

Assembly Bill No. 2694

Passed the Assembly August 14, 2006

Chief Clerk of the Assembly

Passed the Senate August 10, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 11592, 11593, and 11594 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL’S DIGEST

AB 2694, 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.

Existing law requires that a person discharged or paroled from a jail, prison, school, road camp, or other institution where the person was confined because of the commission or attempt to commit certain controlled substance offenses, or who is released on probation or discharged upon payment of a fine, be informed of the duty to register with local law enforcement, as specified. Existing law requires the person to sign a form stating that the person has been informed of the duty to register. Existing law requires the local law enforcement official at the facility where the person is discharged provide a copy of the signed form to the person and forward 2 copies to the Department of Justice.

This bill would delete the requirement that the local law enforcement official send 2 copies of the signed form to the Department of Justice, and instead require the local law enforcement official to submit one copy to the local law enforcement agency where the person will be living.

By imposing a new duty on local law enforcement, this bill would impose a state-mandated local program.

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. The bill would require that local law enforcement agencies forward registrant’s changes

of address to the local law enforcement agency having jurisdiction of the new place of residence.

By imposing a new duty on local law enforcement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 11592 of the Health and Safety Code is amended to read:

11592. Any person who, on or after the effective date of this section is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the offenses described in Section 11590 shall, prior to that discharge, parole, or release, be informed of his or her duty to register under that section by the official in charge of the place of confinement and the official shall require the person to read and sign a form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report that address on the required form. The official in charge of the place of confinement shall give one copy of the form to the person, and shall send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 2. Section 11593 of the Health and Safety Code is amended to read:

11593. Any person who, on or after the effective date of this section is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and

who is released on probation or discharged upon payment of a fine shall, prior to that release or discharge, be informed of his or her duty to register under Section 11590 by the court in which the person has been convicted and the court shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to the person. The court shall obtain the address where the person expects to reside upon his or her release or discharge and shall report the address on the required form. The court shall give one copy of the form to the person, and shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

SEC. 3. Section 11594 of the Health and Safety Code is amended to read:

11594. The registration required by Section 11590 shall consist of a statement in writing signed by the person, giving information as may be required by the Department of Justice, and the fingerprints and photograph of the person.

If any person required to register under these provisions changes his or her residence address he or she shall inform, in writing within 10 days, the law enforcement agency with whom the person last registered of the new address. The law enforcement agency shall, within three days after receipt of that information, forward it to the law enforcement agency having local jurisdiction of the new place of residence.

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

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

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

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

Approved _____, 2006

Governor