

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2694**

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**Introduced by Assembly Member ~~McCarthy~~ Canciamilla**

February 24, 2006

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An act to amend ~~Section 11379~~ Sections 11590, and 11594 of, and to repeal Sections 11592 of, 11593, and 11595 of, of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2694, as amended, ~~McCarthy~~ Canciamilla. Controlled substances.

*Existing law provides that any person who is convicted of specified controlled substance offenses shall, within 30 days of becoming a resident of a city, county, or city and county, register with the law enforcement agency of that city, county, or city and county. A knowing failure to register is a misdemeanor.*

*This bill would provide that these provisions would not apply to a city or county that by resolution no longer requires registration.*

*Existing law requires that registration consist of a statement in writing signed by the person and his or her, fingerprints and photograph which the registering law enforcement agency shall then forward to the Department of Justice.*

*This bill would remove the requirement that the registering agency forward the signed statement, fingerprints, and photograph to the Department of Justice.*

*Existing law provides that any person who is discharged or paroled from confinement, released on probation, or discharged upon payment of a fine, as specified, because of the commission or attempt to commit*

*specified controlled substance offenses shall be informed of his or her duty to register and required to read and sign a form as may be required by the Department of Justice, stating that the duty of the person to register has been explained to him or her. Existing law requires the official in charge of the place of confinement or the court to report the address where the person expects to reside to the Department of Justice.*

*This bill would repeal these provisions. This bill would make other conforming changes.*

~~Existing law makes it a crime for any person to transport, import into this state, sell, furnish, administer, or give away specified controlled substances.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

1     SECTION 1. Section 11590 of the Health and Safety Code, as  
2     amended by Section 2 of Chapter 1417 of the Statutes of 1990, is  
3     amended to read:

4     11590. (a) Except as provided in subdivisions (c) and (d),  
5     any person who is convicted in the State of California of any  
6     offense defined in Section 11350, 11351, 11351.5, 11352, 11353,  
7     11353.5, 11353.7, 11354, 11355, 11357, 11358, 11359, 11360,  
8     11361, 11363, 11366, 11366.5, 11366.6, 11368, 11378, 11378.5,  
9     11379, 11379.5, 11379.6, 11380, 11380.5, 11383, or 11550, or  
10    subdivision (a) of Section 11377, or any person who is  
11    discharged or paroled from a penal institution where he or she  
12    was confined because of the commission of any such offense, or  
13    any person who is convicted in any other state of any offense  
14    which, if committed or attempted in this state, would have been  
15    punishable as one or more of the above-mentioned offenses, shall  
16    within 30 days of his or her coming into any county or city, or  
17    city and county in which he or she resides or is temporarily  
18    domiciled for that length of time, register with the chief of police  
19    of the city in which he or she resides or the sheriff of the county  
20    if he or she resides in an unincorporated area.

1 For persons convicted of an offense defined in Section 11377,  
2 11378, 11379, or 11380, this subdivision shall apply only to  
3 offenses involving controlled substances specified in paragraph  
4 (12) of subdivision (d) of Section 11054 and paragraph (2) of  
5 subdivision (d) of Section 11055, and to analogs of these  
6 substances, as defined in Section 11401. For persons convicted of  
7 an offense defined in Section 11379 or 11379.5, this subdivision  
8 shall not apply if the conviction was for transporting, offering to  
9 transport, or attempting to transport a controlled substance.

10 (b) Any person who is convicted in any federal court of any  
11 offense which, if committed or attempted in this state would have  
12 been punishable as one or more of the offenses enumerated in  
13 subdivision (a) shall within 30 days of his or her coming into any  
14 county or city, or city and county in which he or she resides or is  
15 temporarily domiciled for that length of time, register with the  
16 chief of police of the city in which he or she resides or the sheriff  
17 of the county if he or she resides in an unincorporated area.

18 (c) This section does not apply to a conviction of a  
19 misdemeanor under Section 11357, 11360, or 11377.

20 (d) The registration requirements imposed by this section for  
21 the conviction of offenses defined in Section 11353.7, 11366.5,  
22 11366.6, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6,  
23 11380, 11380.5, or 11383, shall apply to any person who  
24 commits any of those offenses on and after January 1, 1990.

25 (e) *Effective July 1, 2007, the registration requirements*  
26 *imposed by this section shall not be imposed in any city or county*  
27 *that by resolution no longer requires registration.*

28 *SEC. 2. Section 11590 of the Health and Safety Code, as*  
29 *amended by Section 1 of Chapter 714 of the Statutes of 1995, is*  
30 *amended to read:*

31 11590. (a) Except as provided in subdivisions (c) and (d),  
32 any person who is convicted in the State of California of any  
33 offense defined in Section 11350, 11351, 11351.5, 11352, 11353,  
34 11353.5, 11353.7, 11354, 11355, 11357, 11358, 11359, 11360,  
35 11361, 11363, 11366, 11366.5, 11366.6, 11368, 11370.1, 11378,  
36 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383, or  
37 11550, or subdivision (a) of Section 11377, or any person who is  
38 discharged or paroled from a penal institution where he or she  
39 was confined because of the commission of any such offense, or  
40 any person who is convicted in any other state of any offense

1 which, if committed or attempted in this state, would have been  
2 punishable as one or more of the above-mentioned offenses, shall  
3 within 30 days of his or her coming into any county or city, or  
4 city and county in which he or she resides or is temporarily  
5 domiciled for that length of time, register with the chief of police  
6 of the city in which he or she resides or the sheriff of the county  
7 if he or she resides in an unincorporated area.

8 For persons convicted of an offense defined in Section 11377,  
9 11378, 11379, or 11380, this subdivision shall apply only to  
10 offenses involving controlled substances specified in paragraph  
11 (12) of subdivision (d) of Section 11054 and paragraph (2) of  
12 subdivision (d) of Section 11055, and to analogs of these  
13 substances, as defined in Section 11401. For persons convicted of  
14 an offense defined in Section 11379 or 11379.5, this subdivision  
15 shall not apply if the conviction was for transporting, offering to  
16 transport, or attempting to transport a controlled substance.

17 (b) Any person who is convicted in any federal court of any  
18 offense which, if committed or attempted in this state would have  
19 been punishable as one or more of the offenses enumerated in  
20 subdivision (a) shall, within 30 days of his or her coming into  
21 any county or city, or city and county, in which he or she resides  
22 or is temporarily domiciled for that length of time, register with  
23 the chief of police of the city in which he or she resides or the  
24 sheriff of the county if he or she resides in an unincorporated  
25 area.

26 (c) This section does not apply to a conviction of a  
27 misdemeanor under Section 11357, 11360, or 11377.

28 (d) The registration requirements imposed by this section for  
29 the conviction of offenses defined in Section 11353.7, 11366.5,  
30 11366.6, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5,  
31 11379.6, 11380, 11380.5, or 11383, shall apply to any person  
32 who commits any of those offenses on and after January 1, 1990.

33 (e) *Effective July 1, 2007, the registration requirements*  
34 *imposed by this section shall not be imposed in any city or county*  
35 *that by resolution no longer requires registration.*

36 *SEC. 3. Section 11592 of the Health and Safety Code is*  
37 *repealed.*

38 ~~11592. Any person who, on or after the effective date of this~~  
39 ~~section is discharged or paroled from a jail, prison, school, road~~  
40 ~~camp, or other institution where he was confined because of the~~

1 ~~commission or attempt to commit one of the offenses described~~  
2 ~~in Section 11590 shall, prior to such discharge, parole, or release,~~  
3 ~~be informed of his duty to register under that section by the~~  
4 ~~official in charge of the place of confinement and the official~~  
5 ~~shall require the person to read and sign such form as may be~~  
6 ~~required by the Department of Justice, stating that the duty of the~~  
7 ~~person to register under this section has been explained to him.~~  
8 ~~The official in charge of the place of confinement shall obtain the~~  
9 ~~address where the person expects to reside upon his discharge,~~  
10 ~~parole, or release and shall report such address to the Department~~  
11 ~~of Justice. The official in charge of the place of confinement~~  
12 ~~shall give one copy of the form to the person, and shall send two~~  
13 ~~copies to the Department of Justice, which, in turn, shall forward~~  
14 ~~one copy to the appropriate law enforcement agency having local~~  
15 ~~jurisdiction where the person expects to reside upon his~~  
16 ~~discharge, parole, or release.~~

17 *SEC. 4. Section 11593 of the Health and Safety Code is*  
18 *repealed.*

19 ~~11593. Any person who, on or after the effective date of this~~  
20 ~~section is convicted in the State of California of the commission~~  
21 ~~or attempt to commit any of the above-mentioned offenses and~~  
22 ~~who is released on probation or discharged upon payment of a~~  
23 ~~fine shall, prior to such release or discharge, be informed of his~~  
24 ~~duty to register under Section 11590 by the court in which he has~~  
25 ~~been convicted and the court shall require the person to read and~~  
26 ~~sign such form as may be required by the Department of Justice,~~  
27 ~~stating that the duty of the person to register under this section~~  
28 ~~has been explained to him. The court shall obtain the address~~  
29 ~~where the person expects to reside upon his release or discharge~~  
30 ~~and shall report within three days such address to the Department~~  
31 ~~of Justice. The court shall give one copy of the form to the~~  
32 ~~person, and shall send two copies to the Department of Justice,~~  
33 ~~which, in turn, shall forward one copy to the appropriate law~~  
34 ~~enforcement agency having local jurisdiction where the person~~  
35 ~~expects to reside upon his discharge, parole, or release.~~

36 *SEC. 5. Section 11594 of the Health and Safety Code is*  
37 *amended to read:*

38 ~~11594. The registration required by Section 11590 shall~~  
39 ~~consist of (a) a statement in writing signed by ~~such~~ *the* person,~~  
40 ~~giving such information as may be required by the Department of~~

1 Justice registering agency, and (b) the fingerprints and  
2 photograph of such ~~the~~ person. ~~Within three days thereafter the~~  
3 ~~registering law enforcement agency shall forward such statement,~~  
4 ~~fingerprints and photograph to the Department of Justice.~~

5 If any person required to register ~~hereunder~~ *under these*  
6 *provisions* changes his *or her* residence address he *or she* shall  
7 inform, in writing within 10 days, the law enforcement agency  
8 with whom he last registered of his new address. The law  
9 enforcement agency shall, within three days after receipt of such  
10 information, forward it to ~~the Department of Justice.~~ The  
11 Department of Justice shall forward appropriate registration data  
12 ~~to the law enforcement agency having local jurisdiction of the~~  
13 new place of residence.

14 All registration requirements set forth in this article shall  
15 terminate five years after the discharge from prison, release from  
16 jail or termination of probation or parole of the person convicted.  
17 Nothing in this section shall be construed to conflict with the  
18 provisions of Section 1203.4 of the Penal Code concerning  
19 termination of probation and release from penalties and  
20 disabilities of probation.

21 Any person required to register under the provisions of this  
22 section who shall knowingly violate any of the provisions thereof  
23 is guilty of a misdemeanor.

24 The statements, photographs and fingerprints herein required  
25 shall not be open to inspection by the public or by any person  
26 other than a regularly employed peace or other law enforcement  
27 officer.

28 *SEC. 6. Section 11595 of the Health and Safety Code is*  
29 *repealed.*

30 ~~11595. The provisions of former Article 6 (commencing with~~  
31 ~~Section 1850) of Chapter 7 of Division 10 of this code, which is~~  
32 ~~repealed by the act that adds this article, including Section 11850~~  
33 ~~as amended by Chapter 796 of the Statutes of 1972, shall remain~~  
34 ~~in effect as to any person who comes within such provisions.~~

35 ~~Notwithstanding Section 9605 of the Government Code, the~~  
36 ~~changes which are made in former Section 11850 by Chapter 796~~  
37 ~~of the Statutes of 1972 shall be effective and operative for the~~  
38 ~~purposes of this section.~~

39 ~~SECTION 1. Section 11379 of the Health and Safety Code is~~  
40 ~~amended to read:~~

1     ~~11379. (a) Except as otherwise provided in subdivision (b)~~  
2 ~~and in Article 7 (commencing with Section 4211) of Chapter 9 of~~  
3 ~~Division 2 of the Business and Professions Code, every person~~  
4 ~~who transports, imports into this state, sells, furnishes,~~  
5 ~~administers, or gives away, or offers to transport, import into this~~  
6 ~~state, sell, furnish, administer, or give away, or attempts to~~  
7 ~~import into this state or transport any controlled substance which~~  
8 ~~is (1) classified in Schedule III, IV, or V and which is not a~~  
9 ~~narcotic drug, except subdivision (g) of Section 11056, (2)~~  
10 ~~specified in subdivision (d) of Section 11054, except paragraphs~~  
11 ~~(13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3)~~  
12 ~~specified in paragraph (11) of subdivision (e) of Section 11056,~~  
13 ~~(4) specified in paragraph (2) or (3) of subdivision (f) of Section~~  
14 ~~11054, or (5) specified in subdivision (d) or (e), except paragraph~~  
15 ~~(3) of subdivision (e), or specified in subparagraph (A) of~~  
16 ~~paragraph (1) of subdivision (f), of Section 11055, unless upon~~  
17 ~~the prescription of a physician, dentist, podiatrist, or veterinarian,~~  
18 ~~licensed to practice in this state, shall be punished by~~  
19 ~~imprisonment in the state prison for a period of two, three, or~~  
20 ~~four years.~~

21     ~~(b) Notwithstanding the penalty provisions of subdivision (a),~~  
22 ~~a person who transports for sale any controlled substances~~  
23 ~~specified in subdivision (a) within this state from one county to~~  
24 ~~another noncontiguous county shall be punished by~~  
25 ~~imprisonment in the state prison for three, six, or nine years.~~