

AMENDED IN ASSEMBLY MAY 26, 2005
AMENDED IN ASSEMBLY MARCH 31, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Vargas
(Principal coauthor: ~~Assembly Member Berg~~ coauthors: *Assembly Members Berg and Cohn*)
(Coauthors: Assembly Members Bermudez, DeVore, Shirley Horton, Koretz, Sharon Runner, Ruskin, Salinas, and Spitzer)
(Coauthors: Senators Dutton and Morrow)

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 amended, 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 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 or reregistration 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.~~

Before a person who is required to register as a sex offender is released into a long-term health care facility, this bill would require the Department of Corrections, Department of Mental Health, California Youth Authority, or other official in charge of the place of confinement to notify the long-term health care facility in writing that the person is being released to reside at 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.~~

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

16 ~~(b) (1) A person who is required to register as a sex offender~~
17 ~~under Section 290 of the Penal Code, on the same date the~~
18 ~~person registers as a sex offender, shall notify a long-term health~~
19 ~~care facility, in writing, that he or she is a registered sex offender~~
20 ~~and that he or she will be residing at the facility, and shall~~
21 ~~provide the facility with proof of registration or reregistration.~~

22 ~~(2) For purposes of this section, "proof of registration or~~
23 ~~reregistration" means a photocopy of the actual registration or~~
24 ~~reregistration form. A law enforcement agency that registers an~~
25 ~~individual as a sex offender pursuant to Section 290 who is~~
26 ~~released on probation or parole and is therefore subject to this~~
27 ~~section shall provide that individual with proof of his or her~~
28 ~~registration or reregistration free of charge when requested by the~~
29 ~~registrant to fulfill the requirements of this section.~~

30 ~~(e) Immediately upon receiving the notices described in~~
31 ~~subdivisions (a) and (b), the facility shall provide written notice~~
32 ~~to the following that the person is a sex offender and is being~~
33 ~~released to reside at the facility:~~

- 1 ~~(1) All full-time employees.~~
- 2 ~~(2) Each resident, or the resident’s responsible person, if the~~
- 3 ~~resident is unable to read and understand the notice.~~

4 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution for~~
6 ~~certain costs that may be incurred by a local agency or school~~
7 ~~district because, in that regard, this act creates a new crime or~~
8 ~~infraction, eliminates a crime or infraction, or changes the~~
9 ~~penalty for a crime or infraction, within the meaning of Section~~
10 ~~17556 of the Government Code, or changes the definition of a~~
11 ~~crime within the meaning of Section 6 of Article XIII B of the~~
12 ~~California Constitution.~~

13 ~~However, if the Commission on State Mandates determines~~
14 ~~that this act contains other costs mandated by the state,~~
15 ~~reimbursement to local agencies and school districts for those~~
16 ~~costs shall be made pursuant to Part 7 (commencing with Section~~
17 ~~17500) of Division 4 of Title 2 of the Government Code.~~

18 ~~SEC. 2. *If the Commission on State Mandates determines that*~~
19 ~~*this act contains costs mandated by the state, reimbursement to*~~
20 ~~*local agencies and school districts for those costs shall be made*~~
21 ~~*pursuant to Part 7 (commencing with Section 17500) of Division*~~
22 ~~*4 of Title 2 of the Government Code.*~~