

ASSEMBLY BILL

No. 1171

**Introduced by Assembly Member Sharon Runner
(Coauthor: Assembly Member Galgiani)**

February 23, 2007

An act to amend Section 7052 of the Health and Safety Code and Section 290 of the Penal Code, relating to necrophilia.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as introduced, Sharon Runner. Necrophilia.

Existing law makes it a felony for any person to willfully mutilate, disinter, remove from the place of interment, or commit an act of sexual penetration on, or has sexual contact with, any remains known to be human, without authority of law punishable by 16 months, 2, or 3 years in prison.

This bill would increase the punishment for willfully mutilating, disinterring, removing from the place of interment, or committing an act of sexual penetration on, or having sexual contact with, any remains known to be human, without authority of law to 3, 6, or 8 years in prison.

Existing law requires a person convicted of specified sex offenses to register his or her address with law enforcement for life.

This bill would add committing an act of sexual penetration on, or having sexual contact with, any remains known to be human to the list of specified sex offenses, the conviction for which requires registration as a sex offender with law enforcement.

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

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

1 SECTION 1. Section 7052 of the Health and Safety Code is
2 amended to read:

3 7052. (a) Every person who willfully mutilates, disinters,
4 removes from the place of interment, or commits an act of sexual
5 penetration on, or has sexual contact with, any remains known to
6 be human, without authority of law, is guilty of a felony,
7 *punishable by imprisonment in the state prison for three, six, or*
8 *eight years.* This section does not apply to any person who, under
9 authority of law, removes the remains for reinterment, or performs
10 a cremation.

11 (b) For purposes of this section, the following definitions apply:

12 (1) "Sexual penetration" means the unlawful penetration of the
13 vagina or anus, however slight, by any part of a person's body or
14 other object, or any act of sexual contact between the sex organs
15 of a person and the mouth or anus of a dead body, or any oral
16 copulation of a dead human body for the purpose of sexual arousal,
17 gratification, or abuse.

18 (2) "Sexual contact" means any willful touching by a person of
19 an intimate part of a dead human body for the purpose of sexual
20 arousal, gratification, or abuse.

21 SEC. 2. Section 290 of the Penal Code is amended to read:

22 290. (a) (1) (A) Every person described in paragraph (2), for
23 the rest of his or her life while residing in California, or while
24 attending school or working in California, as described in
25 subparagraph (G), shall be required to register with the chief of
26 police of the city in which he or she is residing, or the sheriff of
27 the county if he or she is residing in an unincorporated area or city
28 that has no police department, and, additionally, with the chief of
29 police of a campus of the University of California, the California
30 State University, or community college if he or she is residing
31 upon the campus or in any of its facilities, within five working
32 days of coming into, or changing his or her residence within, any
33 city, county, or city and county, or campus in which he or she
34 temporarily resides.

35 (B) If the person who is registering has more than one residence
36 address at which he or she regularly resides, he or she shall register
37 in accordance with subparagraph (A) in each of the jurisdictions
38 in which he or she regularly resides, regardless of the number of

1 days or nights spent there. If all of the addresses are within the
2 same jurisdiction, the person shall provide the registering authority
3 with all of the addresses where he or she regularly resides.

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

7 (i) A transient must register, or reregister if the person has
8 previously registered, within five working days from release from
9 incarceration, placement or commitment, or release on probation,
10 pursuant to paragraph (1) of subdivision (a), except that if the
11 person previously registered as a transient less than 30 days from
12 the date of his or her release from incarceration, he or she does
13 not need to reregister as a transient until his or her next required
14 30-day update of registration. If a transient is not physically present
15 in any one jurisdiction for five consecutive working days, he or
16 she must register in the jurisdiction in which he or she is physically
17 present on the fifth working day following release, pursuant to
18 paragraph (1) of subdivision (a). Beginning on or before the 30th
19 day following initial registration upon release, a transient must
20 reregister no less than once every 30 days thereafter. A transient
21 shall register with the chief of police of the city in which he or she
22 is physically present within that 30-day period, or the sheriff of
23 the county if he or she is physically present in an unincorporated
24 area or city that has no police department, and additionally, with
25 the chief of police of a campus of the University of California, the
26 California State University, or community college if he or she is
27 physically present upon the campus or in any of its facilities. A
28 transient must reregister no less than once every 30 days regardless
29 of the length of time he or she has been physically present in the
30 particular jurisdiction in which he or she reregisters. If a transient
31 fails to reregister within any 30-day period, he or she may be
32 prosecuted in any jurisdiction in which he or she is physically
33 present.

34 (ii) A transient who moves to a residence shall have five working
35 days within which to register at that address, in accordance with
36 subparagraph (A) of paragraph (1) of subdivision (a). A person
37 registered at a residence address in accordance with subparagraph
38 (A) of paragraph (1) of subdivision (a), who becomes transient
39 shall have five working days within which to reregister as a
40 transient in accordance with clause (i).

1 (iii) Beginning on his or her first birthday following registration,
 2 a transient shall register annually, within five working days of his
 3 or her birthday, to update his or her registration with the entities
 4 described in clause (i). A transient shall register in whichever
 5 jurisdiction he or she is physically present on that date. At the
 6 30-day updates and the annual update, a transient shall provide
 7 current information as required on the Department of Justice annual
 8 update form, including the information described in subparagraphs
 9 (A) to (C), inclusive, of paragraph (2) of subdivision (e), and the
 10 information specified in clause (iv).

11 (iv) A transient shall, upon registration and reregistration,
 12 provide current information as required on the Department of
 13 Justice registration forms, and shall also list the places where he
 14 or she sleeps, eats, works, frequents, and engages in leisure
 15 activities. If a transient changes or adds to the places listed on the
 16 form during the 30-day period, he or she does not need to report
 17 the new place or places until the next required reregistration.

18 (v) Failure to comply with the requirement of reregistering every
 19 30 days following initial registration pursuant to clause (i) of this
 20 subparagraph shall be punished in accordance with paragraph (6)
 21 of subdivision (g). Failure to comply with any other requirement
 22 of this section shall be punished in accordance with either
 23 paragraph (1) or (2) of subdivision (g).

24 (vi) A transient who moves out of state shall inform, in person,
 25 the chief of police in the city in which he or she is physically
 26 present, or the sheriff of the county if he or she is physically present
 27 in an unincorporated area or city that has no police department,
 28 within five working days, of his or her move out of state. The
 29 transient shall inform that registering agency of his or her planned
 30 destination, residence or transient location out of state, and any
 31 plans he or she has to return to California, if known. The law
 32 enforcement agency shall, within three days after receipt of this
 33 information, forward a copy of the change of location information
 34 to the Department of Justice. The department shall forward
 35 appropriate registration data to the law enforcement agency having
 36 local jurisdiction of the new place of residence or location.

37 (vii) For purposes of this section, “transient” means a person
 38 who has no residence. “Residence” means one or more addresses
 39 at which a person regularly resides, regardless of the number of
 40 days or nights spent there, such as a shelter or structure that can

1 be located by a street address, including, but not limited to, houses,
2 apartment buildings, motels, hotels, homeless shelters, and
3 recreational and other vehicles.

4 (viii) The transient registrant's duty to update his or her
5 registration no less than every 30 days shall begin with his or her
6 second transient update following the date this subdivision became
7 effective.

8 (D) Beginning on his or her first birthday following registration
9 or change of address, the person shall be required to register
10 annually, within five working days of his or her birthday, to update
11 his or her registration with the entities described in subparagraph
12 (A). At the annual update, the person shall provide current
13 information as required on the Department of Justice annual update
14 form, including the information described in subparagraphs (A)
15 to (C), inclusive, of paragraph (2) of subdivision (e).

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

22 (F) No entity shall require a person to pay a fee to register or
23 update his or her registration pursuant to this section. The
24 registering agency shall submit registrations, including annual
25 updates or changes of address, directly into the Department of
26 Justice Violent Crime Information Network (VCIN). The
27 registering agency shall give the registrant a copy of the completed
28 Department of Justice form each time the person registers or
29 reregisters, including at the annual update.

30 (G) Persons required to register in their state of residence who
31 are out-of-state residents employed, or carrying on a vocation in
32 California on a full-time or part-time basis, with or without
33 compensation, for more than 14 days, or for an aggregate period
34 exceeding 30 days in a calendar year, shall register in accordance
35 with subparagraph (A). Persons described in paragraph (2) who
36 are out-of-state residents enrolled in any educational institution in
37 California, as defined in Section 22129 of the Education Code, on
38 a full-time or part-time basis, shall register in accordance with
39 subparagraph (A). The place where the out-of-state resident is
40 located, for purposes of registration, shall be the place where the

1 person is employed, carrying on a vocation, or attending school.
2 The out-of-state resident subject to this subparagraph shall, in
3 addition to the information required pursuant to subdivision (e),
4 provide the registering authority with the name of his or her place
5 of employment or the name of the school attended in California,
6 and his or her address or location in his or her state of residence.
7 The registration requirement for persons subject to this
8 subparagraph shall become operative on November 25, 2000. The
9 terms “employed or carries on a vocation” include employment
10 whether or not financially compensated, volunteered, or performed
11 for government or educational benefit.

12 (2) The following persons shall be required to register pursuant
13 to paragraph (1):

14 (A) Any person who, since July 1, 1944, has been or is hereafter
15 convicted in any court in this state or in any federal or military
16 court of a violation of Section 187 committed in the perpetration,
17 or an attempt to perpetrate, rape or any act punishable under
18 Section 286, 288, 288a, or 289, Section 207 or 209 committed
19 with intent to violate Section 261, 286, 288, 288a, or 289, Section
20 220, except assault to commit mayhem, Section 243.4, paragraph
21 (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, or
22 paragraph (1) of subdivision (a) of Section 262 involving the use
23 of force or violence for which the person is sentenced to the state
24 prison, Section 264.1, 266, or 266c, subdivision (b) of Section
25 266h, subdivision (b) of Section 266i, Section 266j, 267, 269, 285,
26 286, 288, 288a, 288.3, 288.5, 288.7, or 289, Section 311.1,
27 subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4,
28 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of
29 Section 653f, subdivision 1 or 2 of Section 314, any offense
30 involving lewd or lascivious conduct under Section 272, or any
31 felony violation of Section 288.2; *a violation of Section 7052 of*
32 *the Health and Safety Code involving sexual contact or sexual*
33 *penetration*, or any statutory predecessor that includes all elements
34 of one of the above-mentioned offenses; or any person who since
35 that date has been or is hereafter convicted of the attempt or
36 conspiracy to commit any of the above-mentioned offenses.

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

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

9 (D) (i) Any person who, since July 1, 1944, has been, or is
10 hereafter convicted in any other court, including any state, federal,
11 or military court, of any offense that, if committed or attempted
12 in this state, would have been punishable as one or more of the
13 offenses described in subparagraph (A), including offenses in
14 which the person was a principal, as defined in Section 31.

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

20 (iii) (I) Except as provided in subclause (II), any person who
21 would be required to register while residing in the state of
22 conviction for a sex offense committed in that state.

23 (II) Notwithstanding subclause (I), a person convicted in another
24 state of an offense similar to one of the following offenses who is
25 required to register in the state of conviction shall not be required
26 to register in California unless the out-of-state offense contains all
27 of the elements of a registerable California offense described in
28 subparagraph (A):

29 (aa) Indecent exposure, pursuant to Section 314.

30 (ab) Unlawful sexual intercourse, pursuant to Section 261.5.

31 (ac) Incest, pursuant to Section 285.

32 (ad) Sodomy, pursuant to Section 286, or oral copulation,
33 pursuant to Section 288a, provided that the offender notifies the
34 Department of Justice that the sodomy or oral copulation conviction
35 was for conduct between consenting adults, as described in
36 subparagraph (G) and the department is able, upon the exercise of
37 reasonable diligence, to verify that fact.

38 (ae) Pimping, pursuant to Section 266h, or pandering, pursuant
39 to Section 266i.

1 (E) Any person ordered by any court to register pursuant to this
2 section for any offense not included specifically in this section if
3 the court finds at the time of conviction or sentencing that the
4 person committed the offense as a result of sexual compulsion or
5 for purposes of sexual gratification. The court shall state on the
6 record the reasons for its findings and the reasons for requiring
7 registration.

8 (F) Any person required to register pursuant to any provision
9 of this section, regardless of whether the person's conviction has
10 been dismissed pursuant to Section 1203.4, unless the person
11 obtains a certificate of rehabilitation and is entitled to relief from
12 registration pursuant to Section 290.5.

13 (G) (i) Notwithstanding any other subdivision, a person who
14 was convicted before January 1, 1976, under subdivision (a) of
15 Section 286, or Section 288a, shall not be required to register
16 pursuant to this section for that conviction if the conviction was
17 for conduct between consenting adults that was decriminalized by
18 Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes
19 of 1976. The Department of Justice shall remove that person from
20 the Sex Offender Registry, and the person is discharged from his
21 or her duty to register pursuant to the following procedure:

22 (I) The person submits to the Department of Justice official
23 documentary evidence, including court records or police reports,
24 that demonstrate that the person's conviction pursuant to either of
25 those sections was for conduct between consenting adults that was
26 decriminalized; or

27 (II) The person submits to the department a declaration stating
28 that the person's conviction pursuant to either of those sections
29 was for consensual conduct between adults that has been
30 decriminalized. The declaration shall be confidential and not a
31 public record, and shall include the person's name, address,
32 telephone number, date of birth, and a summary of the
33 circumstances leading to the conviction, including the date of the
34 conviction and county of the occurrence.

35 (III) The department shall determine whether the person's
36 conviction was for conduct between consensual adults that has
37 been decriminalized. If the conviction was for consensual conduct
38 between adults that has been decriminalized, and the person has
39 no other offenses for which he or she is required to register
40 pursuant to this section, the department shall, within 60 days of

1 receipt of those documents, notify the person that he or she is
2 relieved of the duty to register, and shall notify the local law
3 enforcement agency with which the person is registered that he or
4 she has been relieved of the duty to register. The local law
5 enforcement agency shall remove the person's registration from
6 its files within 30 days of receipt of notification. If the documentary
7 or other evidence submitted is insufficient to establish the person's
8 claim, the department shall, within 60 days of receipt of those
9 documents, notify the person that his or her claim cannot be
10 established, and that the person shall continue to register pursuant
11 to this section. The department shall provide, upon the person's
12 request, any information relied upon by the department in making
13 its determination that the person shall continue to register pursuant
14 to this section. Any person whose claim has been denied by the
15 department pursuant to this clause may petition the court to appeal
16 the department's denial of the person's claim.

17 (ii) On or before July 1, 1998, the department shall make a report
18 to the Legislature concerning the status of persons who may come
19 under the provisions of this subparagraph, including the number
20 of persons who were convicted before January 1, 1976, under
21 subdivision (a) of Section 286 or Section 288a and are required to
22 register under this section, the average age of these persons, the
23 number of these persons who have any subsequent convictions for
24 a registerable sex offense, and the number of these persons who
25 have sought successfully or unsuccessfully to be relieved of their
26 duty to register under this section.

27 (b) (1) Any person who is released, discharged, or paroled from
28 a jail, state or federal prison, school, road camp, or other institution
29 where he or she was confined because of the commission or
30 attempted commission of one of the offenses specified in
31 subdivision (a) or is released from a state hospital to which he or
32 she was committed as a mentally disordered sex offender under
33 Article 1 (commencing with Section 6300) of Chapter 2 of Part 2
34 of Division 6 of the Welfare and Institutions Code, shall, prior to
35 discharge, parole, or release, be informed of his or her duty to
36 register under this section by the official in charge of the place of
37 confinement or hospital, and the official shall require the person
38 to read and sign any form that may be required by the Department
39 of Justice, stating that the duty of the person to register under this
40 section has been explained to the person. The official in charge of

1 the place of confinement or hospital shall obtain the address where
2 the person expects to reside upon his or her discharge, parole, or
3 release and shall report the address to the Department of Justice.
4 The official shall at the same time forward a current photograph
5 of the person to the Department of Justice.

6 (2) The official in charge of the place of confinement or hospital
7 shall give one copy of the form to the person and shall send one
8 copy to the Department of Justice and one copy to the appropriate
9 law enforcement agency or agencies having jurisdiction over the
10 place the person expects to reside upon discharge, parole, or
11 release. If the conviction that makes the person subject to this
12 section is a felony conviction, the official in charge shall, not later
13 than 45 days prior to the scheduled release of the person, send one
14 copy to the appropriate law enforcement agency or agencies having
15 local jurisdiction where the person expects to reside upon
16 discharge, parole, or release; one copy to the prosecuting agency
17 that prosecuted the person; and one copy to the Department of
18 Justice. The official in charge of the place of confinement or
19 hospital shall retain one copy.

20 (c) (1) Any person who is convicted in this state of the
21 commission or attempted commission of any of the offenses
22 specified in subdivision (a) and who is released on probation, shall,
23 prior to release or discharge, be informed of the duty to register
24 under this section by the probation department, and a probation
25 officer shall require the person to read and sign any form that may
26 be required by the Department of Justice, stating that the duty of
27 the person to register under this section has been explained to him
28 or her. The probation officer shall obtain the address where the
29 person expects to reside upon release or discharge and shall report
30 within three days the address to the Department of Justice. The
31 probation officer shall give one copy of the form to the person,
32 send one copy to the Department of Justice, and forward one copy
33 to the appropriate law enforcement agency or agencies having
34 local jurisdiction where the person expects to reside upon his or
35 her discharge, parole, or release.

36 (2) Any person who is convicted in this state of the commission
37 or attempted commission of any of the offenses specified in
38 subdivision (a) and who is granted conditional release without
39 supervised probation, or discharged upon payment of a fine, shall,
40 prior to release or discharge, be informed of the duty to register

1 under this section in open court by the court in which the person
2 has been convicted, and the court shall require the person to read
3 and sign any form that may be required by the Department of
4 Justice, stating that the duty of the person to register under this
5 section has been explained to him or her. If the court finds that it
6 is in the interest of the efficiency of the court, the court may assign
7 the bailiff to require the person to read and sign forms under this
8 section. The court shall obtain the address where the person expects
9 to reside upon release or discharge and shall report within three
10 days the address to the Department of Justice. The court shall give
11 one copy of the form to the person, send one copy to the
12 Department of Justice, and forward one copy to the appropriate
13 law enforcement agency or agencies having local jurisdiction where
14 the person expects to reside upon his or her discharge, parole, or
15 release.

16 (d) (1) Any person who, on or after January 1, 1986, is
17 discharged or paroled from the Department of Corrections and
18 Rehabilitation to the custody of which he or she was committed
19 after having been adjudicated a ward of the juvenile court pursuant
20 to Section 602 of the Welfare and Institutions Code because of the
21 commission or attempted commission of any offense described in
22 paragraph (3) shall be subject to registration under the procedures
23 of this section.

24 (2) Any person who is discharged or paroled from a facility in
25 another state that is equivalent to the Division of Juvenile Justice,
26 to the custody of which he or she was committed because of an
27 offense which, if committed or attempted in this state, would have
28 been punishable as one or more of the offenses described in
29 paragraph (3), shall be subject to registration under the procedures
30 of this section.

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

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

36 (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
37 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
38 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
39 Section 286, Section 288 or 288.5, paragraph (1) of subdivision

1 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)
2 of Section 289, or Section 647.6.

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

5 (4) Prior to discharge or parole from the Department of
6 Corrections and Rehabilitation, any person who is subject to
7 registration under this subdivision shall be informed of the duty
8 to register under the procedures set forth in this section. Department
9 officials shall transmit the required forms and information to the
10 Department of Justice.

11 (5) All records specifically relating to the registration in the
12 custody of the Department of Justice, law enforcement agencies,
13 and other agencies or public officials shall be destroyed when the
14 person who is required to register has his or her records sealed
15 under the procedures set forth in Section 781 of the Welfare and
16 Institutions Code. This subdivision shall not be construed as
17 requiring the destruction of other criminal offender or juvenile
18 records relating to the case that are maintained by the Department
19 of Justice, law enforcement agencies, the juvenile court, or other
20 agencies and public officials unless ordered by a court under
21 Section 781 of the Welfare and Institutions Code.

22 (e) (1) On or after January 1, 1998, upon incarceration,
23 placement, or commitment, or prior to release on probation, any
24 person who is required to register under this section shall
25 preregister. The preregistering official shall be the admitting officer
26 at the place of incarceration, placement, or commitment, or the
27 probation officer if the person is to be released on probation. The
28 preregistration shall consist of all of the following:

29 (A) A preregistration statement in writing, signed by the person,
30 giving information that shall be required by the Department of
31 Justice.

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

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

35 (2) A person described in paragraph (2) of subdivision (a) shall
36 register, or reregister if the person has previously registered, upon
37 release from incarceration, placement, commitment, or release on
38 probation pursuant to paragraph (1) of subdivision (a). This
39 paragraph shall not apply to a person who is incarcerated for less
40 than 30 days if he or she has registered as required by paragraph

1 (1) of subdivision (a), he or she returns after incarceration to the
2 last registered address, and the annual update of registration that
3 is required to occur within five working days of his or her birthday,
4 pursuant to subparagraph (D) of paragraph (1) of subdivision (a),
5 did not fall within that incarceration period. The registration shall
6 consist of all of the following:

7 (A) A statement in writing signed by the person, giving
8 information as shall be required by the Department of Justice and
9 giving the name and address of the person's employer, and the
10 address of the person's place of employment if that is different
11 from the employer's main address.

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

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

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

19 (E) Copies of adequate proof of residence, which shall be limited
20 to a California driver's license, California identification card, recent
21 rent or utility receipt, printed personalized checks or other recent
22 banking documents showing that person's name and address, or
23 any other information that the registering official believes is
24 reliable. If the person has no residence and no reasonable
25 expectation of obtaining a residence in the foreseeable future, the
26 person shall so advise the registering official and shall sign a
27 statement provided by the registering official stating that fact.
28 Upon presentation of proof of residence to the registering official
29 or a signed statement that the person has no residence, the person
30 shall be allowed to register. If the person claims that he or she has
31 a residence but does not have any proof of residence, he or she
32 shall be allowed to register but shall furnish proof of residence
33 within 30 days of the date he or she is allowed to register.

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

38 (f) (1) (A) Any person who was last registered at a residence
39 address pursuant to this section who changes his or her residence
40 address, whether within the jurisdiction in which he or she is

1 currently registered or to a new jurisdiction inside or outside the
2 state, shall, in person, within five working days of the move, inform
3 the law enforcement agency or agencies with which he or she last
4 registered of the move, the new address or transient location, if
5 known, and any plans he or she has to return to California.

6 (B) If the person does not know the new residence address or
7 location at the time of the move, the registrant shall, in person,
8 within five working days of the move, inform the last registering
9 agency or agencies that he or she is moving. The person shall later
10 notify the last registering agency or agencies, in writing, sent by
11 certified or registered mail, of the new address or location within
12 five working days of moving into the new residence address or
13 location, whether temporary or permanent.

14 (C) The law enforcement agency or agencies shall, within three
15 working days after receipt of this information, forward a copy of
16 the change of address information to the Department of Justice.
17 The Department of Justice shall forward appropriate registration
18 data to the law enforcement agency or agencies having local
19 jurisdiction of the new place of residence.

20 (2) If the person's new address is in a Department of Corrections
21 and Rehabilitation facility or state mental institution, an official
22 of the place of incarceration, placement, or commitment shall,
23 within 90 days of receipt of the person, forward the registrant's
24 change of address information to the Department of Justice. The
25 agency need not provide a physical address for the registrant but
26 shall indicate that he or she is serving a period of incarceration or
27 commitment in a facility under the agency's jurisdiction. This
28 paragraph shall apply to persons received in a department facility
29 or state mental institution on or after January 1, 1999. The
30 Department of Justice shall forward the change of address
31 information to the agency with which the person last registered.

32 (3) If any person who is required to register pursuant to this
33 section changes his or her name, the person shall inform, in person,
34 the law enforcement agency or agencies with which he or she is
35 currently registered within five working days. The law enforcement
36 agency or agencies shall forward a copy of this information to the
37 Department of Justice within three working days of its receipt.

38 (g) (1) Any person who is required to register under this section
39 based on a misdemeanor conviction or juvenile adjudication who
40 willfully violates any requirement of this section is guilty of a

1 misdemeanor punishable by imprisonment in a county jail not
2 exceeding one year.

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

12 If probation is granted or if the imposition or execution of
13 sentence is suspended, it shall be a condition of the probation or
14 suspension that the person serve at least 90 days in a county jail.
15 The penalty described in this paragraph shall apply whether or not
16 the person has been released on parole or has been discharged from
17 parole.

18 (3) Any person determined to be a mentally disordered sex
19 offender or who has been found guilty in the guilt phase of trial
20 for an offense for which registration is required under this section,
21 but who has been found not guilty by reason of insanity in the
22 sanity phase of the trial, or who has had a petition sustained in a
23 juvenile adjudication for an offense for which registration is
24 required under this section pursuant to subdivision (d), but who
25 has been found not guilty by reason of insanity, who willfully
26 violates any requirement of this section is guilty of a misdemeanor
27 and shall be punished by imprisonment in a county jail not
28 exceeding one year. For any second or subsequent willful violation
29 of any requirement of this section, the person is guilty of a felony
30 and shall be punished by imprisonment in the state prison for 16
31 months, or two or three years.

32 (4) If, after discharge from parole, the person is convicted of a
33 felony or suffers a juvenile adjudication as specified in this
34 subdivision, he or she shall be required to complete parole of at
35 least one year, in addition to any other punishment imposed under
36 this subdivision. A person convicted of a felony as specified in
37 this subdivision may be granted probation only in the unusual case
38 where the interests of justice would best be served. When probation
39 is granted under this paragraph, the court shall specify on the record

1 and shall enter into the minutes the circumstances indicating that
2 the interests of justice would best be served by the disposition.

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

9 (6) Except as otherwise provided in paragraph (5), any person
10 who is required to register or reregister pursuant to clause (i) of
11 subparagraph (C) of paragraph (1) of subdivision (a) and willfully
12 fails to comply with the requirement that he or she reregister no
13 less than every 30 days is guilty of a misdemeanor and shall be
14 punished by imprisonment in a county jail at least 30 days, but not
15 exceeding six months. A person who willfully fails to comply with
16 the requirement that he or she reregister no less than every 30 days
17 shall not be charged with this violation more often than once for
18 a failure to register in any period of 90 days. Any person who
19 willfully commits a third or subsequent violation of the
20 requirements of subparagraph (C) of paragraph (1) of subdivision
21 (a) that he or she reregister no less than every 30 days shall be
22 punished in accordance with either paragraph (1) or (2) of this
23 subdivision.

24 (7) Any person who fails to provide proof of residence as
25 required by subparagraph (E) of paragraph (2) of subdivision (e),
26 regardless of the offense upon which the duty to register is based,
27 is guilty of a misdemeanor punishable by imprisonment in a county
28 jail not exceeding six months.

29 (8) Any person who is required to register under this section
30 who willfully violates any requirement of this section is guilty of
31 a continuing offense as to each requirement he or she violated.

32 (9) In addition to any other penalty imposed under this
33 subdivision, the failure to provide information required on
34 registration and reregistration forms of the Department of Justice,
35 or the provision of false information, is a crime punishable by
36 imprisonment in a county jail for a period not exceeding one year.

37 (h) Whenever any person is released on parole or probation and
38 is required to register under this section but fails to do so within
39 the time prescribed, the parole authority or the court, as the case
40 may be, shall order the parole or probation of the person revoked.

1 For purposes of this subdivision, “parole authority” has the same
2 meaning as described in Section 3000.

3 (i) Except as otherwise provided by law, the statements,
4 photographs, and fingerprints required by this section shall not be
5 open to inspection by the public or by any person other than a
6 regularly employed peace officer or other law enforcement officer.

7 (j) In any case in which a person who would be required to
8 register pursuant to this section for a felony conviction is to be
9 temporarily sent outside the institution where he or she is confined
10 on any assignment within a city or county including firefighting,
11 disaster control, or of whatever nature the assignment may be, the
12 local law enforcement agency having jurisdiction over the place
13 or places where the assignment shall occur shall be notified within
14 a reasonable time prior to removal from the institution. This
15 subdivision shall not apply to any person who is temporarily
16 released under guard from the institution where he or she is
17 confined.

18 (k) As used in this section, “mentally disordered sex offender”
19 includes any person who has been determined to be a sexual
20 psychopath or a mentally disordered sex offender under any
21 provision which, on or before January 1, 1976, was contained in
22 Division 6 (commencing with Section 6000) of the Welfare and
23 Institutions Code.

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

31 (2) Every person who, as a sexually violent predator, as defined
32 in Section 6600 of the Welfare and Institutions Code, is required
33 to verify his or her registration every 90 days, shall be notified
34 wherever he or she next registers of his or her increased registration
35 obligations. This notice shall be provided in writing by the
36 registering agency or agencies. Failure to receive this notice shall
37 be a defense against the penalties prescribed by paragraph (5) of
38 subdivision (g).

39 (m) The registration provisions of this section are applicable to
40 every person described in this section, without regard to when his

1 or her crime or crimes were committed or his or her duty to register
2 pursuant to this section arose, and to every offense described in
3 this section, regardless of when it was committed.

4 (n) On or before June 1, 2010, the Department of Justice shall
5 renovate the VCIN to do the following:

6 (1) Correct all software deficiencies affecting data integrity and
7 include designated data fields for all mandated sex offender data.

8 (2) Consolidate and simplify program logic, thereby increasing
9 system performance and reducing system maintenance costs.

10 (3) Provide all necessary data storage, processing, and search
11 capabilities.

12 (4) Provide law enforcement agencies with full Internet access
13 to all sex offender data and photos.

14 (5) Incorporate a flexible design structure to readily meet future
15 demands for enhanced system functionality, including public
16 Internet access to sex offender information pursuant to Section
17 290.46.