

ASSEMBLY BILL

No. 1323

Introduced by Assembly Member Vargas

February 22, 2005

An act to amend Section 2079.10a of the Civil Code, to amend Section 1522.01 of the Health and Safety Code, and to amend Sections 290, 290.01, 290.4, 290.45, 290.46, 290.5, 290.6, 666.7, and 1170.11 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1323, as introduced, Vargas. Registered sex offenders.

Pursuant to existing law, information about registered sex offenders is made available by the Department of Justice via an Internet Web site.

This bill would make conforming changes in provisions of law regarding notices to be included in lease or rental agreements, or contracts for sale of residential real property, and required disclosures of an operator of a community care facility that accepts a registered sex offender as a client, as specified.

Existing law provides that certain information regarding a registered sex offender on a university, college, or community college campus may be released to members of the campus community.

This bill would clarify that this information will be made available regarding registered sex offenders as to whom information is not available to the public via the Department of Justice Internet Web site.

Existing law, operative until July 1, 2007, requires the Department of Justice to continually compile information about certain registered sex offenders categorized by community of residence and ZIP Code, as specified, and to make that information available to the public via a

CD-ROM that can be reviewed at local law enforcement agencies. Existing law also requires the department to operate a “900” telephone number that members of the public may call to inquire whether a named individual is among those registered sex offenders about whom information is made available.

This bill would delete these provisions. This bill would instead require the department to operate a service through which members of the public may make an inquiry, regarding at least 6 individuals, as to whether a particular individual is required to register as a sex offender and is subject to public notification, as specified. This bill would provide that the department may establish a fee for these requests which shall be deposited into the Sexual Predator Public Information Account within the Department of Justice. This bill would also provide that misuse of the information provided by the service is a crime punishable as specified.

Because this bill would change the definition of a crime, this bill would impose a state-mandated local program.

Existing law provides that whenever a peace officer reasonably suspects that a child or other person is at risk from a sex offender, a law enforcement agency may provide information about that registered sex offender to persons, agencies, or organizations that the offender is likely to encounter, as specified. Existing law also provides that a designated law enforcement agency may advise the public of the presence of high-risk sex offenders in its community, as specified.

This bill would instead provide that any designated law enforcement entity may provide information to the public about a registered sex offender by whatever means the entity deems appropriate when necessary to ensure the public safety, however it may not authorize disclosure of this information by another on an Internet Web site.

Existing law requires the Department of Justice to make available information concerning persons who are required to register as sex offenders available to the public via an Internet Web site that includes either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides. Existing law provides that it is a crime, punishable as specified, for a person who is required to register pursuant to this section to enter the department Web site.

This bill would provide that if the offender is registered as a transient, the county in which a person registered will be provided on the Internet Web site. This bill would make other conforming changes

to these provisions. This bill would provide that a designated law enforcement entity may make information concerning registered sex offenders available via an Internet Web site. This bill would provide that it is a crime for a person who is required to register as a sex offender to enter any Web site established pursuant to these provisions.

Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

This bill would make other conforming changes.

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 no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 2079.10a of the Civil Code is amended
2 to read:

3 2079.10a. (a) Every lease or rental agreement for residential
4 real property and every contract for sale of residential real
5 property comprising one to four dwelling units, shall contain, in
6 not less than eight-point type, the following notice:

7
8 Notice:~~The California Department of Justice, sheriff's~~
9 ~~departments, police departments serving jurisdictions of 200,000~~
10 ~~or more and many other local law enforcement authorities~~
11 ~~maintain for public access a data base of the locations of persons~~
12 ~~required to register pursuant to paragraph (1) of subdivision (a)~~
13 ~~of Section 290.4 of the Penal Code. The data base is updated on~~
14 ~~a quarterly basis and a source of information about the presence~~
15 ~~of these individuals in any neighborhood. The Department of~~
16 ~~Justice also maintains a Sex Offender Identification Line through~~
17 ~~which inquiries about individuals may be made. This is a "900"~~
18 ~~telephone service. Callers must have specific information about~~

1 individuals they are checking. Information regarding
2 neighborhoods is not available through the “900” telephone
3 service. Pursuant to Section 290.46 of the Penal Code,
4 information about specified registered sex offenders is made
5 available to the public via an Internet Web site maintained by the
6 Department of Justice at www.meganslaw.ca.gov. Depending on
7 an offender’s criminal history, this information will include
8 either the address at which the offender resides or the community
9 of residence and ZIP Code in which he or she resides.

10 (b) Subject to subdivision (c), upon delivery of the notice to
11 the lessee or transferee of the real property, the lessor, seller, or
12 broker is not required to provide information in addition to that
13 contained in the notice regarding the proximity of registered sex
14 offenders. The information in the notice shall be deemed to be
15 adequate to inform the lessee or transferee about the existence of
16 a statewide data base of the locations of registered sex offenders
17 and information from the data base regarding those locations.
18 The information in the notice shall not give rise to any cause of
19 action against the disclosing party by a registered sex offender.

20 (c) Notwithstanding subdivisions (a) and (b), nothing in this
21 section shall alter any existing duty of the lessor, seller, or broker
22 under any other statute or decisional law including, but not
23 limited to, the duties of a lessor, seller, or broker under this
24 article, or the duties a seller or broker under Article 1.5
25 (commencing with Section 1102) or Chapter 2 of Title 4 of Part
26 4 of Division 2.

27 (d) Subdivision (a) of this section shall apply only to written
28 agreements and contracts that are entered into by the parties on or
29 after July 1, 1999.

30 SEC. 2. Section 1522.01 of the Health and Safety Code is
31 amended to read:

32 1522.01. (a) Any person required to be registered as a sex
33 offender under Section 290 of the Penal Code shall disclose this
34 fact to the licensee of a community care facility before becoming
35 a client of that facility. A community care facility client who fails
36 to disclose to the licensee his or her status as a registered sex
37 offender shall be guilty of a misdemeanor punishable pursuant to
38 subdivision (a) of Section 1540. The community care facility
39 licensee shall not be liable if the client who is required to register
40 as a sex offender fails to disclose this fact to the community care

1 facility licensee. However, this immunity does not apply if the
2 community care facility licensee knew that the client is required
3 to register as a sex offender.

4 (b) Any person or persons operating a community care facility
5 pursuant to this chapter that accepts as a client an individual who
6 is required to be registered as a sex offender under Section 290 of
7 the Penal Code, shall confirm or deny whether any client of the
8 facility is a registered sex offender in response to any person who
9 inquires whether any client of the facility is a registered sex
10 offender and who meets any of the following criteria:

11 (1) The person is the parent, family member, or guardian of a
12 child residing within a one-mile radius of the facility.

13 (2) The person occupies a personal residence within a
14 one-mile radius of the facility.

15 (3) The person operates a business within a one-mile radius of
16 the facility.

17 (4) The person is currently a client within the facility or a
18 family member of a client within the facility.

19 (5) The person is applying for placement in the facility, or
20 placement of a family member in the facility.

21 (6) The person is arranging for a client to be placed in the
22 facility.

23 (7) The person is a law enforcement officer.

24 If the community care facility licensee indicates a client is a
25 registered sex offender, the interested person may describe
26 physical characteristics of a client and the facility shall disclose
27 that client's name upon request, if the physical description
28 matches the client. The facility shall also ~~provide the requesting~~
29 ~~party with the 900 telephone number maintained by the~~
30 ~~Department of Justice pursuant to Section 290.4 of the Penal~~
31 ~~Code~~ *advise the interested person that information about*
32 *registered sex offenders is available to the public via the Internet*
33 *Web site maintained by the Department of Justice pursuant to*
34 *Section 290.46 of the Penal Code.*

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

39 (d) Any person who uses information disclosed pursuant to
40 this section to commit a misdemeanor shall be subject to, in

1 addition to any other penalty or fine imposed, a fine of not less
2 than five hundred dollars (\$500) and not more than one thousand
3 dollars (\$1,000).

4 (e) Except as authorized under another provision of law, or to
5 protect a child, use of any of the information disclosed pursuant
6 to this section for the purpose of applying for, obtaining, or
7 denying any of the following, is prohibited:

8 (1) Health insurance.

9 (2) Insurance.

10 (3) Loans.

11 (4) Credit.

12 (5) Employment.

13 (6) Education, scholarships, or fellowships.

14 (7) Benefits, privileges, or services provided by any business
15 establishment.

16 (8) Housing or accommodations.

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

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

38 (h) The civil and criminal penalty money collected pursuant to
39 this section shall be transferred to the Community Care Licensing

1 Division of the State Department of Social Services, upon
2 appropriation by the Legislature.

3 SEC. 3. Section 290 of the Penal Code is amended to read:

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

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

25 (C) Every person described in paragraph (2), for the rest of
26 his or her life while living as a transient in California shall be
27 required to register, as follows:

28 (i) A transient must register, or reregister if the person has
29 previously registered, within five working days from release
30 from incarceration, placement or commitment, or release on
31 probation, pursuant to paragraph (1) of subdivision (a), except
32 that if the person previously registered at a transient less than 30
33 days from the date of his or her release from incarceration, he or
34 she does not need to reregister as a transient until his or her next
35 required 30-day update of registration. If a transient is not
36 physically present in any one jurisdiction for five consecutive
37 working days, he or she must register in the jurisdiction in which
38 he or she is physically present on the fifth working day following
39 release, pursuant to paragraph (1) of subdivision (a). Beginning
40 on or before the 30th day following initial registration upon

1 release, a transient must reregister no less than once every 30
2 days thereafter. A transient shall register with the chief of police
3 of the city in which he or she is physically present within that
4 30-day period, or the sheriff of the county if he or she is
5 physically present in an unincorporated area or city that has no
6 police department, and additionally, with the chief of police of a
7 campus of the University of California, the California State
8 University, or community college if he or she is physically
9 present upon the campus or in any of its facilities. A transient
10 must reregister no less than once every 30 days regardless of the
11 length of time he or she has been physically present in the
12 particular jurisdiction in which he or she reregisters. If a transient
13 fails to reregister within any 30-day period, he or she may be
14 prosecuted in any jurisdiction in which he or she is physically
15 present.

16 (ii) A transient who moves to a residence shall have five
17 working days within which to register at that address, in
18 accordance with subparagraph (A) of paragraph (1) of
19 subdivision (a). A person registered at a residence address in
20 accordance with subparagraph (A) of paragraph (1) of
21 subdivision (a), who becomes transient shall have five working
22 days within which to reregister as a transient in accordance with
23 clause (i).

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

35 (iv) A transient shall, upon registration and reregistration,
36 provide current information as required on the Department of
37 Justice registration forms, and shall also list the places where he
38 or she sleeps, eats, works, frequents, and engages in leisure
39 activities. If a transient changes or adds to the places listed on the

1 form during the 30-day period, he or she does not need to report
2 the new place or places until the next required reregistration.

3 (v) Failure to comply with the requirement of reregistering
4 every 30 days following initial registration pursuant to clause (i)
5 of this subparagraph shall be punished in accordance with
6 paragraph (6) of subdivision (g). Failure to comply with any
7 other requirement of this section shall be punished in accordance
8 with either paragraph (1) or (2) of subdivision (g).

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

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

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

33 (D) Beginning on his or her first birthday following
34 registration or change of address, the person shall be required to
35 register annually, within five working days of his or her birthday,
36 to update his or her registration with the entities described in
37 subparagraph (A). At the annual update, the person shall provide
38 current information as required on the Department of Justice
39 annual update form, including the information described in

1 subparagraphs (A) to (C), inclusive, of paragraph (2) of
2 subdivision (e).

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

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

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

36 (2) The following persons shall be required to register
37 pursuant to paragraph (1):

38 (A) Any person who, since July 1, 1944, has been or is
39 hereafter convicted in any court in this state or in any federal or
40 military court of a violation of Section 207 or 209 committed

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

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

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

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

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

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

4 (iv) Clause (iii) shall not apply to a person required to register
5 in the state of conviction if the conviction was for the equivalent
6 of one of the following offenses, and the person is not subject to
7 clause (i):

8 (I) Indecent exposure, pursuant to Section 314.

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

10 (III) Incest, pursuant to Section 285.

11 (IV) Sodomy, pursuant to Section 286, or oral copulation,
12 pursuant to Section 288a, provided that the offender notifies the
13 Department of Justice that the sodomy or oral copulation
14 conviction was for conduct between consenting adults, as
15 described in subparagraph (F) of paragraph (2) of subdivision (a),
16 and the department is able, upon the exercise of reasonable
17 diligence, to verify that fact.

18 (E) Any person ordered by any court to register pursuant to
19 this section for any offense not included specifically in this
20 section if the court finds 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. The court
23 shall state on the record the reasons for its findings and the
24 reasons for requiring registration.

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

35 (I) The person submits to the Department of Justice official
36 documentary evidence, including court records or police reports,
37 that demonstrate that the person's conviction pursuant to either of
38 those sections was for conduct between consenting adults that
39 was decriminalized; or

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

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

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

1 unsuccessfully to be relieved of their duty to register under this
2 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
13 charge of the place of confinement or hospital, and the official
14 shall require the person to read and sign any form that may be
15 required by the Department of Justice, stating that the duty of the
16 person to register under this section has been explained to the
17 person. The official in charge of the place of confinement or
18 hospital shall obtain the address where the person expects to
19 reside upon his or her discharge, parole, or release and shall
20 report the address to the Department of Justice. The official shall
21 at the same time forward a current photograph of the person to
22 the Department of Justice.

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

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

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

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

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

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

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

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

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

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

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

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

39 (e) (1) On or after January 1, 1998, upon incarceration,
40 placement, or commitment, or prior to release on probation, any

1 person who is required to register under this section shall
2 preregister. The preregistering official shall be the admitting
3 officer at the place of incarceration, placement, or commitment,
4 or the probation officer if the person is to be released on
5 probation. The preregistration shall consist of all of the
6 following:

7 (A) A preregistration statement in writing, signed by the
8 person, giving information that shall be required by the
9 Department of Justice.

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

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

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

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

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

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

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

30 (E) Copies of adequate proof of residence, which shall be
31 limited to a California driver's license, California identification
32 card, recent rent or utility receipt, printed personalized checks or
33 other recent banking documents showing that person's name and
34 address, or any other information that the registering official
35 believes is reliable. If the person has no residence and no
36 reasonable expectation of obtaining a residence in the foreseeable
37 future, the person shall so advise the registering official and shall
38 sign a statement provided by the registering official stating that
39 fact. Upon presentation of proof of residence to the registering
40 official or a signed statement that the person has no residence,

1 the person shall be allowed to register. If the person claims that
2 he or she has a residence but does not have any proof of
3 residence, he or she shall be allowed to register but shall furnish
4 proof of residence within 30 days of the date he or she is allowed
5 to register.

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

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

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

1 1999. The Department of Justice shall forward the change of
2 address information to the agency with which the person last
3 registered.

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

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

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

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

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

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

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

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

23 (6) Except as otherwise provided in paragraph (5), any person
24 who is required to register or reregister pursuant to clause of (i)
25 of subparagraph (C) of paragraph (1) of subdivision (a) and
26 willfully fails to comply with the requirement that he or she
27 reregister no less than every 30 days is guilty of a misdemeanor
28 and shall be punished by imprisonment in a county jail at least 30
29 days, but not exceeding six months. A person who willfully fails
30 to comply with the requirement that he or she reregister no less
31 than every 30 days shall not be charged with this violation more
32 often than once for a failure to register in any period of 90 days.
33 Any person who willfully commits a third or subsequent
34 violation of the requirements of subparagraph (C) of paragraph
35 (1) of subdivision (a) that he or she reregister no less than every
36 30 days shall be punished in accordance with either paragraph (1)
37 of (2) of this subdivision.

38 (7) Any person who fails to provide proof of residence as
39 required by subparagraph (E) of paragraph (2) of subdivision (e),
40 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 (9) In addition to any other penalty imposed under this
7 subdivision, the failure to provide information required on
8 registration and reregistration forms of the Department of Justice,
9 or the provision of false information, is a crime punishable by
10 imprisonment in a county jail for a period not exceeding one
11 year.

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

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

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

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

1 (l) (1) Every person who, prior to January 1, 1997, is required
2 to register under this section, shall be notified whenever he or she
3 next reregisters of the reduction of the registration period from
4 14 to 5 working days. This notice shall be provided in writing by
5 the registering agency or agencies. Failure to receive this
6 notification shall be a defense against the penalties prescribed by
7 subdivision (g) if the person did register within 14 days.

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

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

21 SEC. 4. Section 290.01 of the Penal Code is amended to read:

22 290.01. (a) (1) Commencing October 28, 2002, every person
23 required to register under Section 290 who is enrolled as a
24 student of any university, college, community college, or other
25 institution of higher learning, or is, with or without
26 compensation, a full-time or part-time employee of that
27 university, college, community college, or other institution of
28 higher learning, or is carrying on a vocation at the university,
29 college, community college, or other institution of higher
30 learning, for more than 14 days, or for an aggregate period
31 exceeding 30 days in a calendar year, shall, in addition to the
32 registration required by Section 290, register with the campus
33 police department within five working days of commencing
34 enrollment or employment at that university, college, community
35 college, or other institution of higher learning, on a form as may
36 be required by the Department of Justice. The terms “employed
37 or carries on a vocation” include employment whether or not
38 financially compensated, volunteered, or performed for
39 government or educational benefit. The registrant shall also
40 notify the campus police department within five working days of

1 ceasing to be enrolled or employed, or ceasing to carry on a
2 vocation, at the university, college, community college, or other
3 institution of higher learning.

4 (2) For purposes of this section, a campus police department is
5 a police department of the University of California, California
6 State University, or California Community College, established
7 pursuant to Section 72330, 89560, or 92600 of the Education
8 Code, or is a police department staffed with deputized or
9 appointed personnel with peace officer status as provided in
10 Section 830.6 of the Penal Code and is the law enforcement
11 agency with the primary responsibility for investigating crimes
12 occurring on the college or university campus on which it is
13 located.

14 (b) If the university, college, community college, or other
15 institution of higher learning has no campus police department,
16 the registrant shall instead register pursuant to subdivision (a)
17 with the police of the city in which the campus is located or the
18 sheriff of the county in which the campus is located if the
19 campus is located in an unincorporated area or in a city that has
20 no police department, on a form as may be required by the
21 Department of Justice. The requirements of subdivisions (a) and
22 (b) are in addition to the requirements of Section 290.

23 (c) A first violation of this section is a misdemeanor
24 punishable by a fine not to exceed one thousand dollars (\$1,000).
25 A second violation of this section is a misdemeanor punishable
26 by imprisonment in a county jail for not more than six months,
27 by a fine not to exceed one thousand dollars (\$1,000), or by both
28 that imprisonment and fine. A third or subsequent violation of
29 this section is a misdemeanor punishable by imprisonment in a
30 county jail for not more than one year, by a fine not exceeding
31 one thousand dollars (\$1,000), or by both that imprisonment and
32 fine.

33 (d) (1) (A) The following information regarding a registered
34 sex offender on campus ~~who is not described in paragraph (1) of~~
35 ~~subdivision (a) of Section 290.4~~ *as to whom information shall not*
36 *be made available to the public via the Internet Web site as*
37 *provided in Section 290.46* may be released to members of the
38 campus community by any campus police department or, if the
39 university, college, community college, or other institution of
40 higher learning has no police department, the police department

1 or sheriff's department with jurisdiction over the campus, and
2 any employees of those agencies, as required by Section
3 1092(f)(1)(I) of Title 20 of the United States Code:

- 4 (i) The offender's full name.
- 5 (ii) The offender's known aliases.
- 6 (iii) The offender's gender.
- 7 (iv) The offender's race.
- 8 (v) The offender's physical description.
- 9 (vi) The offender's photograph.
- 10 (vii) The offender's date of birth.
- 11 (viii) Crimes resulting in registration under Section 290.
- 12 (ix) The date of last registration or reregistration.

13 (B) The authority provided in this subdivision is in addition to
14 the authority of a peace officer or law enforcement agency to
15 provide information about a registered sex offender pursuant to
16 ~~subdivisions (a) and (b) of Section 290.45 and subdivision (a) of~~
17 ~~Section 290.4~~ *Section 290.45*, and exists notwithstanding
18 subdivision (i) of Section 290, ~~subdivision (c) of Section 290.4,~~
19 or any other provision of law.

20 (2) Any law enforcement entity and employees of any law
21 enforcement entity listed in paragraph (1) shall be immune from
22 civil or criminal liability for good faith conduct under this
23 subdivision.

24 (3) Nothing in this subdivision shall be construed to authorize
25 campus police departments or, if the university, college,
26 community college, or other institution has no police department,
27 the police department or sheriff's department with jurisdiction
28 over the campus, to make disclosures about registrants intended
29 to reach persons beyond the campus community.

30 (4) (A) Before being provided any information by an agency
31 pursuant to this subdivision, a member of the campus community
32 who requests that information shall sign a statement, on a form
33 provided by the Department of Justice, stating that he or she is
34 not a registered sex offender, that he or she understands the
35 purpose of the release of information is to allow members of the
36 campus community to protect themselves and their children from
37 sex offenders, and that he or she understands it is unlawful to use
38 information obtained pursuant to this subdivision to commit a
39 crime against any registrant or to engage in illegal discrimination
40 or harassment of any registrant. The signed statement shall be

1 maintained in a file in the agency’s office for a minimum of five
2 years.

3 (B) An agency disseminating printed information pursuant to
4 this subdivision shall maintain records of the means and dates of
5 dissemination for a minimum of five years.

6 (5) For purposes of this subdivision, “campus community”
7 means those persons present at, and those persons regularly
8 frequenting, any place associated with an institution of higher
9 education, including campuses; administrative and educational
10 offices; laboratories; satellite facilities owned or utilized by the
11 institution for educational instruction, business, or institutional
12 events; and public areas contiguous to any campus or facility that
13 are regularly frequented by students, employees, or volunteers of
14 the campus.

15 SEC. 5. Section 290.4 of the Penal Code is amended to read:

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

1 subdivision (d) of Section 290, or to a person who has been
2 relieved of his or her duty to register under Section 290.5.

3 (2) The information shall be categorized by community of
4 residence and ZIP Code. The information shall include the names
5 and known aliases of the person, a photograph, a physical
6 description, gender, race, date of birth, the criminal history, and
7 the address, including ZIP Code, in which the person resides, and
8 any other information that the Department of Justice deems
9 relevant, not including information that would identify the
10 victim.

11 (3) The department shall operate a “900” telephone number
12 that members of the public may call and inquire whether a named
13 individual is listed among those described in this subdivision.
14 The caller shall furnish his or her first name, middle initial, and
15 last name. The department shall ascertain whether a named
16 person reasonably appears to be a person so listed and provide
17 the caller with the information described in paragraph (2), except
18 the department shall not disclose the name or address of a listed
19 person’s employer, or the street address or criminal history of a
20 person listed, except to disclose the ZIP Code area in which the
21 person resides and to describe the specific crimes for which the
22 registrant was required to register. The department shall decide
23 whether the named person reasonably appears to be a person
24 listed, based upon information from the caller providing
25 information that shall include (A) an exact street address,
26 including apartment number, social security number, California
27 driver’s license or identification number, or birth date along with
28 additional information that may include any of the following:
29 name, hair color, eye color, height, weight, distinctive markings,
30 ethnicity; or (B) any combination of at least six of the
31 above-listed characteristics if an exact birth date or address is not
32 available. If three of the characteristics provided include
33 ethnicity, hair color, and eye color, a seventh identifying
34 characteristic shall be provided. Any information identifying the
35 victim by name, birth date, address, or relation to the registrant
36 shall be excluded by the department.

37 (4) (A) The department shall provide a CD-ROM or other
38 electronic medium containing the information described in
39 paragraph (2), except the name or address of a listed person’s
40 employer, or the listed person’s street address and criminal

1 history other than the specific crimes for which the person was
2 required to register, for all persons described in paragraph (1) of
3 subdivision (a), and shall update and distribute the CD-ROM or
4 other electronic medium, to the sheriff's department in each
5 county, municipal police departments of cities with a population
6 of more than 200,000, and each law enforcement agency listed in
7 subparagraph (1) of paragraph (1) of subdivision (b) of Section
8 290.45, except that school district police departments may
9 receive the information only upon request. These law
10 enforcement agencies may obtain additional copies by
11 purchasing a yearly subscription to the CD-ROM or other
12 electronic medium from the Department of Justice for a yearly
13 subscription fee. The Department of Justice, the sheriffs'
14 departments, and the municipal police departments of cities with
15 a population of more than 200,000 shall make, and the other law
16 enforcement agencies may make, the CD-ROM or other
17 electronic medium available for viewing by the public in
18 accordance with the following: The agency may require that a
19 person applying to view the CD-ROM or other electronic
20 medium express an articulable purpose in order to have access
21 thereto. The applicant shall provide identification in the form of
22 a California driver's license, California identification card, or
23 military identification card and orders with proof of permanent
24 assignment or attachment to a military command or vessel in
25 California, showing the applicant to be at least 18 years of age.
26 The applicant shall sign a statement, on a form provided by the
27 Department of Justice, stating that the applicant is not a
28 registered sex offender, that he or she understands the purpose of
29 the release of information is to allow members of the public to
30 protect themselves and their children from sex offenders, and he
31 or she understands it is unlawful to use information obtained
32 from the CD-ROM or other electronic medium to commit a
33 crime against any registrant or to engage in illegal discrimination
34 or harassment of any registrant. The signed statement shall be
35 maintained in a file in the designated law enforcement agency's
36 office. A person under 18 years of age may accompany an
37 applicant who is that person's parent or legal guardian for the
38 purpose of viewing the CD-ROM or other electronic medium.

39 (B) The records of persons requesting to view the CD-ROM or
40 other electronic medium are confidential, except that a copy of

1 ~~the applications requesting to view the CD-ROM or other~~
2 ~~electronic medium may be disclosed to law enforcement agencies~~
3 ~~for law enforcement purposes.~~

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

7 ~~(5) (A) The department shall operate a service through which~~
8 ~~members of the public may provide a list of at least six persons~~
9 ~~on a form approved by the Department of Justice and inquire~~
10 ~~whether any of those persons is required to register as a sex~~
11 ~~offender and is subject to public notification. The Department of~~
12 ~~Justice shall respond with information on any person as to whom~~
13 ~~information may be available to the public via the Internet Web~~
14 ~~site as provided in Section 290.46, to the extent that information~~
15 ~~may be disclosed pursuant to Section 290.46. The Department of~~
16 ~~Justice may establish a fee for requests, including all actual and~~
17 ~~reasonable costs associated with the service.~~

18 ~~(b) The income from the operation of the “900” telephone~~
19 ~~number service specified in subdivision (a) shall be deposited in~~
20 ~~the Sexual Predator Public Information Account within the~~
21 ~~Department of Justice for the purpose of the implementation of~~
22 ~~this section by the Department of Justice, including all actual and~~
23 ~~reasonable costs related to establishing and maintaining the~~
24 ~~information described in subdivision (a) and the CD-ROM or~~
25 ~~other electronic medium described in this subdivision.~~

26 ~~(B) The moneys in the Sexual Predator Public Information~~
27 ~~Account account shall consist of income from the operation of~~
28 ~~the “900” telephone number program authorized by this section,~~
29 ~~proceeds of the loan made pursuant to Section 6 of the act adding~~
30 ~~this section service authorized by subdivision (a), and any other~~
31 ~~funds made available to the account by the Legislature. Moneys~~
32 ~~in the account shall be available to the Department of Justice~~
33 ~~upon appropriation by the Legislature for the purpose specified in~~
34 ~~subparagraph (A) subdivision (a).~~

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

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

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

- 1 ~~(iii) Notice that the caller is required to identify himself or~~
2 ~~herself to the operator.~~
- 3 ~~(iv) Notice that the caller is required to be 18 years of age or~~
4 ~~older.~~
- 5 ~~(v) A warning that it is illegal to use information obtained~~
6 ~~through the “900” telephone number to commit a crime against~~
7 ~~any registrant or to engage in illegal discrimination or harassment~~
8 ~~against any registrant.~~
- 9 ~~(vi) Notice that the caller is required to have the birth date,~~
10 ~~California driver’s license or identification number, social~~
11 ~~security number, address, or other identifying information~~
12 ~~regarding the person about whom information is sought in order~~
13 ~~to achieve a positive identification of that person.~~
- 14 ~~(vii) A statement that the number is not a crime hotline and~~
15 ~~that any suspected criminal activity should be reported to local~~
16 ~~authorities.~~
- 17 ~~(viii) A statement that the caller should have a reasonable~~
18 ~~suspicion that a person is at risk.~~
- 19 ~~(D) The Department of Justice shall expend no more than six~~
20 ~~hundred thousand dollars (\$600,000) per year from any moneys~~
21 ~~appropriated by the Legislature from the account.~~
- 22 ~~(b)~~
- 23 ~~(c) (1) Any person who uses information disclosed pursuant~~
24 ~~to this section to commit a felony shall be punished, in addition~~
25 ~~and consecutive to, any other punishment, by a five-year term of~~
26 ~~imprisonment in the state prison.~~
- 27 ~~(2) Any person who, without authorization, uses information~~
28 ~~disclosed pursuant to this section to commit a misdemeanor shall~~
29 ~~be subject to, in addition to any other penalty or fine imposed, a~~
30 ~~fine of not less than five hundred dollars (\$500) and not more~~
31 ~~than one thousand dollars (\$1,000).~~
- 32 ~~(e) The record of the compilation of offender information on~~
33 ~~each CD-ROM or other electronic medium distributed pursuant~~
34 ~~to this section shall be used only for law enforcement purposes~~
35 ~~and the public safety purposes specified in this section and~~
36 ~~Sections 290 and 290.45. This record shall not be distributed or~~
37 ~~removed from the custody of the law enforcement agency that is~~
38 ~~authorized to retain it. Information obtained from this record~~
39 ~~shall be disclosed to a member of the public only as provided in~~

1 ~~this section, Section 290, 290.45, or any other statute expressly~~
2 ~~authorizing it.~~

3 ~~Any person who copies, distributes, discloses, or receives this~~
4 ~~record or information from it, except as authorized by law, is~~
5 ~~guilty of a misdemeanor, punishable by imprisonment in a~~
6 ~~county jail not to exceed six months, or by a fine not exceeding~~
7 ~~one thousand dollars (\$1,000), or by both that imprisonment and~~
8 ~~fine. This subdivision shall not apply to a law enforcement~~
9 ~~officer who makes a copy as part of his or her official duties in~~
10 ~~the course of a criminal investigation, court case, or as otherwise~~
11 ~~authorized by subdivision (b) of Section 290.45. This subdivision~~
12 ~~shall not prohibit copying information by handwriting.~~

13 ~~Notwithstanding Section 6254.5 of the Government Code,~~
14 ~~disclosure of information pursuant to this section is not a waiver~~
15 ~~of exemptions under Chapter 3.5 (commencing with Section~~
16 ~~6250) of Title 1 of Division 7 of the Government Code and does~~
17 ~~not affect other statutory restrictions on disclosure in other~~
18 ~~situations.~~

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

24 ~~(e)~~

25 ~~(d) (1) A person is authorized to use information disclosed~~
26 ~~pursuant to this section only to protect a person at risk.~~

27 ~~This section shall not affect authorized access to, or use of,~~
28 ~~information pursuant to, among other provisions, Sections 11105~~
29 ~~and 11105.3 of this code, Section 226.55 of the Civil Code,~~
30 ~~Sections 777.5 and 14409.2 of the Financial Code, Sections~~
31 ~~1522.01 and 1596.871 of the Health and Safety Code, and~~
32 ~~Section 432.7 of the Labor Code.~~

33 ~~(2) Except as authorized under paragraph (1) or any other~~
34 ~~provision of law, use of any information that is disclosed~~
35 ~~pursuant to this section for purposes relating to any of the~~
36 ~~following is prohibited:~~

37 ~~(A) Health insurance.~~

38 ~~(B) Insurance.~~

39 ~~(C) Loans.~~

40 ~~(D) Credit.~~

- 1 (E) Employment.
- 2 (F) Education, scholarships, or fellowships.
- 3 (G) Housing or accommodations.
- 4 (H) Benefits, privileges, or services provided by any business
- 5 establishment.

6 (3) *This section shall not affect unauthorized access to, or*
7 *use of, information pursuant to, among other provisions, Sections*
8 *11105 and 11105.3 of this code, Section 226.55 of the Civil*
9 *Code, Sections 77.5 and 14409.2 of the Financial Code, Sections*
10 *1522.01 and 1596.871 of the Health and Safety Code, and*
11 *Section 432.7 of the Labor Code.*

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

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

34 ~~(f) This section shall not be deemed to authorize the~~
35 ~~publication, distribution, or disclosure of the address of any~~
36 ~~person about whom information can be published, distributed, or~~
37 ~~disclosed pursuant to this section.~~

38 ~~(g) Community notification shall be governed by Section~~
39 ~~290.45.~~

1 ~~(h) Any law enforcement agency and employees of any law~~
2 ~~enforcement agency~~

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

10 ~~(i)~~

11 ~~(f) The registration and public notification provisions of this~~
12 ~~section are applicable to every person described in these sections~~
13 ~~subdivision (a), without regard to when his or her crimes were~~
14 ~~committed or his or her duty to register pursuant to Section 290~~
15 ~~arose, and to every offense described in these sections subject to~~
16 ~~public notification pursuant to Section 290.46, regardless of~~
17 ~~when it was committed.~~

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

30 ~~(k)~~

31 ~~(g) On or before July 1, 2001 2006, and every year thereafter,~~
32 ~~the 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~~

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

3 SEC. 6. Section 290.45 of the Penal Code is amended to read:

4 290.45. (a) (1) ~~When a peace officer reasonably suspects,~~
5 ~~based on information that has come to his or her attention~~
6 ~~through information provided by any peace officer or member of~~
7 ~~the public, that a child or other person may be at risk from a sex~~
8 ~~offender convicted of a crime listed in paragraph (1) of~~
9 ~~subdivision (a) of Section 290.4, a law enforcement agency may,~~
10 ~~notwithstanding any other provision of law, provide any of the~~
11 ~~information specified in paragraph (4) of this subdivision about~~
12 ~~that registered sex offender that the agency deems relevant and~~
13 ~~necessary to protect the public, to the following persons,~~
14 ~~agencies, or organizations the offender is likely to encounter,~~
15 ~~including, but not limited to, the following:~~

16 (A) ~~Public and private educational institutions, day care~~
17 ~~establishments, and establishments and organizations that~~
18 ~~primarily serve individuals likely to be victimized by the~~
19 ~~offender.~~

20 (B) ~~Other community members at risk.~~

21 (2) ~~The law enforcement agency may authorize persons and~~
22 ~~entities who receive the information pursuant to paragraph (1) to~~
23 ~~diselose information to additional persons only if the agency does~~
24 ~~the following:~~

25 (A) ~~Determines that all conditions set forth in paragraph (1)~~
26 ~~have been satisfied regarding disclosure to the additional persons.~~

27 (B) ~~Identifies the appropriate scope of further disclosure.~~

28 (3) ~~Persons notified pursuant to paragraph (1) may diselose the~~
29 ~~information provided by the law enforcement agency in the~~
30 ~~manner and to the extent authorized by the law enforcement~~
31 ~~agency.~~

32 (4) ~~The information that may be diselosed pursuant to this~~
33 ~~section includes the following:~~

34 (A) ~~The offender's full name.~~

35 (B) ~~The offender's known aliases.~~

36 (C) ~~The offender's gender.~~

37 (D) ~~The offender's race.~~

38 (E) ~~The offender's physical description.~~

39 (F) ~~The offender's photograph.~~

40 (G) ~~The offender's date of birth.~~

1 ~~(H) Crimes resulting in registration under Section 290.~~

2 ~~(I) The offender's address, which must be verified prior to~~
3 ~~publication.~~

4 ~~(J) Description and license plate number of offender's vehicles~~
5 ~~or vehicles the offender is known to drive.~~

6 ~~(K) Type of victim targeted by the offender.~~

7 ~~(L) Relevant parole or probation conditions, such as one~~
8 ~~prohibiting contact with children.~~

9 ~~(M) Dates of crimes resulting in classification under Section~~
10 ~~290.~~

11 ~~(N) Date of release from confinement.~~

12 ~~(O) The offender's enrollment, employment, or vocational~~
13 ~~status with any university, college, community college, or other~~
14 ~~institution of higher learning.~~

15 ~~However, information disclosed pursuant to this subdivision~~
16 ~~shall not include information that would identify the victim.~~

17 ~~(5) If a law enforcement agency discloses information~~
18 ~~pursuant to this subdivision, it shall include, with the disclosure,~~
19 ~~a statement that the purpose of the release of the information is to~~
20 ~~allow members of the public to protect themselves and their~~
21 ~~children from sex offenders.~~

22 ~~(6) For purposes of this section, "likely to encounter" means~~
23 ~~both of the following:~~

24 ~~(A) That the agencies, organizations, or other community~~
25 ~~members are in a location or in close proximity to a location~~
26 ~~where the offender lives or is employed, or that the offender~~
27 ~~visits or is likely to visit on a regular basis.~~

28 ~~(B) The types of interaction that ordinarily occur at that~~
29 ~~location and other circumstances indicate that contact with the~~
30 ~~offender is reasonably probable.~~

31 ~~(7) For purposes of this section, "reasonably suspects" means~~
32 ~~that it is objectively reasonable for a peace officer to entertain a~~
33 ~~suspicion, based upon facts that could cause a reasonable person~~
34 ~~in a like position, drawing when appropriate on his or her~~
35 ~~training and experience, to suspect that a child or other person is~~
36 ~~at risk.~~

37 ~~(8) For purposes of this section, "at risk" means a person is or~~
38 ~~may be exposed to a risk of becoming a victim of a sex offense~~
39 ~~committed by the offender.~~

1 ~~(9) A law enforcement agency may continue to disclose~~
2 ~~information on an offender under this subdivision for as long as~~
3 ~~the offender is included in Section 290.4.~~

4 ~~(b) In addition to the procedures set forth elsewhere in this~~
5 ~~section, a designated law enforcement entity may advise the~~
6 ~~public of the presence of high-risk sex offenders in its~~
7 ~~community pursuant to this subdivision.~~

8 ~~(1) For purposes of this subdivision:~~

9 ~~(A) A high-risk sex offender is a person who has been~~
10 ~~convicted of an offense specified in paragraph (1) of subdivision~~
11 ~~(a) of Section 290.4, and also meets one of the following criteria:~~

12 ~~(i) Has been convicted of three or more violent sex offenses, at~~
13 ~~least two of which were brought and tried separately.~~

14 ~~(ii) Has been convicted of two violent sex offenses and one or~~
15 ~~more violent nonsex offenses, at least two of which were brought~~
16 ~~and tried separately.~~

17 ~~(iii) Has been convicted of one violent sex offense and two or~~
18 ~~more violent nonsex offenses, at least two of which were brought~~
19 ~~and tried separately.~~

20 ~~(iv) Has been convicted of either two violent sex offenses or~~
21 ~~one violent sex offense and one violent nonsex offense, at least~~
22 ~~two of which were brought and tried separately, and has been~~
23 ~~arrested on separate occasions for three or more violent sex~~
24 ~~offenses, violent nonsex offenses, or associated offenses.~~

25 ~~(v) Has been adjudicated a sexually violent predator pursuant~~
26 ~~to Article 4 (commencing with Section 6600) of Chapter 2 of~~
27 ~~Part 2 of Division 6 of the Welfare and Institutions Code.~~

28 ~~(B) A violent sex offense means any offense defined in~~
29 ~~Section 220, except attempt to commit mayhem, or Section 261,~~
30 ~~264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great~~
31 ~~bodily injury during the commission of a sex offense, as provided~~
32 ~~in Section 12022.8.~~

33 ~~(C) A violent nonsex offense means any offense defined in~~
34 ~~Section 187, subdivision (a) of Section 192, or Section 203, 206,~~
35 ~~207, or 236, provided that the offense is a felony, subdivision (a)~~
36 ~~of Section 273a, Section 273d or 451, or attempted murder, as~~
37 ~~defined in Sections 187 and 664.~~

38 ~~(D) An associated offense means any offense defined in~~
39 ~~Section 243.4, provided that the offense is a felony, Section~~
40 ~~311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section~~

1 459, provided the offense is of the first degree, Section 597 or
2 646.9, subdivision (d), (h), or (i) of Section 647, Section 653m,
3 or infliction of great bodily injury during the commission of a
4 felony, as defined in Section 12022.7.

5 ~~(E) For purposes of subparagraphs (B) to (D), inclusive, an~~
6 ~~arrest or conviction for the statutory predecessor of any of the~~
7 ~~enumerated offenses, or an arrest or conviction in any other~~
8 ~~jurisdiction for any offense that, if committed or attempted in this~~
9 ~~state, would have been punishable as one or more of the offenses~~
10 ~~described in those subparagraphs, is to be considered in~~
11 ~~determining whether an offender is a high-risk sex offender.~~

12 ~~(F) For purposes of subparagraphs (B) to (D), inclusive, an~~
13 ~~arrest as a juvenile or an adjudication as a ward of the juvenile~~
14 ~~court within the meaning of Section 602 of the Welfare and~~
15 ~~Institutions Code for any of the offenses described in those~~
16 ~~subparagraphs is to be considered in determining whether an~~
17 ~~offender is a high-risk sex offender.~~

18 ~~(G) Notwithstanding subparagraphs (A) to (D), inclusive, an~~
19 ~~offender shall not be considered to be a high-risk sex offender if~~
20 ~~either of the following apply:~~

21 ~~(i) The offender's most recent conviction or arrest for an~~
22 ~~offense described in subparagraphs (B) to (D), inclusive,~~
23 ~~occurred more than five years prior to the high-risk assessment~~
24 ~~by the Department of Justice, excluding periods of confinement.~~

25 ~~(ii) The offender notifies the Department of Justice, on a form~~
26 ~~approved by the department and available at any sheriff's office,~~
27 ~~that he or she has not been convicted in the preceding 15 years,~~
28 ~~excluding periods of confinement, of an offense for which~~
29 ~~registration is required under paragraph (2) of subdivision (a) of~~
30 ~~Section 290, and the department is able, upon exercise of~~
31 ~~reasonable diligence, to verify the information provided in~~
32 ~~paragraph (2).~~

33 ~~(H) "Confinement" means confinement in a jail, prison,~~
34 ~~school, road camp, or other penal institution, confinement in a~~
35 ~~state hospital to which the offender was committed as a mentally~~
36 ~~disordered sex offender under Article 1 (commencing with~~
37 ~~Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare~~
38 ~~and Institutions Code, or confinement in a facility designated by~~
39 ~~the Director of Mental Health to which the offender was~~
40 ~~committed as a sexually violent predator under Article 4~~

1 ~~(commencing with Section 6600) of Chapter 2 of Part 2 of~~
2 ~~Division 6 of the Welfare and Institutions Code.~~

3 ~~(I) “Designated law enforcement entity” means any of the~~
4 ~~following: municipal police department; sheriff’s department;~~
5 ~~district attorney’s office; county probation department;~~
6 ~~Department of Justice; Department of Corrections; Department~~
7 ~~of the Youth Authority; Department of the California Highway~~
8 ~~Patrol; the police department of any campus of the University of~~
9 ~~California, California State University, or community college.~~
10 ~~“Designated law enforcement entity” shall also mean the police~~
11 ~~department of any school district, as defined in subdivision (b) of~~
12 ~~Section 830.32, except that nothing in this subdivision shall~~
13 ~~authorize these departments to make disclosures about registrants~~
14 ~~intended to reach persons beyond the school community.~~

15 ~~(J) “School community” means those persons present at, those~~
16 ~~persons regularly frequenting, and the parents of any student~~
17 ~~attending, a school providing instruction in kindergarten or~~
18 ~~grades 1 to 12, inclusive, or any place associated with one of~~
19 ~~these schools. A place associated with a school includes~~
20 ~~campuses; administrative and educational offices; laboratories;~~
21 ~~satellite facilities owned or utilized by the school for educational~~
22 ~~instruction, business, or school events; and public areas~~
23 ~~contiguous to any school or facility that are frequented by~~
24 ~~students, employees, or volunteers of the school.~~

25 ~~(2) The Department of Justice shall continually search the~~
26 ~~records provided to it pursuant to subdivision (b) of Section 290~~
27 ~~and identify, on the basis of those records, high-risk sex~~
28 ~~offenders. Four times each year, the department shall provide to~~
29 ~~each chief of police and sheriff in the state, and to any other~~
30 ~~designated law enforcement entity upon request, the following~~
31 ~~information regarding each identified high-risk sex offender: full~~
32 ~~name; known aliases; gender; race; physical description;~~
33 ~~photograph; date of birth; and crimes resulting in classification~~
34 ~~under this section.~~

35 ~~(3) The Department of Justice and~~*Notwithstanding any other*
36 *provision of law, and except as provided in paragraph (2),* any
37 ~~designated law enforcement entity to which notice has been~~
38 ~~given pursuant to paragraph (2) may cause to be made public~~
39 ~~may provide information to the public about a person required to~~
40 ~~register as a sex offender pursuant to Section 290, by whatever~~

1 means the ~~agency entity~~ deems *appropriate, when necessary to*
2 *ensure the public safety; based upon information available to the*
3 *agency entity concerning a that specific person, including, but*
4 *not limited to, the information described in paragraph (2); the*
5 *offender's address, which shall be verified prior to publication;*
6 *description and license plate number of the offender's vehicles or*
7 *vehicles the offender is known to drive; type of victim targeted*
8 *by the offender; relevant parole or probation conditions, such as*
9 *one prohibiting contact with children; dates of crimes resulting in*
10 *classification under this section; and date of release from*
11 *confinement; but excluding information that would identify the*
12 *victim.*

13 ~~(4) Notwithstanding any other provision of law, any person~~
14 ~~described in paragraph (2) of subdivision (d) who receives~~
15 ~~information from a designated law enforcement entity pursuant~~
16 ~~to paragraph (3) may disclose that information in the manner and~~
17 ~~to the extent authorized by the law enforcement entity.~~

18 ~~(5)~~

19 *(2) The law enforcement entity shall include, with the*
20 *disclosure, a statement that the purpose of the release of*
21 *information is to allow members of the public to protect*
22 *themselves and their children from sex offenders.*

23 *(3) Community notification by way of an Internet Web site*
24 *shall be governed by Section 290.46, and a designated law*
25 *enforcement entity may not post on an Internet Web site any*
26 *information identifying an individual as a person required to*
27 *register as a sex offender except as provided in that section*
28 *unless there is a warrant outstanding for that person's arrest.*

29 *(b) Information that may be provided pursuant to subdivision*
30 *(a) may include, but is not limited to, the offender's name, known*
31 *aliases, gender, race, physical description, photograph, date of*
32 *birth, address, which shall be verified prior to publication,*
33 *description and license plate number of the offender's vehicles or*
34 *vehicles the offender is known to drive, type of victim targeted by*
35 *the offender, relevant parole or probation conditions, crimes*
36 *resulting in classification under this section, and date of release*
37 *from confinement, but excluding information that would identify*
38 *the victim.*

39 *(c) (1) The designated law enforcement ~~agency~~ entity may*
40 *authorize persons and entities who receive the information*

1 pursuant to ~~paragraph (3)~~ *this section* to disclose information to
2 additional persons only if the agency does the following:

3 (A) ~~Determines that all conditions set forth in this subdivision~~
4 ~~have been satisfied regarding disclosure to the additional persons.~~

5 (B) ~~Identifies the appropriate scope of further disclosure.~~

6 (c) ~~Agencies disseminating information to the public pursuant~~
7 ~~to subdivision (b) shall maintain records of the means and dates~~
8 ~~of dissemination for a minimum of five years~~ *entity determines*
9 *that disclosure to the additional persons will enhance the public*
10 *safety and identifies the appropriate scope of further disclosure.*
11 *A law enforcement entity may not authorize any disclosure of this*
12 *information by its placement on an Internet Web site.*

13 (2) *A person who receives information from a law enforcement*
14 *entity pursuant to paragraph (1) may disclose that information*
15 *only in the manner and to the extent authorized by the law*
16 *enforcement entity.*

17 (d) (1) ~~Any Adesignated law enforcement agency entity and its~~
18 ~~employees of any law enforcement agency shall be immune from~~
19 ~~liability for good faith conduct under this section. For the~~
20 ~~purposes of this section, “law enforcement agency” means the~~
21 ~~Attorney General of California, every district attorney, the~~
22 ~~Department of Corrections, the Department of the Youth~~
23 ~~Authority, and every state or local agency expressly authorized~~
24 ~~by statute to investigate or prosecute law violators.~~

25 (2) Any public or private educational institution, day care
26 facility, or any child care custodian described in Section 11165.7,
27 or any employee of a public or private educational institution or
28 day care facility which in good faith disseminates information as
29 authorized pursuant to ~~paragraph (3) of subdivision (a) or~~
30 ~~paragraph (4) of subdivision (b) that is provided by a law~~
31 ~~enforcement agency or an employee of a law enforcement agency~~
32 *subdivision (c) shall be immune from civil liability.*

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

37 (2) Any person who uses information disclosed pursuant to
38 this section to commit a misdemeanor shall be subject to, in
39 addition to any other penalty or fine imposed, a fine of not less

1 than five hundred dollars (\$500) and not more than one thousand
2 dollars (\$1,000).

3 (f) *For purposes of this section, “designated law enforcement*
4 *entity” means the Department of Justice, every district attorney,*
5 *the Department of Corrections, the Department of the Youth*
6 *Authority, and every state or local agency expressly authorized*
7 *by statute to investigate or prosecute law violators.*

8 (g) The public notification provisions of this section are
9 applicable to every person ~~described in this section~~ *required to*
10 *register pursuant to Section 290*, without regard to when his or
11 her crimes were committed or his or her duty to register pursuant
12 to Section 290 arose, and to every offense described in ~~this~~
13 ~~section~~ *Section 290*, regardless of when it was committed.

14 SEC. 7. Section 290.46 of the Penal Code is amended to read:

15 290.46. (a) On or before the dates specified in this section,
16 the Department of Justice shall make available information
17 concerning persons who are required to register pursuant to
18 Section 290 to the public via an Internet Web site as specified in
19 this section. The department shall update the Web site on an
20 ongoing basis. All information identifying the victim by name,
21 birth date, address, or relationship to the registrant shall be
22 excluded from the Web site. The name or address of the person’s
23 employer and the listed person’s criminal history other than the
24 specific crimes for which the person is required to register shall
25 not be included on the Web site. The Web site shall be translated
26 into languages other than English as determined by the
27 department.

28 (b) (1) On or before July 1, 2005, with respect to a person
29 who has been convicted of the commission or the attempted
30 commission of any of the offenses listed in ~~this subdivision or the~~
31 ~~statutory predecessors of any of these offenses, or any offense~~
32 ~~which, if committed or attempted to be committed in this state,~~
33 ~~would have been punishable as one or more of the offenses listed~~
34 ~~in this subdivision, or who is described in, paragraph (2),~~ the
35 Department of Justice shall make available to the public via the
36 Internet Web site his or her names and known aliases, a
37 photograph, a physical description, including gender and race,
38 date of birth, criminal history, the address at which the person
39 resides, and any other information that the Department of Justice

1 deems relevant, but not the information excluded pursuant to
2 subdivision (a).

3 (2) This subdivision shall apply to the following offenses *and*
4 *offenders*:

5 (A) ~~Subdivision (b) of Section 207 committed with intent to~~
6 ~~violate Section 261, 286, 288, 288a, or 289.~~

7 (B) ~~Subdivision (b) of Section 209, except kidnapping to~~
8 ~~commit robbery committed with intent to violate Section 261,~~
9 ~~286, 288, 288a, or 289.~~

10 (C) Paragraph (2) or (6) of subdivision (a) of Section 261.

11 (D) Section 264.1.

12 (E) Section 269.

13 (F) Subdivision (c) or (d) of Section 286.

14 (G) Subdivision (a), (b), or (c) of Section 288, provided that
15 the offense is a felony.

16 (H) Subdivision (c) or (d) of Section 288a.

17 (I) Section 288.5.

18 (J) Subdivision (a) or (j) of Section 289.

19 ~~(3) This subdivision shall also apply to any~~

20 (K) Any person who has ever been adjudicated a sexually
21 violent predator as defined in Section 6600 of the Welfare and
22 Institutions Code.

23 (c) (1) On or before July 1, 2005, with respect to a person
24 who has been convicted of the commission or the attempted
25 commission of any of the offenses listed in paragraph (2) ~~or the~~
26 ~~statutory predecessors of any of these offenses, or any offense~~
27 ~~which, if committed or attempted to be committed in this state,~~
28 ~~would have been punishable as one or more of the offenses listed~~
29 ~~in this subdivision,~~ the Department of Justice shall make
30 available to the public via the Internet Web site his or her names
31 and known aliases, a photograph, a physical description,
32 including gender and race, date of birth, criminal history, the
33 community of residence and ZIP Code in which the person
34 resides *or the county in which the person is registered as a*
35 *transient*, and any other information that the Department of
36 Justice deems relevant, but not the information excluded pursuant
37 to subdivision (a). ~~However, the address at which the person~~
38 ~~resides shall not be disclosed until a determination is made that~~
39 ~~the person is, by virtue of his or her additional prior or~~
40 ~~subsequent conviction of an offense listed in paragraph (2) of~~

1 ~~subdivision (a) of Section 290, subject to this subdivision.~~ On or
2 before July 1, 2006, the Department of Justice shall determine
3 whether any person convicted of an offense listed in paragraph
4 (2) also has one or more prior or subsequent convictions of an
5 offense listed in paragraph (2) of subdivision (a) of Section 290,
6 and, for those persons, the Department of Justice shall make
7 available to the public via the Internet Web site the address at
8 which the person resides. *However, the address at which the*
9 *person resides shall not be disclosed until a determination is*
10 *made that the person is, by virtue of his or her additional prior*
11 *or subsequent conviction of an offense listed in paragraph (2) of*
12 *subdivision (a) of Section 290, subject to this subdivision.*

13 (2) This subdivision shall apply to the following offenses;
14 ~~provided that the person has one or more prior or subsequent~~
15 ~~convictions of an offense listed in paragraph (2) of subdivision~~
16 ~~(a) of Section 290:~~

17 (A) Section 220, except assault to commit mayhem.

18 (B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

19 (C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
20 (i), of Section 286.

21 (D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
22 (i), of Section 288a.

23 (E) Subdivision (b), (d), (e), or (i) of Section 289.

24 (d) (1) On or before July 1, 2005, with respect to a person
25 who has been convicted of the commission or the attempted
26 commission of any of the offenses listed in, *or who is described*
27 *in*, this subdivision ~~or the statutory predecessors of any of these~~
28 ~~offenses, or of any offense which, if committed or attempted to~~
29 ~~be committed in this state, would have been punishable as one or~~
30 ~~more of the offenses listed in this subdivision~~, the Department of
31 Justice shall make available to the public via the Internet Web
32 site his or her names and known aliases, a photograph, a physical
33 description, including gender and race, date of birth, criminal
34 history, the community of residence and ZIP Code in which the
35 person resides *or the county in which the person is registered as*
36 *a transient*, and any other information that the Department of
37 Justice deems relevant, but not the information excluded pursuant
38 to subdivision (a) or the address at which the person resides.

39 (2) This subdivision shall apply to the following offenses *and*
40 *offenders:*

- 1 ~~(A) Section 220, except assault to commit mayhem, with no~~
2 ~~prior or subsequent conviction of an offense listed in paragraph~~
3 ~~(2) of subdivision (a) of Section 290.~~
4 ~~(B) Subdivision (a) of Section 243.4, provided that the offense~~
5 ~~is a felony.~~
6 ~~(C) Paragraph (1), (3), or (4) of subdivision (a) of Section 261,~~
7 ~~with no prior or subsequent conviction of an offense listed in~~
8 ~~paragraph (2) of subdivision (a) of Section 290.~~
9 ~~(D)~~
10 ~~(B) Section 266, provided that the offense is a felony.~~
11 ~~(E)~~
12 ~~(C) Section 266c, provided that the offense is a felony.~~
13 ~~(F)~~
14 ~~(D) Section 266j.~~
15 ~~(G)~~
16 ~~(E) Section 267.~~
17 ~~(H) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
18 ~~(i), of Section 286, with no prior or subsequent conviction of an~~
19 ~~offense listed in paragraph (2) of subdivision (a) of Section 290.~~
20 ~~(I)~~
21 ~~(F) Subdivision (c) of Section 288, provided that the offense is~~
22 ~~a misdemeanor.~~
23 ~~(J) Paragraph (2) of subdivision (b), or subdivision (f), (g), or~~
24 ~~(i), of Section 288a, with no prior or subsequent conviction of an~~
25 ~~offense listed in paragraph (2) of subdivision (a) of Section 290.~~
26 ~~(K) Subdivision (b), (d), (e), or (i) of Section 289, with no~~
27 ~~prior or subsequent conviction of an offense listed in paragraph~~
28 ~~(2) of subdivision (a) of Section 290.~~
29 ~~(L)~~
30 ~~(G) Section 647.6.~~
31 ~~(H) Any person required to register pursuant to Section 290~~
32 ~~based upon an out-of-state conviction, unless that person is~~
33 ~~excluded from the Internet Web site pursuant to subdivision (e).~~
34 ~~However, if the Department of Justice has determined that the~~
35 ~~out-of-state crime, if committed or attempted in this state, would~~
36 ~~have been punishable in this state as a crime described in~~
37 ~~subparagraph (A) of paragraph (2) of subdivision (a) of Section~~
38 ~~290, the person shall be placed on the Internet Web site as~~
39 ~~provided in paragraph (b) or (c) as applicable to the crime.~~

1 (e) (1) If a person has been convicted of the commission or
2 the attempted commission of any of the offenses listed in this
3 ~~subdivision or the statutory predecessors of any of these offenses,~~
4 ~~or of any offense which, if committed or attempted to be~~
5 ~~committed in this state, would have been punishable as one or~~
6 ~~more of the offenses listed in this subdivision,~~ and he or she has
7 been convicted of no other offense listed in subdivision (b), (c),
8 or (d) other than those listed in this subdivision, that person may
9 file an application *with the Department of Justice, on a form*
10 *approved by the department,* for exclusion from the Internet Web
11 ~~site with the Department of Justice.~~ If the department determines
12 that the person meets the requirements of this subdivision, the
13 department shall grant the exclusion and no information
14 ~~concerning him or her~~ *the person* shall be made available via the
15 Internet Web site described in this section. He or she bears the
16 burden of proving the facts that make him or her eligible for
17 exclusion from the Internet Web site. However, a person who has
18 filed for or been granted an exclusion from the Internet Web site
19 is not relieved of his or her duty to register as a sex offender
20 pursuant to Section 290 nor from any otherwise applicable
21 provision of law.

22 (2) This subdivision shall apply to the following offenses:

23 (A) A felony violation of subdivision (a) of Section 243.4.

24 (B) Section 647.6, provided the offense is a misdemeanor.

25 (C) An offense listed in subdivision (b), (c), or (d) if the
26 offender is eligible for, granted, and successfully
27 completes probation pursuant to Section 1203.066 of the Penal
28 Code.

29 (f) The Department of Justice shall make a reasonable effort to
30 provide notification to persons who have been convicted of the
31 commission or attempted commission of an offense specified in
32 subdivision (b), (c), or (d), that on or before July 1, 2005, the
33 department is required to make information about ~~him or her~~
34 *specified sex offenders* available to the public via an Internet
35 Web site as specified in this section. The Department of Justice
36 shall also make a reasonable effort to provide notice that ~~he or~~
37 ~~she may be eligible~~ *some offenders are eligible to apply* for
38 exclusion from the Internet Web site ~~if he or she may have been~~
39 ~~convicted of an offense for which exclusion is available pursuant~~
40 ~~to subdivision (e).~~

1 (g) (1) *A designated law enforcement entity, as defined in*
2 *subdivision (f) of Section 290.45, may make available*
3 *information concerning persons who are required to register*
4 *pursuant to Section 290 to the public via an Internet Web site as*
5 *specified in paragraph (2).*

6 (2) *The law enforcement entity may make available by way of*
7 *an Internet Web site the information described in subdivision (c)*
8 *if it determines that the public disclosure of the information*
9 *about a specific offender by way of the entity's Internet Web site*
10 *is necessary to ensure the public safety based upon information*
11 *available to the entity concerning that specific offender.*

12 (3) *The information that may be provided pursuant to this*
13 *subdivision may include the information specified in subdivision*
14 *(b) of Section 290.45. However, that offender's address may not*
15 *be disclosed unless he or she is a person whose address is on the*
16 *Department of Justice's Internet Web site pursuant to subdivision*
17 *(b) or (c).*

18 (h) *For purposes of this section, "offense" includes the*
19 *statutory predecessors of that offense, or any offense committed*
20 *in another jurisdiction that, if committed or attempted to be*
21 *committed in this state, would have been punishable in this state*
22 *as an offense listed in subparagraph (A) of paragraph (1) of*
23 *subdivision (a) of Section 290.*

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

30 ~~(h)~~

31 (j) (1) *Any person who uses information disclosed pursuant to*
32 ~~the Internet Web site~~ *this section to commit a misdemeanor shall*
33 *be subject to, in addition to any other penalty or fine imposed, a*
34 *fine of not less than ten thousand dollars (\$10,000) and not more*
35 *than fifty thousand dollars (\$50,000).*

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

40 ~~(i)~~

1 (k) Any person who is required to register pursuant to Section
2 290 who enters ~~the a~~ Web site *established pursuant to this*
3 *section* is punishable by a fine not exceeding one thousand
4 dollars (\$1,000), imprisonment in a county jail for a period not to
5 exceed six months, or by both that fine and imprisonment.

6 ~~(j)~~

7 (l) (1) A person is authorized to use information disclosed
8 pursuant to this section only to protect a person at risk.

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

13 (A) Health insurance.

14 (B) Insurance.

15 (C) Loans.

16 (D) Credit.

17 (E) Employment.

18 (F) Education, scholarships, or fellowships.

19 (G) Housing or accommodations.

20 (H) Benefits, privileges, or services provided by any business
21 establishment.

22 (3) This section shall not affect authorized access to, or use of,
23 information pursuant to, among other provisions, Sections 11105
24 and 11105.3, Section 8808 of the Family Code, Sections 777.5
25 and 14409.2 of the Financial Code, Sections 1522.01 and
26 1596.871 of the Health and Safety Code, and Section 432.7 of
27 the Labor Code.

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

36 (B) Whenever there is reasonable cause to believe that any
37 person or group of persons is engaged in a pattern or practice of
38 misuse of the information available via ~~the an~~ Internet Web site
39 *established pursuant to this section* in violation of paragraph (2),
40 the Attorney General, any district attorney, or city attorney, or

1 any person aggrieved by the misuse is authorized to bring a civil
2 action in the appropriate court requesting preventive relief,
3 including an application for a permanent or temporary injunction,
4 restraining order, or other order against the person or group of
5 persons responsible for the pattern or practice of misuse. The
6 foregoing remedies shall be independent of any other remedies or
7 procedures that may be available to an aggrieved party under
8 other provisions of law, including Part 2 (commencing with
9 Section 43) of Division 1 of the Civil Code.

10 ~~(k)~~

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

17 (n) On or before July 1, 2006, and every year thereafter, the
18 Department of Justice shall make a report to the Legislature
19 concerning the operation of this section.

20 ~~(t) The Department of Justice~~

21 (o) *A designated law enforcement entity* and its employees
22 shall be immune from liability for good faith conduct under this
23 section.

24 SEC. 8. Section 290.5 of the Penal Code is amended to read:

25 290.5. (a) A person required to register under Section 290
26 may initiate a proceeding under Chapter 3.5 (commencing with
27 Section 4852.01) of Title 6 of Part 3, and, except persons
28 described in paragraph (1) of subdivision (a) of Section 290.4, *as*
29 *it existed on September 23, 2004*, upon obtaining a certificate of
30 rehabilitation, shall be relieved of any further duty to register
31 under Section 290 if not in custody, on parole, or on probation.
32 This certificate shall not relieve persons described in paragraph
33 (1) of subdivision (a) of Section 290.4, *as it existed on September*
34 *23, 2004*, of the duty to register under Section 290 and shall not
35 relieve a petitioner of the duty to register under Section 290 for
36 any offense subject to that section of which he or she is convicted
37 in the future.

38 (b) (1) Except as provided in paragraphs (2) and (3), a person
39 described in paragraph (1) of subdivision (a) of Section 290.4, *as*
40 *it existed on September 23, 2004*, shall not be relieved of the duty

1 to register until that person has obtained a full pardon as provided
 2 in Chapter 1 (commencing with Section 4800) or Chapter 3
 3 (commencing with Section 4850) of Title 6 of Part 3.

4 (2) This subdivision does not apply to misdemeanor violations
 5 of Section 647.6.

6 (3) The court, upon granting a petition for a certificate of
 7 rehabilitation pursuant to Chapter 3.5 (commencing with Section
 8 4852.01) of Title 6 of Part 3, if the petition was granted prior to
 9 January 1, 1998, may relieve a person of the duty to register
 10 under Section 290 for a violation of Section 288 or 288.5,
 11 provided that the person was granted probation pursuant to
 12 subdivision (c) of Section 1203.066, has complied with the
 13 provisions of Section 290 for a continuous period of at least 10
 14 years immediately preceding the filing of the petition, and has
 15 not been convicted of a felony during that period.

16 SEC. 9. Section 290.6 of the Penal Code is amended to read:

17 290.6. (a) Fifteen days before the scheduled release date of a
 18 person described in subdivision (b), the Department of
 19 Corrections shall provide to local law enforcement all of the
 20 following information regarding the person:

- 21 (1) Name.
- 22 (2) Community residence and address, including ZIP Code.
- 23 (3) Physical description.
- 24 (4) Conviction information.

25 (b) This subdivision shall apply to any person sentenced to the
 26 state prison who is required to register pursuant to Section 290
 27 for a conviction of an offense specified in ~~paragraph (1) of~~
 28 ~~subdivision (a) of Section 290.4~~ *subdivision (b), (c), or (d) of*
 29 *Section 290.46 and to any person described in those*
 30 *subdivisions.*

31 (c) For the purpose of this section, “law enforcement” includes
 32 any agency with which the person will be required to register
 33 upon his or her release pursuant to Section 290 based upon the
 34 person’s community of residence upon release.

35 (d) If it is not possible for the Department of Corrections to
 36 provide the information specified in subdivision (a) on a date that
 37 is 15 days before the scheduled release date, the information shall
 38 be provided on the next business day following that date.

39 (e) The Department of Corrections shall notify local law
 40 enforcement within 36 hours of learning of the change if the

1 scheduled release date or any of the required information changes
2 prior to the scheduled release date.

3 SEC. 10. Section 666.7 of the Penal Code is amended to read:

4 666.7. It is the intent of the Legislature that this section serve
5 merely as a nonsubstantive comparative reference of current
6 sentence enhancement provisions. Nothing in this section shall
7 have any substantive effect on the application of any sentence
8 enhancement contained in any provision of law, including, but
9 not limited to, all of the following: omission of any sentence
10 enhancement provision, inclusion of any obsolete sentence
11 enhancement provision, or inaccurate reference or summary of a
12 sentence enhancement provision.

13 It is the intent of the Legislature to amend this section as
14 necessary to accurately reflect current sentence enhancement
15 provisions, including the addition of new provisions and the
16 deletion of obsolete provisions.

17 For the purposes of this section, the term “sentence
18 enhancement” means an additional term of imprisonment in the
19 state prison added to the base term for the underlying offense. A
20 sentence enhancement is imposed because of the nature of the
21 offense at the time the offense was committed or because the
22 defendant suffered a qualifying prior conviction before
23 committing the current offense.

24 (a) The provisions listed in this subdivision imposing a
25 sentence enhancement of one year imprisonment in the state
26 prison may be referenced as Schedule A.

27 (1) Money laundering when the value of transactions exceeds
28 fifty thousand dollars (\$50,000), but is less than one hundred
29 fifty thousand dollars (\$150,000) (subpara. (A), para. (1), subd.
30 (c), Sec. 186.10, Pen. C.).

31 (2) Commission of two or more related felonies, a material
32 element of which is fraud or embezzlement, which involve a
33 pattern of related felony conduct, involving the taking of more
34 than one hundred thousand dollars (\$100,000) (para. (3), subd.
35 (a), Sec. 186.11, Pen. C.).

36 (3) Felony conviction of willful harm or injury to a child,
37 involving female genital mutilation (subd. (a), Sec. 273.4, Pen.
38 C.).

39 (4) Prior conviction of felony hate crime with a current
40 conviction of felony hate crime (subd. (e), Sec. 422.75, Pen. C.).

1 (5) Harming, obstructing, or interfering with any horse or dog
2 being used by any peace officer in the discharge or attempted
3 discharge of his or her duties and, with the intent to so harm,
4 obstruct, or interfere, personally causing the death, destruction,
5 or serious physical injury of any horse or dog (subd. (c), Sec.
6 600, Pen. C.).

7 (6) Prior prison term with current felony conviction (subd. (b),
8 Sec. 667.5, Pen. C.).

9 (7) Commission of any specified offense against a person who
10 is 65 years of age or older, blind, a paraplegic or quadriplegic, or
11 under 14 years of age (subd. (a), Sec. 667.9, Pen. C.).

12 (8) Showing child pornography to a minor prior to or during
13 the commission or attempted commission of any lewd or
14 lascivious act with the minor (subd. (a), Sec. 667.15, Pen. C.).

15 (9) Felony conviction of forgery, grand theft, or false
16 pretenses as part of plan or scheme to defraud an owner in
17 connection with repairs to a structure damaged by a natural
18 disaster (subd. (a), Sec. 667.16, Pen. C.).

19 (10) Impersonating a peace officer during the commission of a
20 felony (Sec. 667.17, Pen. C.).

21 (11) Felony conviction of any specified offense, including, but
22 not limited to, forgery, grand theft, and false pretenses, as part of
23 plan or scheme to defraud an owner in connection with repairs to
24 a structure damaged by natural disaster with a prior felony
25 conviction of any of those offenses (subd. (c), Sec. 670, Pen. C.).

26 (12) Commission or attempted commission of a felony while
27 armed with a firearm (para. (1), subd. (a), Sec. 12022, Pen. C.).

28 (13) Personally using a deadly or dangerous weapon in the
29 commission or attempted commission of a felony (para. (1),
30 subd. (b), Sec. 12022, Pen. C.).

31 (14) Taking, damaging, or destroying any property in the
32 commission or attempted commission of a felony with the intent
33 to cause that taking, damage, or destruction when the loss
34 exceeds fifty thousand dollars (\$50,000) (para. (1), subd. (a), Sec.
35 12022.6, Pen. C.).

36 (15) Transferring, lending, selling, or giving any assault
37 weapon to a minor (para. (2), subd. (a), Sec. 12280, Pen. C.).

38 (16) Manufacturing, causing to be manufactured, distributing,
39 transporting, importing, keeping for sale, offering or exposing for

1 sale, giving, or lending any assault weapon while committing
2 another crime (subd. (d), Sec. 12280, Pen. C.).

3 (17) Inducing, employing, or using a minor to commit a drug
4 offense involving heroin, cocaine, or cocaine base, or unlawfully
5 furnishing one of these controlled substances to a minor, upon
6 the grounds of, or within, a church, playground, youth center,
7 child day care facility, or public swimming pool during business
8 hours or whenever minors are using the facility (para. (1), subd.
9 (a), Sec. 11353.1, H.& S.C.).

10 (18) Inducing another person to commit a drug offense as part
11 of the drug transaction for which the defendant is convicted when
12 the value of the controlled substance involved exceeds five
13 hundred thousand dollars (\$500,000) (para. (1), subd. (a), Sec.
14 11356.5, H.& S.C.).

15 (19) Manufacturing, compounding, converting, producing,
16 deriving, processing, or preparing methamphetamine or
17 phencyclidine (PCP), or attempting to commit any of those acts,
18 or possessing specified combinations of substances with the
19 intent to manufacture either methamphetamine or phencyclidine
20 (PCP), when the commission or attempted commission of the
21 offense causes the death or great bodily injury of another person
22 other than an accomplice (subd. (a), Sec. 11379.9, H.& S.C.).

23 (20) Using a minor to commit a drug offense involving
24 phencyclidine (PCP), methamphetamine, or lysergic acid
25 diethylamide (LSD), or unlawfully furnishing one of these
26 controlled substances to a minor, when the commission of the
27 offense occurs upon the grounds of, or within, a church,
28 playground, youth center, child day care facility, or public
29 swimming pool during business hours or whenever minors are
30 using the facility (para. (1), subd. (a), Sec. 11380.1, H.& S.C.).

31 (21) Causing bodily injury or death to more than one victim in
32 any one instance of driving under the influence of any alcoholic
33 beverage or drug (Sec. 23558, Veh. C.).

34 (22) Fraudulently appropriating food stamps, electronically
35 transferred benefits, or authorizations to participate in the federal
36 Food Stamp Program entrusted to a public employee, or
37 knowingly using, transferring, selling, purchasing, or possessing
38 any of the same in an unauthorized manner, when the offense is
39 committed by means of an electronic transfer of benefits in an
40 amount exceeding fifty thousand dollars (\$50,000), but less than

1 one hundred fifty thousand dollars (\$150,000) (subpara. (A),
2 para. (1), subd. (h), Sec. 10980, W.& I.C.).

3 (b) The provisions listed in this subdivision imposing a
4 sentence enhancement of one, two, or three years' imprisonment
5 in the state prison may be referenced as Schedule B.

6 (1) Commission or attempted commission of a felony hate
7 crime (subd. (a), Sec. 422.75, Pen. C.).

8 (2) Commission or attempted commission of a felony against
9 the property of a public or private institution because the
10 property is associated with a person or group of identifiable race,
11 color, religion, nationality, country of origin, ancestry, gender,
12 disability, or sexual orientation (subd. (b), Sec. 422.75, Pen. C.).

13 (3) Felony conviction of unlawfully causing a fire of any
14 structure, forest land, or property when the defendant has been
15 previously convicted of arson or unlawfully causing a fire, or
16 when a firefighter, peace officer, or emergency personnel
17 suffered great bodily injury, or when the defendant proximately
18 caused great bodily injury to more than one victim, or caused
19 multiple structures to burn (subd. (a), Sec. 452.1, Pen. C.).

20 (4) Carrying a loaded or unloaded firearm during the
21 commission or attempted commission of any felony street gang
22 crime (subd. (a), Sec. 12021.5, Pen. C.).

23 (5) Personally using a deadly or dangerous weapon in the
24 commission of carjacking or attempted carjacking (para. (2),
25 subd. (b), Sec. 12022, Pen. C.).

26 (6) Being a principal in the commission or attempted
27 commission of any specified drug offense, knowing that another
28 principal is personally armed with a firearm (subd. (d), Sec.
29 12022, Pen. C.).

30 (7) Furnishing or offering to furnish a firearm to another for
31 the purpose of aiding, abetting, or enabling that person or any
32 other person to commit a felony (Sec. 12022.4, Pen. C.).

33 (8) Selling, supplying, delivering, or giving possession or
34 control of a firearm to any person within a prohibited class or to
35 a minor when the firearm is used in the subsequent commission
36 of a felony (para. (4), subd. (g), Sec. 12072, Pen. C.).

37 (9) Inducing, employing, or using a minor who is at least four
38 years younger than the defendant to commit a drug offense
39 involving any specified controlled substance, including, but not
40 limited to, heroin, cocaine, and cocaine base, or unlawfully

1 providing one of these controlled substances to a minor (para.
2 (3), subd. (a), Sec. 11353.1, H.& S.C.).

3 (10) Prior conviction of inducing, employing, or using a minor
4 to commit a drug offense involving cocaine base, or unlawfully
5 providing cocaine base to a minor that resulted in a prison
6 sentence with a current conviction of the same offense (subd. (a),
7 Sec. 11353.4, H.& S.C.).

8 (11) Prior conviction of inducing, employing, or using a minor
9 to commit a drug offense involving cocaine base, or unlawfully
10 providing cocaine base to a minor with a current conviction of
11 the same offense involving a minor who is 14 years of age or
12 younger (subd. (b), Sec. 11353.4, H.& S.C.).

13 (12) Inducing, employing, or using a minor who is at least four
14 years younger than the defendant to commit a drug offense
15 involving any specified controlled substance, including, but not
16 limited to, phencyclidine (PCP), methamphetamine, and lysergic
17 acid diethylamide (LSD), or unlawfully providing one of these
18 controlled substances to a minor (para. (3), subd. (a), Sec.
19 11380.1, H.& S.C.).

20 (13) Causing great bodily injury or a substantial probability
21 that death could result by the knowing disposal, transport,
22 treatment, storage, burning, or incineration of any hazardous
23 waste at a facility without permits or at an unauthorized point
24 (subd. (e), Sec. 25189.5, and subd. (c), Sec. 25189.7, H.& S.C.).

25 (c) The provisions listed in this subdivision imposing a
26 sentence enhancement of one, two, or five years' imprisonment
27 in the state prison may be referenced as Schedule C.

28 (1) Wearing a bullet-resistant body vest in the commission or
29 attempted commission of a violent offense (subd. (b), Sec.
30 12022.2, Pen. C.).

31 (2) Commission or attempted commission of any specified sex
32 offense while armed with a firearm or deadly weapon (subd. (b),
33 Sec. 12022.3, Pen. C.).

34 (d) The provisions listed in this subdivision imposing a
35 sentence enhancement of 16 months, or two or three years'
36 imprisonment in the state prison may be referenced as Schedule
37 D.

38 (1) Knowing failure to register pursuant to Section 186.30 and
39 subsequent conviction or violation of Section 186.30, as
40 specified (para. (1), subd. (b), Sec. 186.33, Pen. C.).

1 (e) The provisions listed in this subdivision imposing a
2 sentence enhancement of two years' imprisonment in the state
3 prison may be referenced as Schedule E.

4 (1) Money laundering when the value of the transactions
5 exceeds one hundred fifty thousand dollars (\$150,000), but is less
6 than one million dollars (\$1,000,000) (subpara. (B), para. (1),
7 subd. (c), Sec. 186.10, Pen. C.).

8 (2) Commission of two or more related felonies, a material
9 element of which is fraud or embezzlement, which involve a
10 pattern of related felony conduct, involving the taking of more
11 than one hundred fifty thousand dollars (\$150,000) (para. (3),
12 subd. (a), Sec. 186.11, Pen. C.).

13 (3) Conviction of any specified felony sex offense that is
14 committed after fleeing to this state under specified
15 circumstances (subd. (d), Sec. 289.5, Pen. C.).

16 (4) Prior conviction of any specified insurance fraud offense
17 with current conviction of willfully injuring, destroying,
18 secreting, abandoning, or disposing of any property insured
19 against loss or damage by theft, embezzlement, or any casualty
20 with the intent to defraud or prejudice the insurer (subd. (b), Sec.
21 548, Pen. C.).

22 (5) Prior conviction of any specified insurance fraud offense
23 with current conviction of knowingly presenting any false or
24 fraudulent insurance claim or multiple claims for the same loss or
25 injury, or knowingly causing or participating in a vehicular
26 collision for the purpose of presenting any false or fraudulent
27 claim, or providing false or misleading information or concealing
28 information for purpose of insurance fraud (subd. (e), Sec. 550,
29 Pen. C.).

30 (6) Causing serious bodily injury as a result of knowingly
31 causing or participating in a vehicular collision or accident for
32 the purpose of presenting any false or fraudulent claim (subd. (g),
33 Sec. 550, Pen. C.).

34 (7) Harming, obstructing, or interfering with any horse or dog
35 being used by any peace officer in the discharge or attempted
36 discharge of his or her duties and, with the intent to cause great
37 bodily injury, personally causing great bodily injury to any
38 person other than an accomplice (subd. (d), Sec. 600, Pen. C.).

39 (8) Prior conviction of any specified offense with current
40 conviction of any of those offenses committed against a person

1 who is 65 years of age or older, blind, a paraplegic or
2 quadriplegic, or under 14 years of age (subd. (b), Sec. 667.9, Pen.
3 C.).

4 (9) Prior conviction for sexual penetration with current
5 conviction of the same offense committed against a person who
6 is 65 years of age or older, blind, deaf, developmentally disabled,
7 a paraplegic or quadriplegic, or under 14 years of age (subd. (a),
8 Sec. 667.10, Pen. C.).

9 (10) Showing child pornography to a minor prior to or during
10 the commission or attempted commission of continuous sexual
11 abuse of the minor (subd. (b), Sec. 667.15, Pen. C.).

12 (11) Primary care provider in a day care facility committing
13 any specified felony sex offense against a minor entrusted to his
14 or her care (subd. (a), Sec. 674, Pen. C.).

15 (12) Commission of a felony offense while released from
16 custody on bail or own recognizance (subd. (b), Sec. 12022.1,
17 Pen. C.).

18 (13) Taking, damaging, or destroying any property in the
19 commission or attempted commission of a felony with the intent
20 to cause that taking, damage, or destruction when the loss
21 exceeds one hundred fifty thousand dollars (\$150,000) (para. (2),
22 subd. (a), Sec. 12022.6, Pen. C.).

23 (14) Inducing, employing, or using a minor to commit a drug
24 offense involving heroin, cocaine, or cocaine base, or unlawfully
25 furnishing one of these controlled substances to a minor, upon, or
26 within 1,000 feet of, the grounds of a school during school hours
27 or whenever minors are using the facility (para. (2), subd. (a),
28 Sec. 11353.1, H.& S.C.).

29 (15) Inducing another person to commit a drug offense as part
30 of the drug transaction for which the defendant is convicted when
31 the value of the controlled substance involved exceeds two
32 million dollars (\$2,000,000) (para. (2), subd. (a), Sec. 11356.5,
33 H.& S.C.).

34 (16) Manufacturing, compounding, converting, producing,
35 deriving, processing, or preparing methamphetamine or
36 phencyclidine (PCP), or attempting to commit any of those acts,
37 or possessing specified combinations of substances with the
38 intent to manufacture either methamphetamine or phencyclidine
39 (PCP), when the commission or attempted commission of the

1 crime occurs in a structure where any child under 16 years of age
2 is present (subd. (a), Sec. 11379.7, H.& S.C.).

3 (17) Using a minor to commit a drug offense involving
4 phencyclidine (PCP), methamphetamine, or lysergic acid
5 diethylamide (LSD), or unlawfully furnishing one of these
6 controlled substances to a minor, upon, or within 1,000 feet of,
7 the grounds of a school during school hours or whenever minors
8 are using the facility (para. (2), subd. (a), Sec. 11380.1, H.&
9 S.C.).

10 (18) Prior felony conviction of any specified insurance fraud
11 offense with a current conviction of making false or fraudulent
12 statements concerning a workers' compensation claim (subd. (c),
13 Sec. 1871.4, Ins. C.).

14 (19) Prior felony conviction of making or causing to be made
15 any knowingly false or fraudulent statement of any fact material
16 to the determination of the premium, rate, or cost of any policy of
17 workers' compensation insurance for the purpose of reducing the
18 premium, rate, or cost of the insurance with a current conviction
19 of the same offense (subd. (b), Sec. 11760, Ins. C.).

20 (20) Prior felony conviction of making or causing to be made
21 any knowingly false or fraudulent statement of any fact material
22 to the determination of the premium, rate, or cost of any policy of
23 workers' compensation insurance issued or administered by the
24 State Compensation Insurance Fund for the purpose of reducing
25 the premium, rate, or cost of the insurance with a current
26 conviction of the same offense (subd. (b), Sec. 11880, Ins. C.).

27 (21) Fraudulently appropriating food stamps, electronically
28 transferred benefits, or authorizations to participate in the federal
29 Food Stamp Program entrusted to a public employee, or
30 knowingly using, transferring, selling, purchasing, or possessing,
31 any of the same in an unauthorized manner, when the offense is
32 committed by means of an electronic transfer of benefits in an
33 amount exceeding one hundred fifty thousand dollars (\$150,000),
34 but less than one million dollars (\$1,000,000) (subpara. (B), para.
35 (1), subd. (h), Sec. 10980, W.& I.C.).

36 (f) The provisions listed in this subdivision imposing a
37 sentence enhancement of two, three, or four years' imprisonment
38 in the state prison may be referenced as Schedule F.

39 (1) Commission of a felony, other than a serious or violent
40 felony, for the benefit of, at the direction of, or in association

1 with, any criminal street gang, with the specific intent to
2 promote, further, or assist in any criminal conduct by gang
3 members (subpara. (A), para. (1), subd. (b), Sec. 186.22, Pen.
4 C.).

5 (2) Acting in concert with another person or aiding or abetting
6 another person in committing or attempting to commit a felony
7 hate crime (subd. (c), Sec. 422.75, Pen. C.).

8 (3) Carrying a loaded or unloaded firearm together with a
9 detachable shotgun magazine, a detachable pistol magazine, a
10 detachable magazine, or a belt-feeding device during the
11 commission or attempted commission of any felony street gang
12 crime (subd. (b), Sec. 12021.5, Pen. C.).

13 (g) The provisions listed in this subdivision imposing a
14 sentence enhancement of two, three, or five years' imprisonment
15 in the state prison may be referenced as Schedule G.

16 (1) Commission of two or more related felonies, a material
17 element of which is fraud or embezzlement, which involve a
18 pattern of related felony conduct, involving the taking of more
19 than five hundred thousand dollars (\$500,000) (para. (2), subd.
20 (a), Sec. 186.11, Pen. C.).

21 (h) The provisions listed in this subdivision imposing a
22 sentence enhancement of three years' imprisonment in the state
23 prison may be referenced as Schedule H.

24 (1) Money laundering when the value of transactions exceeds
25 one million dollars (\$1,000,000), but is less than two million five
26 hundred thousand dollars (\$2,500,000) (subpara. (C), para. (1),
27 subd. (c), Sec. 186.10, Pen. C.).

28 (2) Solicitation, recruitment, or coercion, of a minor to
29 actively participate in a criminal street gang (subd. (d), Sec.
30 186.26, Pen. C.).

31 (3) Willfully mingling any poison or harmful substance which
32 may cause death if ingested, or which causes the infliction of
33 great bodily injury on any person, with any food, drink,
34 medicine, or pharmaceutical product or willfully placing that
35 poison or harmful substance in any spring, well, reservoir, or
36 public water supply (para. (2), subd. (a), Sec. 347, Pen. C.).

37 (4) Causing great bodily injury by willfully causing or
38 permitting any elder or dependent adult to suffer, or inflicting
39 pain or mental suffering upon, or endangering the health of, an

1 elder or dependent adult when the victim is under 70 years of age
2 (subpara. (A), para. (2), subd. (b), Sec. 368, Pen. C.).

3 (5) Maliciously driving or placing, in any tree, saw-log,
4 shingle-bolt, or other wood, any iron, steel, ceramic, or other
5 substance sufficiently hard to injure saws and causing bodily
6 injury to another person other than an accomplice (subd. (b), Sec.
7 593a, Pen. C.).

8 (6) Prior prison term for violent felony with current violent
9 felony conviction (subd. (a), Sec. 667.5, Pen. C.).

10 (7) Commission of any specified felony sex offense by a
11 primary care provider in a day care facility against a minor
12 entrusted to his or her care while voluntarily acting in concert
13 with another (subd. (b), Sec. 674, Pen. C.).

14 (8) Commission or attempted commission of a felony while
15 armed with an assault weapon or a machinegun (para. (2), subd.
16 (a), Sec. 12022, Pen. C.).

17 (9) Taking, damaging, or destroying any property in the
18 commission or attempted commission of a felony with the intent
19 to cause that taking, damage, or destruction when the loss
20 exceeds one million dollars (\$1,000,000) (para. (3), subd. (a),
21 Sec. 12022.6, Pen. C.).

22 (10) Personally inflicting great bodily injury on any person
23 other than an accomplice in the commission or attempted
24 commission of a felony (subd. (a), Sec. 12022.7, Pen. C.).

25 (11) Administering by injection, inhalation, ingestion, or any
26 other means, any specified controlled substance against the
27 victim's will by means of force, violence, or fear of immediate
28 and unlawful bodily injury to the victim or another person for the
29 purpose of committing a felony (Sec. 12022.75, Pen. C.).

30 (12) Commission of any specified sex offense with knowledge
31 that the defendant has acquired immune deficiency syndrome
32 (AIDS) or with the knowledge that he or she carries antibodies of
33 the human immunodeficiency virus at the time of the commission
34 of the offense (subd. (a), Sec. 12022.85, Pen. C.).

35 (13) Inducing another person to commit a drug offense as part
36 of the drug transaction for which the defendant is convicted when
37 the value of the controlled substance involved exceeds five
38 million dollars (\$5,000,000) (para. (3), subd. (a), Sec. 11356.5,
39 H.& S.C.).

1 (14) Prior conviction of any specified drug offense with
2 current conviction of any specified drug offense (subds. (a), (b),
3 and (c), Sec. 11370.2, H.& S.C.).

4 (15) Commission of any specified drug offense involving a
5 substance containing heroin, cocaine base, cocaine,
6 methamphetamine, amphetamine, or phencyclidine (PCP), when
7 the substance exceeds one kilogram or 30 liters (para. (1), subd.
8 (a), and para. (1), subd. (b), Sec. 11370.4, H.& S.C.).

9 (16) Manufacturing, compounding, converting, producing,
10 deriving, processing, or preparing any substance containing
11 amphetamine, methamphetamine, or phencyclidine (PCP) or its
12 analogs or precursors, or attempting to commit any of those acts,
13 when the substance exceeds three gallons or one pound (para.
14 (1), subd. (a), Sec. 11379.8, H.& S.C.).

15 (17) Four or more prior convictions of specified
16 alcohol-related vehicle offenses with current conviction of
17 driving under the influence and causing great bodily injury (subd.
18 (c), Sec. 23566, Veh. C.).

19 (18) Fraudulently appropriating food stamps, electronically
20 transferred benefits, or authorizations to participate in the federal
21 Food Stamp Program entrusted to a public employee, or
22 knowingly using, transferring, selling, purchasing, or possessing,
23 any of the same in an unauthorized manner, when the offense is
24 committed by means of an electronic transfer of benefits in an
25 amount exceeding one million dollars (\$1,000,000), but less than
26 two million five hundred thousand dollars (\$2,500,000) (subpara.
27 (C), para. (1), subd. (h), Sec. 10980, W.& I.C.).

28 (i) The provisions listed in this subdivision imposing a
29 sentence enhancement of three, four, or five years' imprisonment
30 in the state prison may be referenced as Schedule I.

31 (1) Commission of felony arson with prior conviction of arson
32 or unlawfully starting a fire, or causing great bodily injury to a
33 firefighter, peace officer, other emergency personnel, or multiple
34 victims, or causing the burning of multiple structures, or using an
35 accelerator or ignition delay device (subd. (a), Sec. 451.1, Pen.
36 C.).

37 (2) Commission or attempted commission of any specified
38 drug offense while personally armed with a firearm (subd. (c),
39 Sec. 12022, Pen. C.).

1 (3) Personally inflicting great bodily injury under
2 circumstances involving domestic violence in the commission or
3 attempted commission of a felony (subd. (e), Sec. 12022.7, Pen.
4 C.).

5 (4) Commission of any specified drug offense involving
6 cocaine base, heroin, or methamphetamine, or a conspiracy to
7 commit any of those offenses, upon the grounds of, or within
8 1,000 feet of, a school during school hours or when minors are
9 using the facility (subd. (b), Sec. 11353.6, H.& S.C.).

10 (5) Commission of any specified drug offense involving
11 cocaine base, heroin, or methamphetamine, or a conspiracy to
12 violate any of those offenses, involving a minor who is at least
13 four years younger than the defendant (subd. (c), Sec. 11353.6,
14 H.& S.C.).

15 (j) The provisions listed in this subdivision imposing a
16 sentence enhancement of 3, 4, or 10 years' imprisonment in the
17 state prison may be referenced as Schedule J.

18 (1) Commission or attempted commission of any felony while
19 armed with a firearm and in the immediate possession of
20 ammunition for the firearm designed primarily to penetrate metal
21 or armor (subd. (a), Sec. 12022.2, Pen. C.).

22 (2) Commission or attempted commission of any specified sex
23 offense while using a firearm or deadly weapon (subd. (a), Sec.
24 12022.3, Pen. C.).

25 (3) Commission or attempted commission of a felony while
26 personally using a firearm (subd. (a), Sec. 12022.5, Pen. C.).

27 (k) The provisions listed in this subdivision imposing a
28 sentence enhancement of four years' imprisonment in the state
29 prison may be referenced as Schedule K.

30 (1) Money laundering when the value of transactions exceeds
31 two million five hundred thousand dollars (\$2,500,000) (subpara.
32 (D), para. (1), subd. (c), Sec. 186.10, Pen. C.).

33 (2) Prior conviction of willfully inflicting upon a child any
34 cruel or inhuman corporal punishment or injury resulting in a
35 traumatic condition with current conviction of that offense (subd.
36 (b), Sec. 273d, Pen. C.).

37 (3) Taking, damaging, or destroying any property in the
38 commission or attempted commission of a felony with the intent
39 to cause that taking, damage, or destruction when the loss

1 exceeds two million five hundred thousand dollars (\$2,500,000)
2 (para. (4), subd. (a), Sec. 12022.6, Pen. C.).

3 (4) Willfully causing or permitting any child to suffer, or
4 inflicting on the child unjustifiable physical pain or injury that
5 results in death under circumstances or conditions likely to
6 produce great bodily harm or death, or, having the care or
7 custody of any child, willfully causing or permitting that child to
8 be injured or harmed under circumstances likely to produce great
9 bodily harm or death, when that injury or harm results in death
10 (Sec. 12022.95, Pen. C.).

11 (5) Fraudulently appropriating food stamps, electronically
12 transferred benefits, or authorizations to participate in the federal
13 Food Stamp Program entrusted to a public employee, or
14 knowingly using, transferring, selling, purchasing, or possessing,
15 any of the same in an unauthorized manner, when the offense is
16 committed by means of an electronic transfer of benefits in an
17 amount exceeding two million five hundred thousand dollars
18 (\$2,500,000) (subpara. (D), para. (1), subd. (h), Sec. 10980, W.&
19 I.C.).

20 (6) Execution of a scheme or artifice to defraud the Medi-Cal
21 program or any other health care program administered by the
22 State Department of Health Services or its agents or contractors,
23 or to obtain under false or fraudulent pretenses, representations,
24 or promises any property owned by or under the custody of the
25 Medi-Cal program or any health care program administered by
26 the department, its agents, or contractors under circumstances
27 likely to cause or that do cause two or more persons great bodily
28 injury (subd. (d), Sec. 14107, W.& I.C.).

29 (l) The provisions listed in this subdivision imposing a
30 sentence enhancement of four, five, or six years' imprisonment in
31 the state prison may be referenced as Schedule L.

32 (1) Personally inflicting great bodily injury on a child under
33 the age of five years in the commission or attempted commission
34 of a felony (subd. (d), Sec. 12022.7, Pen. C.).

35 (m) The provisions listed in this subdivision imposing a
36 sentence enhancement of five years' imprisonment in the state
37 prison may be referenced as Schedule M.

38 (1) Commission of a serious felony for the benefit of, at the
39 direction of, or in association with, any criminal street gang, with
40 the specific intent to promote, further, or assist in any criminal

1 conduct by gang members (subpara. (B), para. (1), subd. (b), Sec.
2 186.22, Pen. C.).

3 (2) Using sex offender registration information to commit a
4 felony (para. (1), subd. ~~(b)~~(c), Sec. 290.4, ~~and~~ para. (1), subd. (e),
5 Sec. 290.45, *and para. (2) subd. (j), Sec. 290.46*, Pen. C.).

6 (3) Causing great bodily injury by willfully causing or
7 permitting any elder or dependent adult to suffer, or inflicting
8 pain or mental suffering upon, or endangering the health of, an
9 elder or dependent adult when the victim is 70 years of age or
10 older (subpara. (B), para. (2), subd. (b), Sec. 368, Pen. C.).

11 (4) Causing death by willfully causing or permitting any elder
12 or dependent adult to suffer, or inflicting pain or mental suffering
13 upon, or endangering the health of, an elder or dependent adult
14 when the victim is under 70 years of age (subpara. (A), para. (3),
15 subd. (b), Sec. 368, Pen. C.).

16 (5) Two prior felony convictions of knowingly causing or
17 participating in a vehicular collision or accident for the purpose
18 of presenting any false or fraudulent claim with current
19 conviction of the same (subd. (f), Sec. 550, Pen. C.).

20 (6) Prior conviction of a serious felony with current conviction
21 of a serious felony (para. (1), subd. (a), Sec. 667, Pen. C.).

22 (7) Prior conviction of any specified sex offense with current
23 conviction of lewd and lascivious acts with a child under 14
24 years of age (subd. (a), Sec. 667.51, Pen. C.).

25 (8) Prior conviction of any specified sex offense with current
26 conviction of any of those sex offenses (subd. (a), Sec. 667.6,
27 Pen. C.).

28 (9) Kidnapping or carrying away any child under 14 years of
29 age with the intent to permanently deprive the parent or legal
30 guardian custody of that child (Sec. 667.85, Pen. C.).

31 (10) Personally inflicting great bodily injury on any person
32 other than an accomplice in the commission or attempted
33 commission of a felony that causes the victim to become
34 comatose due to a brain injury or to suffer paralysis of a
35 permanent nature (subd. (b), Sec. 12022.7, Pen. C.).

36 (11) Personally inflicting great bodily injury on another person
37 who is 70 years of age or older other than an accomplice in the
38 commission or attempted commission of a felony (subd. (c), Sec.
39 12022.7, Pen. C.).

1 (12) Inflicting great bodily injury on any victim in the
2 commission or attempted commission of any specified sex
3 offense (Sec. 12022.8, Pen. C.).

4 (13) Personally and intentionally inflicting injury upon a
5 pregnant woman during the commission or attempted
6 commission of a felony that results in the termination of the
7 pregnancy when the defendant knew or reasonably should have
8 known that the victim was pregnant (Sec. 12022.9, Pen. C.).

9 (14) Using information disclosed to the licensee of a
10 community care facility by a prospective client regarding his or
11 her status as a sex offender to commit a felony (subd. (c), Sec.
12 1522.01, H.& S.C.).

13 (15) Commission of any specified drug offense involving a
14 substance containing heroin, cocaine base, cocaine,
15 methamphetamine, amphetamine, or phencyclidine (PCP), when
16 the substance exceeds 4 kilograms or 100 liters (para. (2), subd.
17 (a), and para. (2), subd. (b), Sec. 11370.4, H.& S.C.).

18 (16) Manufacturing, compounding, converting, producing,
19 deriving, processing, or preparing methamphetamine or
20 phencyclidine (PCP), or attempting to commit any of those acts,
21 or possessing specified combinations of substances with the
22 intent to manufacture either methamphetamine or phencyclidine
23 (PCP), when the commission of the crime causes any child under
24 16 years of age to suffer great bodily injury (subd. (b), Sec.
25 11379.7, H.& S.C.).

26 (17) Manufacturing, compounding, converting, producing,
27 deriving, processing, or preparing any substance containing
28 amphetamine, methamphetamine, or phencyclidine (PCP) or its
29 analogs or precursors, or attempting to commit any of those acts,
30 when the substance exceeds 10 gallons or three pounds (para. (2),
31 subd. (a), Sec. 11379.8, H.& S.C.).

32 (18) Fleeing the scene of the crime after commission of
33 vehicular manslaughter (subd. (c), Sec. 20001, Veh. C.).

34 (n) The provisions listed in this subdivision imposing a
35 sentence enhancement of 5, 6, or 10 years' imprisonment in the
36 state prison may be referenced as Schedule N.

37 (1) Commission or attempted commission of a felony while
38 personally using an assault weapon or a machinegun (subd. (b),
39 Sec. 12022.5, Pen. C.).

1 (2) Discharging a firearm from a motor vehicle in the
2 commission or attempted commission of a felony with the intent
3 to inflict great bodily injury or death and causing great bodily
4 injury or death (Sec. 12022.55, Pen. C.).

5 (o) The provisions listed in this subdivision imposing a
6 sentence enhancement of seven years' imprisonment in the state
7 prison may be referenced as Schedule O.

8 (1) Causing death by willfully causing or permitting any elder
9 or dependent adult to suffer, or inflicting pain or mental suffering
10 upon, or endangering the health of, an elder or dependent adult
11 when the victim is 70 years of age or older (subpara. (B), para.
12 (3), subd. (b), Sec. 368, Pen. C.).

13 (p) The provisions listed in this subdivision imposing a
14 sentence enhancement of nine years' imprisonment in the state
15 prison may be referenced as Schedule P.

16 (1) Kidnapping a victim for the purpose of committing any
17 specified felony sex offense (subd. (a), Sec. 667.8, Pen. C.).

18 (q) The provisions listed in this subdivision imposing a
19 sentence enhancement of 10 years' imprisonment in the state
20 prison may be referenced as Schedule Q.

21 (1) Commission of a violent felony for the benefit of, at the
22 direction of, or in association with, any criminal street gang, with
23 the specific intent to promote, further, or assist in any criminal
24 conduct by gang members (subpara. (C), para. (1), subd. (b), Sec.
25 186.22, Pen. C.).

26 (2) Two or more prior prison terms for any specified sex
27 offense with current conviction of any of those sex offenses
28 (subd. (b), Sec. 667.6, Pen. C.).

29 (3) Commission or attempted commission of any specified
30 felony offense while personally using a firearm (subd. (b), Sec.
31 12022.53, Pen. C.).

32 (4) Commission of any specified drug offense involving a
33 substance containing heroin, cocaine base, cocaine,
34 methamphetamine, amphetamine, or phencyclidine (PCP), when
35 the substance exceeds 10 kilograms or 200 liters (para. (3), subd.
36 (a), and para. (3), subd. (b), Sec. 11370.4, H.& S.C.).

37 (5) Manufacturing, compounding, converting, producing,
38 deriving, processing, or preparing any substance containing
39 amphetamine, methamphetamine, or phencyclidine (PCP) or its
40 analogs or precursors, or attempting to commit any of those acts,

1 when the substance exceeds 25 gallons or 10 pounds (para. (3),
2 subd. (a), Sec. 11379.8, H.& S.C.).

3 (r) The provisions listed in this subdivision imposing a
4 sentence enhancement of 15 years' imprisonment in the state
5 prison may be referenced as Schedule R.

6 (1) Kidnapping a victim under 14 years of age for the purpose
7 of committing any specified felony sex offense (subd. (b), Sec.
8 667.8, Pen. C.).

9 (2) Commission of any specified drug offense involving a
10 substance containing heroin, cocaine base, cocaine,
11 methamphetamine, amphetamine, or phencyclidine (PCP), when
12 the substance exceeds 20 kilograms or 400 liters (para. (4), subd.
13 (a), and para. (4), subd. (b), Sec. 11370.4, H.& S.C.).

14 (3) Manufacturing, compounding, converting, producing,
15 deriving, processing, or preparing any substance containing
16 amphetamine, methamphetamine, or phencyclidine (PCP) or its
17 analogs or precursors, or attempting to commit any of those acts,
18 when the substance exceeds 105 gallons or 44 pounds (para. (4),
19 subd. (a), Sec. 11379.8, H.& S.C.).

20 (s) The provisions listed in this subdivision imposing a
21 sentence enhancement of 20 years' imprisonment in the state
22 prison may be referenced as Schedule S.

23 (1) Intentionally and personally discharging a firearm in the
24 commission or attempted commission of any specified felony
25 offense (subd. (c), Sec. 12022.53, Pen. C.).

26 (2) Commission of any specified drug offense involving a
27 substance containing heroin, cocaine base, or cocaine, when the
28 substance exceeds 40 kilograms (para. (5), subd. (a), Sec.
29 11370.4, H.& S.C.).

30 (t) The provisions listed in this subdivision imposing a
31 sentence enhancement of 25 years' imprisonment in the state
32 prison may be referenced as Schedule T.

33 (1) Commission of any specified drug offense involving a
34 substance containing heroin, cocaine base, or cocaine, when the
35 substance exceeds 80 kilograms (para. (6), subd. (a), Sec.
36 11370.4, H.& S.C.).

37 (u) The provisions listed in this subdivision imposing a
38 sentence enhancement of 25 years to life imprisonment in the
39 state prison may be referenced as Schedule U.

1 (1) Intentionally and personally discharging a firearm in the
2 commission or attempted commission of any specified felony
3 offense and proximately causing great bodily injury to any
4 person other than an accomplice (subd. (d), Sec. 12022.53, Pen.
5 C.).

6 SEC. 11. Section 1170.11 of the Penal Code is amended to
7 read:

8 1170.11. As used in Section 1170.1, the term “specific
9 enhancement” means an enhancement that relates to the
10 circumstances of the crime. It includes, but is not limited to, the
11 enhancements provided in Sections 186.10, 186.11, 186.22,
12 186.26, 186.33, 273.4, 289.5, 290.4, 290.45, 290.46, 347, and
13 368, subdivisions (a), (b), and (c) of Section 422.75, paragraphs
14 (2), (3), (4), and (5) of subdivision (a) of Section 451.1,
15 paragraphs (2), (3), and (4) of subdivision (a) of Section 452.1,
16 subdivision (g) of Section 550, Sections 593a, 600, 667.8,
17 667.85, 667.9, 667.10, 667.15, 667.16, 667.17, 674, 12021.5,
18 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55,
19 12022.6, 12022.7, 12022.75, 12022.8, 12022.85, 12022.9,
20 12022.95, 12072, and 12280 of this code, and in Sections
21 1522.01 and 11353.1, subdivision (b) of Section 11353.4,
22 Sections 11353.6, 11356.5, 11370.4, 11379.7, 11379.8, 11379.9,
23 11380.1, 25189.5, and 25189.7 of the Health and Safety Code,
24 and in Sections 20001 and 23558 of the Vehicle Code, and in
25 Sections 10980 and 14107 of the Welfare and Institutions Code.

26 SEC. 12. The Legislature finds and declares the following:

27 (a) The findings and declarations made by the Legislature in
28 Section 1 of Chapter 908 of the Statutes of 1996, which enacted
29 California’s law relating to public notification regarding
30 registered sex offenders, also apply to public notification made
31 via the Internet Web site mandated by this section.

32 (b) Releasing the home addresses and other information
33 pertaining to specified registered sex offenders is not intended to
34 further punish them for their offenses, but to allow the public to
35 be aware of their presence in the community and take appropriate
36 and lawful safety precautions on behalf of themselves and their
37 children.

38 (c) The notice concerning sex offender information required
39 by Section 2079.10a of the Civil Code is not expected to change
40 immediately upon the effective date of this act or immediately

1 upon the notification to the Secretary of State pursuant to Section
2 290.47 of the Penal Code, as added by this act. It is expected that
3 forms accompanying real estate transactions may reflect the
4 notice in the prior law for a reasonable period following those
5 dates.

6 SEC. 13. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.

15 SEC. 14. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety
17 within the meaning of Article IV of the Constitution and shall go
18 into immediate effect. The facts constituting the necessity are:

19 In order to assure that members of the public have adequate
20 information about the identities and locations of sex offenders
21 who may put them and their families at risk, it is necessary that
22 this act take effect immediately.