

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Vargas

February 3, 2005

An act to add Article 6.5 (commencing with Section 1312) to Chapter 2 of Division 2 of the Health and Safety Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as introduced, Vargas. Sex offenders: nursing facilities.

Existing law regulates the licensure and operation of health facilities, including long-term health care facilities, as defined. A violation of these provisions is a crime.

Existing law separately requires a person who has committed one or more designated sex crimes to register with the law enforcement agency of the city, county, city and county, or campus in which the person resides.

Existing law requires every person released on probation or parole who is required to register as a sex offender to provide proof of registration to his or her probation officer or parole agent within 6 working days of release on probation or parole, and requires the registering law enforcement agency to provide the registrant with a photocopy of the registration for this purpose, or for purposes of any other provision of law.

This bill would require the official in charge of the confinement of a person who is required to register as a sex offender who is to be released to reside at a long-term health care facility to notify the facility in writing of the person's release to the facility, at least 45 days before the release. The bill would require the released sex offender to provide the facility with written notification that the

person is a sex offender and will be residing in the facility, and proof of registration as a sex offender. The bill would require the facility to immediately notify its full-time employees and its residents, or residents’ responsible parties, that the person is a registered sex offender and will be residing in the facility.

By changing the definition of a crime with respect to the operation of long-term health care facilities and reporting duties of released sex offenders, and by increasing the duties of local law enforcement, this bill would impose a state-mandated local program.

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.

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. Article 6.5 (commencing with Section 1312) is
2 added to Chapter 2 of Division 2 of the Health and Safety Code,
3 to read:

4
5 Article 6.5. Release of Sex Offender to Long-Term Health
6 Care Facility
7

8 1312. (a) At least 45 days before a person who is required to
9 register as a sex offender under Section 290 of the Penal Code is
10 released into a long-term health care facility, as defined in
11 Section 1418 the Department of Corrections, Department of
12 Mental Health, California Youth Authority, or other official in
13 charge of the place of confinement, shall notify the facility, in
14 writing, that the sex offender is being released to reside at the
15 facility.

1 (b) (1) A person who is required to register as a sex offender
2 under Section 290 of the Penal Code who is being released into a
3 long-term health care facility, on the same date the person
4 registers as a sex offender, shall notify the facility, in writing,
5 that he or she is a registered sex offender and that he or she will
6 be residing at the facility, and shall provide the facility with
7 proof of registration.

8 (2) For purposes of this section, “proof of registration” means
9 a photocopy of the actual registration form. A law enforcement
10 agency that registers an individual as a sex offender pursuant to
11 Section 290 who is released on probation or parole and is
12 therefore subject to this section shall provide that individual with
13 proof of his or her registration free of charge when requested by
14 the registrant to fulfill the requirements of this section.

15 (c) Immediately upon receiving the notice described in
16 subdivision (b), the facility shall provide written notice to the
17 following that the person is a sex offender and is being released
18 to reside at the facility:

19 (1) All full-time employees.

20 (2) Each resident, or the resident’s responsible person, if the
21 resident is unable to read and understand the notice.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution for
24 certain costs that may be incurred by a local agency or school
25 district because, in that regard, this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.

31 However, if the Commission on State Mandates determines
32 that this act contains other costs mandated by the state,
33 reimbursement to local agencies and school districts for those
34 costs shall be made pursuant to Part 7 (commencing with Section
35 17500) of Division 4 of Title 2 of the Government Code.