

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2263

Introduced by Assembly Member Spitzer
(Coauthors: Assembly Members ~~Daucher and Villines~~ Cogdill,
Daucher, DeVore, Garcia, Shirley Horton, La Suer, Mountjoy,
***Strickland, Villines, Walters, and Wyland*)**

(Coauthors: Senators ~~Cox and Dutton~~ Battin, Cox, Dutton, and
***Morrow*)**

February 22, 2006

An act to amend Section 290.95 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as amended, Spitzer. Sex offenders: working with minors.

Under existing law, a person who is required to register as a sex offender; who applies or accepts a position as an employee or volunteer with any person, group, or organization where he or she would be working directly and in an unaccompanied setting with minor children on a regular basis, is required to disclose his or her registrant status. A violation of that provision is a misdemeanor.

This bill would eliminate as a condition of that disclosure requirement that the person work in an unaccompanied setting with the minor children. Because the bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 290.95 of the Penal Code is amended to
2 read:

3 290.95. (a) Every person required to register under Section
4 290, who applies or accepts a position as an employee or
5 volunteer with any person, group, or organization where the
6 registrant would be working directly with minor children on
7 more than an incidental and occasional basis or have supervision
8 or disciplinary power over minor children, shall disclose his or
9 her status as a registrant, upon application or acceptance of a
10 position, to that person, group, or organization.

11 (b) No person who is required to register under Section 290
12 because of a conviction for a crime where the victim was a minor
13 under 16 years of age shall be an employee or act as a volunteer
14 with any person, group, or organization where the registrant
15 would be working directly *and in an unaccompanied setting* with
16 minor children on more than an incidental and occasional basis
17 or have supervision or disciplinary power over minor children.

18 (c) A violation of this section is a misdemeanor punishable by
19 imprisonment in a county jail for not exceeding six months, by a
20 fine not exceeding one thousand dollars (\$1,000), or by both that
21 imprisonment and fine, and a violation of this section shall not
22 constitute a continuing offense.

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

1 crime within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

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