copy to the  
7 Department of Justice, and forward one copy to the appropriate  
8 law enforcement agency or agencies having local jurisdiction  
9 where the person expects to reside upon his or her discharge,  
10 parole, or release.

11 (d) (1) Any person who, on or after January 1, 1986, is  
12 discharged or paroled from the Department of the Youth Authority  
13 to the custody of which he or she was committed after having been  
14 adjudicated a ward of the juvenile court pursuant to Section 602  
15 of the Welfare and Institutions Code because of the commission or  
16 attempted commission of any offense described in paragraph (3)  
17 shall be subject to registration under the procedures of this section.

18 (2) Any person who is discharged or paroled from a facility in  
19 another state that is equivalent to the Department of the Youth  
20 Authority, to the custody of which he or she was committed  
21 because of an offense which, if committed or attempted in this  
22 state, would have been punishable as one or more of the offenses  
23 described in paragraph (3), shall be subject to registration under  
24 the procedures of this section.

25 (3) Any person described in this subdivision who committed an  
26 offense in violation of any of the following provisions shall be  
27 required to register pursuant to this section:

28 (A) Assault with intent to commit rape, sodomy, oral  
29 copulation, or any violation of Section 264.1, 288, or 289 under  
30 Section 220.

31 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
32 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
33 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
34 Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b)  
35 of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of  
36 Section 289, or Section 647.6.

37 (C) A violation of Section 207 or 209 committed with the intent  
38 to violate Section 261, 286, 288, 288a, or 289.

39 (4) Prior to discharge or parole from the Department of the  
40 Youth Authority, any person who is subject to registration under



1 this subdivision shall be informed of the duty to register under the  
2 procedures set forth in this section. Department of the Youth  
3 Authority officials shall transmit the required forms and  
4 information to the Department of Justice.

5 (5) All records specifically relating to the registration in the  
6 custody of the Department of Justice, law enforcement agencies,  
7 and other agencies or public officials shall be destroyed when the  
8 person who is required to register has his or her records sealed  
9 under the procedures set forth in Section 781 of the Welfare and  
10 Institutions Code. This subdivision shall not be construed as  
11 requiring the destruction of other criminal offender or juvenile  
12 records relating to the case that are maintained by the Department  
13 of Justice, law enforcement agencies, the juvenile court, or other  
14 agencies and public officials unless ordered by a court under  
15 Section 781 of the Welfare and Institutions Code.

16 (e) (1) On or after January 1, 1998, upon incarceration,  
17 placement, or commitment, or prior to release on probation, any  
18 person who is required to register under this section shall  
19 preregister. The preregistering official shall be the admitting  
20 officer at the place of incarceration, placement, or commitment, or  
21 the probation officer if the person is to be released on probation.  
22 The preregistration shall consist of all of the following:

23 (A) A preregistration statement in writing, signed by the  
24 person, giving information that shall be required by the  
25 Department of Justice.

26 (B) The fingerprints and a current photograph of the person.

27 (C) Any person who is preregistered pursuant to this  
28 subdivision is required to be preregistered only once.

29 (2) A person described in paragraph (2) of subdivision (a) shall  
30 register, or reregister if the person has previously registered, upon  
31 release from incarceration, placement, ~~or~~ commitment, *or release*  
32 *on probation* pursuant to paragraph (1) of subdivision (a). The  
33 registration shall consist of all of the following:

34 (A) A statement in writing signed by the person, giving  
35 information as shall be required by the Department of Justice and  
36 giving the name and address of the person's employer, and the  
37 address of the person's place of employment if that is different  
38 from the employer's main address.

39 (B) The fingerprints and a current photograph of the person  
40 taken by the registering official.



1 (C) The license plate number of any vehicle owned by,  
2 regularly driven by, or registered in the name of the person.

3 (D) Notice to the person that, in addition to the requirements of  
4 paragraph (4), he or she may have a duty to register in any other  
5 state where he or she may relocate.

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

21 (3) Within three days thereafter, the preregistering official or  
22 the registering law enforcement agency or agencies shall forward  
23 the statement, fingerprints, photograph, and vehicle license plate  
24 number, if any, to the Department of Justice.

25 (f) (1) If any person who is required to register pursuant to this  
26 section *and who has a residence address* changes his or her  
27 residence address ~~or location~~, whether within the jurisdiction in  
28 which he or she is currently registered or to a new jurisdiction  
29 inside or outside the state, the person shall inform, in writing  
30 within five working days, the law enforcement agency or agencies  
31 with which he or she last registered of the new address or *transient*  
32 location *and any plans he or she has to return to California if*  
33 *known. If the person does not know the new residence address or*  
34 *location, the registrant shall inform the last registering agency or*  
35 *agencies that he or she is moving within five working days of the*  
36 *move, and shall later notify the agency or agencies of the new*  
37 *address or location within five working days of moving into the*  
38 *new residence address or location, whether temporary or*  
39 *permanent.* The law enforcement agency or agencies shall, within  
40 three working days after receipt of this information, forward a



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

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

19 (3) If any person who is required to register pursuant to this  
20 section changes his or her name, the person shall inform, in person,  
21 the law enforcement agency or agencies with which he or she is  
22 currently registered within five working days. The law  
23 enforcement agency or agencies shall forward a copy of this  
24 information to the Department of Justice within three working  
25 days of its receipt.

26 (g) (1) Any person who is required to register under this  
27 section based on a misdemeanor conviction or juvenile  
28 adjudication who willfully violates any requirement of this section  
29 is guilty of a misdemeanor punishable by imprisonment in a  
30 county jail not exceeding one year.

31 (2) Except as provided in paragraphs (5), (7), and ~~(7)~~ (9), any  
32 person who is required to register under this section based on a  
33 felony conviction or juvenile adjudication who willfully violates  
34 any requirement of this section or who has a prior conviction or  
35 juvenile adjudication for the offense of failing to register under this  
36 section and who subsequently and willfully violates any  
37 requirement of this section is guilty of a felony and shall be  
38 punished by imprisonment in the state prison for 16 months, or two  
39 or three years.



1 If probation is granted or if the imposition or execution of  
2 sentence is suspended, it shall be a condition of the probation or  
3 suspension that the person serve at least 90 days in a county jail.  
4 The penalty described in this paragraph shall apply whether or not  
5 the person has been released on parole or has been discharged from  
6 parole.

7 (3) Any person determined to be a mentally disordered sex  
8 offender or who has been found guilty in the guilt phase of trial for  
9 an offense for which registration is required under this section, but  
10 who has been found not guilty by reason of insanity in the sanity  
11 phase of the trial, or who has had a petition sustained in a juvenile  
12 adjudication for an offense for which registration is required under  
13 this section pursuant to subdivision (d), but who has been found  
14 not guilty by reason of insanity, who willfully violates any  
15 requirement of this section is guilty of a misdemeanor and shall be  
16 punished by imprisonment in a county jail not exceeding one year.  
17 For any second or subsequent willful violation of any requirement  
18 of this section, the person is guilty of a felony and shall be punished  
19 by imprisonment in the state prison for 16 months, or two or three  
20 years.

21 (4) If, after discharge from parole, the person is convicted of a  
22 felony or suffers a juvenile adjudication as specified in this  
23 subdivision, he or she shall be required to complete parole of at  
24 least one year, in addition to any other punishment imposed under  
25 this subdivision. A person convicted of a felony as specified in this  
26 subdivision may be granted probation only in the unusual case  
27 where the interests of justice would best be served. When  
28 probation is granted under this paragraph, the court shall specify  
29 on the record and shall enter into the minutes the circumstances  
30 indicating that the interests of justice would best be served by the  
31 disposition.

32 (5) Any person who has ever been adjudicated a sexually  
33 violent predator, as defined in Section 6600 of the Welfare and  
34 Institutions Code, and who fails to verify his or her registration  
35 every 90 days as required pursuant to subparagraph (E) of  
36 paragraph (1) of subdivision (a), shall be punished by  
37 imprisonment in the state prison, or in a county jail not exceeding  
38 one year.

39 (6) Except as otherwise provided in paragraph (5), ~~and in~~  
40 ~~addition to any other penalty imposed under this subdivision,~~ any



1 person who is required *to register or reregister* pursuant to *clause*  
2 *(i) of subparagraph (C) of paragraph (1) of subdivision (a) to*  
3 ~~update his or her registration every 60 days and willfully fails to~~  
4 ~~update his or her registration~~ *comply with the requirement that he*  
5 *or she reregister no less than every 30 days is guilty of a*  
6 *misdemeanor and shall be punished by imprisonment in a county*  
7 ~~jail not exceeding six months. Any subsequent violation of this~~  
8 ~~requirement that persons described in~~ *at least 30 days, but not*  
9 *exceeding six months. A person who willfully fails to comply with*  
10 *the requirement that he or she reregister no less than every 30 days*  
11 *shall not be charged with this violation more often than once for*  
12 *a failure to register in any period of 90 days. Any person who*  
13 *willfully commits a third or subsequent violation of the*  
14 *requirements of subparagraph (C) of paragraph (1) of subdivision*  
15 ~~(a) shall update their registration every 60 days is also a~~  
16 ~~misdemeanor and shall be punished by imprisonment in a county~~  
17 ~~jail not exceeding six months that he or she reregister no less than~~  
18 *every 30 days shall be punished in accordance with either*  
19 *paragraph (1) or (2) of this subdivision.*

20 (7) Any person who fails to provide proof of residence as  
21 required by subparagraph (E) of paragraph (2) of subdivision (e),  
22 regardless of the offense upon which the duty to register is based,  
23 is guilty of a misdemeanor punishable by imprisonment in a  
24 county jail not exceeding six months.

25 (8) Any person who is required to register under this section  
26 who willfully violates any requirement of this section is guilty of  
27 a continuing offense *as to each requirement he or she violated.*

28 (9) *In addition to any other penalty imposed under this*  
29 *subdivision, the failure to provide information required on*  
30 *registration and reregistration forms of the Department of Justice,*  
31 *or the provision of false information, is a crime punishable by*  
32 *imprisonment in a county jail for a period not exceeding one year.*

33 (h) Whenever any person is released on parole or probation and  
34 is required to register under this section but fails to do so within  
35 the time prescribed, the parole authority, the Youthful Offender  
36 Parole Board, or the court, as the case may be, shall order the  
37 parole or probation of the person revoked. For purposes of this  
38 subdivision, “parole authority” has the same meaning as  
39 described in Section 3000.



1 (i) Except as provided in Sections ~~290.4 and~~ 290.01, 290.4,  
2 290.45, and 290.46, the statements, photographs, and fingerprints  
3 required by this section shall not be open to inspection by the  
4 public or by any person other than a regularly employed peace  
5 officer or other law enforcement officer.

6 (j) In any case in which a person who would be required to  
7 register pursuant to this section for a felony conviction is to be  
8 temporarily sent outside the institution where he or she is confined  
9 on any assignment within a city or county including firefighting,  
10 disaster control, or of whatever nature the assignment may be, the  
11 local law enforcement agency having jurisdiction over the place  
12 or places where the assignment shall occur shall be notified within  
13 a reasonable time prior to removal from the institution. This  
14 subdivision shall not apply to any person who is temporarily  
15 released under guard from the institution where he or she is  
16 confined.

17 (k) As used in this section, “mentally disordered sex offender”  
18 includes any person who has been determined to be a sexual  
19 psychopath or a mentally disordered sex offender under any  
20 provision which, on or before January 1, 1976, was contained in  
21 Division 6 (commencing with Section 6000) of the Welfare and  
22 Institutions Code.

23 (l) (1) Every person who, prior to January 1, 1997, is required  
24 to register under this section, shall be notified whenever he or she  
25 next reregisters of the reduction of the registration period from 14  
26 to ~~five~~ 5 working days. This notice shall be provided in writing by  
27 the registering agency or agencies. Failure to receive this  
28 notification shall be a defense against the penalties prescribed by  
29 subdivision (g) if the person did register within 14 days.

30 (2) Every person who, as a sexually violent predator, as defined  
31 in Section 6600 of the Welfare and Institutions Code, is required  
32 to verify his or her registration every 90 days, shall be notified  
33 wherever he or she next registers of his or her increased  
34 registration obligations. This notice shall be provided in writing by  
35 the registering agency or agencies. Failure to receive this notice  
36 shall be a defense against the penalties prescribed by paragraph (5)  
37 of subdivision (g).

38 (m) The registration provisions of this section are applicable to  
39 every person described in this section, without regard to when his  
40 or her *crime or crimes* were committed or his or her duty to register



1 pursuant to this section arose, and to every offense described in this  
2 section, regardless of when it was committed.

3 SEC. 2. Section 290.4 of the Penal Code is amended to read:

4 290.4. (a) (1) The Department of Justice shall continually  
5 compile information as described in paragraph (2) regarding any  
6 person required to register under Section 290 for a conviction of  
7 Section 207 or 209 committed with the intent to violate Section  
8 261, 286, 288, 288a, or 289; Section 220, except assault to commit  
9 mayhem; Section 243.4, provided that the offense is a felony;  
10 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;  
11 Section 264.1; Section 266, provided that the offense is a felony;  
12 Section 266c, provided that the offense is a felony; Section 266j;  
13 Section 267; Section 269; paragraph (1) of subdivision (b) of  
14 Section 286, provided that the offense is a felony; paragraph (2)  
15 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of  
16 Section 286; Section 288; aragraph (1) of subdivision (b) of  
17 Section 288a, provided that the offense is a felony; paragraph (2)  
18 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;  
19 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of  
20 Section 289, provided that the offense is a felony; subdivision (i)  
21 or (j) of Section 289; Section 647.6; or the attempted commission  
22 of any of these offenses; or the statutory predecessor of any of  
23 these offenses or any offense which, if committed or attempted in  
24 this state, would have been punishable as one or more of the  
25 offenses described in this section. This requirement shall not be  
26 applied to a person whose duty to register has been terminated  
27 pursuant to paragraph (5) of subdivision (d) of Section 290, or to  
28 a person who has been relieved of his or her duty to register under  
29 Section 290.5.

30 (2) The information shall be categorized by community of  
31 residence and ZIP Code. The information shall include the names  
32 and known aliases of the person, a photograph, a physical  
33 description, gender, race, date of birth, the criminal history, and the  
34 address, including ZIP Code, in which the person resides, and any  
35 other information that the Department of Justice deems relevant,  
36 not including information that would identify the victim.

37 (3) The department shall operate a “900” telephone number  
38 that members of the public may call and inquire whether a named  
39 individual is listed among those described in this subdivision. The  
40 caller shall furnish his or her first name, middle initial, and last



1 name. The department shall ascertain whether a named person  
2 reasonably appears to be a person so listed and provide the caller  
3 with the information described in paragraph (2), except the  
4 department shall not disclose the name or address of a listed  
5 person's employer, or the street address or criminal history of a  
6 person listed, except to disclose the ZIP Code area in which the  
7 person resides and to describe the specific crimes for which the  
8 registrant was required to register. The department shall decide  
9 whether the named person reasonably appears to be a person listed,  
10 based upon information from the caller providing information that  
11 shall include (A) an exact street address, including apartment  
12 number, social security number, California driver's license or  
13 identification number, or birth date along with additional  
14 information that may include any of the following: name, hair  
15 color, eye color, height, weight, distinctive markings, ethnicity; or  
16 (B) any combination of at least six of the above-listed  
17 characteristics if an exact birth date or address is not available. If  
18 three of the characteristics provided include ethnicity, hair color,  
19 and eye color, a seventh identifying characteristic shall be  
20 provided. Any information identifying the victim by name, birth  
21 date, address, or relation to the registrant shall be excluded by the  
22 department.

23 (4) (A) The department shall provide a CD-ROM or other  
24 electronic medium containing the information described in  
25 paragraph (2), except the name or address of a listed person's  
26 employer, or the listed person's street address and criminal history  
27 other than the specific crimes for which the person was required  
28 to register, for all persons described in paragraph (1) of subdivision  
29 (a), and shall update and distribute the CD-ROM or other  
30 electronic medium, to the sheriff's department in each county,  
31 municipal police departments of cities with a population of more  
32 than 200,000, and each law enforcement agency listed in  
33 subparagraph (I) of paragraph (1) of subdivision (b) of Section  
34 290.45, except that school district police departments may receive  
35 the information only upon request. These law enforcement  
36 agencies may obtain additional copies by purchasing a yearly  
37 subscription to the CD-ROM or other electronic medium from the  
38 Department of Justice for a yearly subscription fee. The  
39 Department of Justice, the sheriffs' departments, and the  
40 municipal police departments of cities with a population of more



1 than 200,000 shall make, and the other law enforcement agencies  
2 may make, the CD-ROM or other electronic medium available for  
3 viewing by the public in accordance with the following: The  
4 agency may require that a person applying to view the CD-ROM  
5 or other electronic medium express an articulable purpose in order  
6 to have access thereto. The applicant shall provide identification  
7 in the form of a California driver's license, California  
8 identification card, or military identification card and orders with  
9 proof of permanent assignment or attachment to a military  
10 command or vessel in California, showing the applicant to be at  
11 least 18 years of age. The applicant shall sign a statement, on a  
12 form provided by the Department of Justice, stating that the  
13 applicant is not a registered sex offender, that he or she understands  
14 the purpose of the release of information is to allow members of  
15 the public to protect themselves and their children from sex  
16 offenders, and he or she understands it is unlawful to use  
17 information obtained from the CD-ROM or other electronic  
18 medium to commit a crime against any registrant or to engage in  
19 illegal discrimination or harassment of any registrant. The signed  
20 statement shall be maintained in a file in the designated law  
21 enforcement agency's office. A person under 18 years of age may  
22 accompany an applicant who is that person's parent or legal  
23 guardian for the purpose of viewing the CD-ROM or other  
24 electronic medium.

25 (B) The records of persons requesting to view the CD-ROM or  
26 other electronic medium are confidential, except that a copy of the  
27 applications requesting to view the CD-ROM or other electronic  
28 medium may be disclosed to law enforcement agencies for law  
29 enforcement purposes.

30 (C) Any information identifying the victim by name, birth date,  
31 address, or relationship to the registrant shall be excluded from the  
32 CD-ROM or other electronic medium.

33 (5) (A) The income from the operation of the "900" telephone  
34 number shall be deposited in the Sexual Predator Public  
35 Information Account within the Department of Justice for the  
36 purpose of the implementation of this section by the Department  
37 of Justice, including all actual and reasonable costs related to  
38 establishing and maintaining the information described in  
39 subdivision (a) and the CD-ROM or other electronic medium  
40 described in this subdivision.



1 (B) The moneys in the Sexual Predator Public Information  
2 Account shall consist of income from the operation of the “900”  
3 telephone number program authorized by this section, proceeds of  
4 the loan made pursuant to Section 6 of the act adding this section,  
5 and any other funds made available to the account by the  
6 Legislature. Moneys in the account shall be available to the  
7 Department of Justice upon appropriation by the Legislature for  
8 the purpose specified in subparagraph (A).

9 (C) When the “900” telephone number is called, a preamble  
10 shall be played before charges begin to accrue. The preamble shall  
11 run at least the length of time required by federal law and shall  
12 provide the following information:

13 (i) Notice that the caller’s telephone number will be recorded.

14 (ii) The charges for use of the “900” telephone number.

15 (iii) Notice that the caller is required to identify himself or  
16 herself to the operator.

17 (iv) Notice that the caller is required to be 18 years of age or  
18 older.

19 (v) A warning that it is illegal to use information obtained  
20 through the “900” telephone number to commit a crime against  
21 any registrant or to engage in illegal discrimination or harassment  
22 against any registrant.

23 (vi) Notice that the caller is required to have the birth date,  
24 California driver’s license or identification number, social security  
25 number, address, or other identifying information regarding the  
26 person about whom information is sought in order to achieve a  
27 positive identification of that person.

28 (vii) A statement that the number is not a crime hotline and that  
29 any suspected criminal activity should be reported to local  
30 authorities.

31 (viii) A statement that the caller should have a reasonable  
32 suspicion that a person is at risk.

33 (D) The Department of Justice shall expend no more than six  
34 hundred thousand dollars (\$600,000) per year from any moneys  
35 appropriated by the Legislature from the account.

36 (b) (1) Any person who uses information disclosed pursuant to  
37 this section to commit a felony shall be punished, in addition and  
38 consecutive to, any other punishment, by a five-year term of  
39 imprisonment in the state prison.



1 (2) Any person who, without authorization, uses information  
2 disclosed pursuant to this section to commit a misdemeanor shall  
3 be subject to, in addition to any other penalty or fine imposed, a  
4 fine of not less than five hundred dollars (\$500) and not more than  
5 one thousand dollars (\$1,000).

6 (c) The record of the compilation of offender information on  
7 each CD-ROM or other electronic medium distributed pursuant to  
8 this section shall be used only for law enforcement purposes and  
9 the public safety purposes specified in this section and Sections  
10 290 and 290.45. This record shall not be distributed or removed  
11 from the custody of the law enforcement agency that is authorized  
12 to retain it. Information obtained from this record shall be  
13 disclosed to a member of the public only as provided in this  
14 section, Section 290, 290.45, or any other statute expressly  
15 authorizing it.

16 Any person who copies, distributes, discloses, or receives this  
17 record or information from it, except as authorized by law, is guilty  
18 of a misdemeanor, punishable by imprisonment in a county jail not  
19 to exceed six months, or by a fine not exceeding one thousand  
20 dollars (\$1,000), or by both that imprisonment and fine. This  
21 subdivision shall not apply to a law enforcement officer who  
22 makes a copy as part of his or her official duties in the course of  
23 a criminal investigation, court case, or as otherwise authorized by  
24 subdivision (b) of Section 290.45. This subdivision shall not  
25 prohibit copying information by handwriting.

26 Notwithstanding Section 6254.5 of the Government Code,  
27 disclosure of information pursuant to this section is not a waiver  
28 of exemptions under Chapter 3.5 (commencing with Section  
29 6250) of Title 1 of Division 7 of the Government Code and does  
30 not affect other statutory restrictions on disclosure in other  
31 situations.

32 (d) Unauthorized removal or destruction of the CD-ROM or  
33 other electronic medium from the offices of any law enforcement  
34 agency is a misdemeanor, punishable by imprisonment in a county  
35 jail not to exceed one year, or by a fine not exceeding one thousand  
36 dollars (\$1,000), or by both that imprisonment and fine.

37 (e) (1) A person is authorized to use information disclosed  
38 pursuant to this section only to protect a person at risk.

39 This section shall not affect authorized access to, or use of,  
40 information pursuant to, among other provisions, Sections 11105



1 and 11105.3 of this code, Section 226.55 of the Civil Code,  
2 Sections 777.5 and 14409.2 of the Financial Code, Sections  
3 1522.01 and 1596.871 of the Health and Safety Code, and Section  
4 432.7 of the Labor Code.

5 (2) Except as authorized under paragraph (1) or any other  
6 provision of law, use of any information that is disclosed pursuant  
7 to this section for purposes relating to any of the following is  
8 prohibited:

9 (A) Health insurance.

10 (B) Insurance.

11 (C) Loans.

12 (D) Credit.

13 (E) Employment.

14 (F) Education, scholarships, or fellowships.

15 (G) Housing or accommodations.

16 (H) Benefits, privileges, or services provided by any business  
17 establishment.

18 (3) (A) Any use of information disclosed pursuant to this  
19 section for purposes other than those provided by paragraph (1) or  
20 in violation of paragraph (2) shall make the user liable for the  
21 actual damages, and any amount that may be determined by a jury  
22 or a court sitting without a jury, not exceeding three times the  
23 amount of actual damage, and not less than two hundred fifty  
24 dollars (\$250), and attorney's fees, exemplary damages, or a civil  
25 penalty not exceeding twenty-five thousand dollars (\$25,000).

26 (B) Whenever there is reasonable cause to believe that any  
27 person or group of persons is engaged in a pattern or practice of  
28 misuse of the "900" telephone number in violation of paragraph  
29 (2), the Attorney General, any district attorney, or city attorney, or  
30 any person aggrieved by the misuse of that number is authorized  
31 to bring a civil action in the appropriate court requesting  
32 preventive relief, including an application for a permanent or  
33 temporary injunction, restraining order, or other order against the  
34 person or group of persons responsible for the pattern or practice  
35 of misuse. The foregoing remedies shall be independent of any  
36 other remedies or procedures that may be available to an aggrieved  
37 party under other provisions of law, including Part 2 (commencing  
38 with Section 43) of Division 1 of the Civil Code.

39 (f) This section shall not be deemed to authorize the  
40 publication, distribution, or disclosure of the address of any person



1 about whom information can be published, distributed, or  
2 disclosed pursuant to this section.

3 (g) Community notification shall be governed by Section  
4 290.45.

5 (h) Any law enforcement agency and employees of any law  
6 enforcement agency shall be immune from liability for good faith  
7 conduct under this section. For the purposes of this section, “law  
8 enforcement agency” means the Attorney General of California,  
9 every district attorney, the Department of Corrections, the  
10 Department of the Youth Authority, and every state or local agency  
11 expressly authorized by statute to investigate or prosecute law  
12 violators.

13 (i) The registration and public notification provisions of this  
14 section are applicable to every person described in these sections,  
15 without regard to when his or her crimes were committed or his or  
16 her duty to register pursuant to Section 290 arose, and to every  
17 offense described in these sections, regardless of when it was  
18 committed.

19 (j) The Department of Justice shall mail an informational  
20 pamphlet to any member of the public who makes an inquiry using  
21 the “900” telephone number required by this section and who  
22 provides an address. The pamphlet shall provide basic information  
23 concerning appropriate steps parents, guardians, and other  
24 responsible adults can take to ensure a child is safe from a  
25 suspected child molester, including, but not limited to, how to  
26 identify suspicious activity by an adult, common facts and myths  
27 about child molesters, and how to obtain additional help and  
28 information. A notice to callers to the “900” telephone number  
29 that they will receive the pamphlet, if an address is provided, shall  
30 be included in the preamble required by this section.

31 (k) On or before July 1, 2001, and every year thereafter, the  
32 Department of Justice shall make a report to the Legislature  
33 concerning the operation of this section.

34 (l) Agencies disseminating information to the public pursuant  
35 to this section shall maintain records of those persons requesting  
36 to view the CD-ROM or other electronic media for a minimum of  
37 five years.

38 (m) This section shall remain operative only until January 1,  
39 2007, and as of that date is repealed, unless a later enacted statute,



1 which becomes effective on or before that date, deletes or extends  
2 that date.

3 SEC. 3. (a) *Section 1.1 of this bill incorporates amendments*  
4 *to Section 290 of the Penal Code proposed by this bill and required*  
5 *by the enactment of AB 488. It shall only become operative if (1)*  
6 *both bills are enacted and become effective on or before January*  
7 *1, 2005, (2) this bill amends Section 290 of the Penal Code and AB*  
8 *488 adds Section 290.46 to the Penal Code, (3) and neither AB*  
9 *2395, nor AB 2527 are enacted or as enacted do not amend that*  
10 *section, in which case Sections 1, 1.2, 1.3, 1.4, 1.5, 1.6, and 1.7 of*  
11 *this bill shall not become operative.*

12 (b) *Section 1.2 of this bill incorporates amendments to Section*  
13 *290 of the Penal Code proposed by both this bill and AB 2395. It*  
14 *shall only become operative if (1) both bills are enacted and*  
15 *become effective on or before January 1, 2005, (2) each bill*  
16 *amends Section 290 of the Penal Code, (3) neither AB 488, nor AB*  
17 *2527 are enacted or as enacted, AB 2527 does not amend that*  
18 *section and AB 488 does not add Section 290.46 to the Penal Code,*  
19 *and (4) this bill is enacted after AB 2395, in which case Sections*  
20 *1, 1.1, 1.3, 1.4, 1.5, 1.6, and 1.7 of this bill shall not become*  
21 *operative.*

22 (c) *Section 1.3 of this bill incorporated amendments to Section*  
23 *290 of the Penal Code proposed by both this bill and AB 2527. It*  
24 *shall only become operative if (1) both bills are enacted and*  
25 *become effective on or before January 1, 2005, (2) each bill*  
26 *amends Section 290 of the Penal Code, (3) neither AB 488, nor AB*  
27 *2395 are enacted or as enacted AB 2395 does not amend that*  
28 *section and AB 488 does not add Section 290.46 to the Penal Code,*  
29 *and (4) this bill is enacted after AB 2527, in which case Sections*  
30 *1, 1.1, 1.2, 1.4, 1.5, 1.6, and 1.7 of this bill shall not become*  
31 *operative.*

32 (d) *Section 1.4 of this bill incorporates amendments to Section*  
33 *290 of the Penal Code proposed by this bill and AB 2395, and*  
34 *required by the enactment of AB 488. It shall only become*  
35 *operative if (1) all three bills are enacted and become effective on*  
36 *or before January 1, 2005, (2) this bill and AB 2395 amend Section*  
37 *290 of the Penal Code and AB 488 adds Section 290.46 to the*  
38 *Penal Code, (3) AB 2527 is not enacted or as enacted does not*  
39 *amend Section 290 of the Penal Code, and (4) this bill is enacted*



1 after AB 2395, in which case Sections 1, 1.1, 1.2, 1.3, 1.5, 1.6, and  
2 1.7 of this bill shall not become operative.

3 (e) Section 1.5 of this bill incorporated amendments to Section  
4 290 of the Penal Code proposed by this bill, AB 2395, and AB  
5 2527. It shall only become operative if (1) all three bills are  
6 enacted and become effective on or before January 1, 2005, (2) all  
7 three bills amend Section 290 of the Penal Code, (3) this bill is  
8 enacted after AB 2395, and AB 2527, and (4) AB 488 is not  
9 enacted, or as enacted does not add Section 290.46 to the Penal  
10 Code, in which case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.6, and 1.7 of  
11 this bill shall not become operative.

12 (f) Section 1.6 of this bill incorporates amendments to Section  
13 290 of the Penal Code proposed by this bill and AB 2527, and  
14 required by the enactment of AB 488. It shall only become  
15 operative if (1) all three bills are enacted and become effective on  
16 or before January 1, 2005, (2) this bill and AB 2527 amend Section  
17 290 of the Penal Code, (3) AB 488 adds Section 290.46 to the  
18 Penal Code, (4) AB 2395 is not enacted or as enacted does not  
19 amend Section 290 of the Penal Code, and (5) this bill is enacted  
20 after AB 2527, in which case Sections 1, 1.1, 1.2, 1.3, 1.4, 1.5, and  
21 1.7 of this bill shall not become operative.

22 (g) Section 1.7 of this bill incorporated amendments to Section  
23 290 of the Penal Code proposed by this bill, AB 2395, and AB  
24 2527, and required by the enactment of AB 488. It shall only  
25 become operative if (1) all four bills are enacted and become  
26 effective on or before January 1, 2005, (2) this bill, AB 2395, and  
27 AB 2527 amend Section 290 of the Penal Code, (3) AB 488 adds  
28 Section 290.46 to the Penal Code, and (4) this bill is enacted after  
29 AB 2395 and AB 2527, in which case Sections 1, 1.1, 1.2, 1.3, 1.4,  
30 1.5, and 1.6 of this bill shall not become operative.

31 SEC. 4. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution for  
33 certain costs that may be incurred by a local agency or school  
34 district because in that regard this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within  
38 the meaning of Section 6 of Article XIII B of the California  
39 Constitution.



1 However, notwithstanding Section 17610 of the Government  
2 Code, if the Commission on State Mandates determines that this  
3 act contains other costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code. If the statewide cost of the  
7 claim for reimbursement does not exceed one million dollars  
8 (\$1,000,000), reimbursement shall be made from the State  
9 Mandates Claims Fund.

10 ~~SEC. 4. Section 1.5 of this bill shall only become operative if~~  
11 ~~this bill and AB 488 are enacted and become effective on or before~~  
12 ~~January 1, 2005, in which case Section 1 of this bill shall not~~  
13 ~~become operative.~~

