

**ASSEMBLY BILL**

**No. 2835**

---

---

**Introduced by Assembly Member Spitzer**

February 22, 2008

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2835, as introduced, 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 make technical, nonsubstantive changes to that provision.

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

*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~~ pursuant to the *Sex Offender Registration Act*, who applies or  
5 accepts a position as an employee or volunteer with any person,  
6 group, or organization where the registrant would be working  
7 directly and in an unaccompanied setting with minor children on

1 more than an incidental and occasional basis or have supervision  
2 or disciplinary power over minor children, shall disclose his or her  
3 status as a registrant, upon application or acceptance of a position,  
4 to that person, group, or organization.

5 (b) Every person required to register ~~under Section 290~~ pursuant  
6 to the *Sex Offender Registration Act* who applies for or accepts a  
7 position as an employee or volunteer with any person, group, or  
8 organization where the applicant would be working directly and  
9 in an accompanied setting with minor children, and the applicant's  
10 work would require him or her to touch the minor children on more  
11 than an incidental basis, shall disclose his or her status as a  
12 registrant, upon application or acceptance of the position, to that  
13 person, group, or organization.

14 (c) No person who is required to register ~~under Section 290~~  
15 pursuant to the *Sex Offender Registration Act* because of a  
16 conviction for a crime where the victim was a minor under 16  
17 years of age shall be an employer, employee, or independent  
18 contractor, or act as a volunteer with any person, group, or  
19 organization in a capacity in which the registrant would be working  
20 directly and in an unaccompanied setting with minor children on  
21 more than an incidental and occasional basis or have supervision  
22 or disciplinary power over minor children. This subdivision shall  
23 not apply to a business owner or an independent contractor who  
24 does not work directly in an unaccompanied setting with minors.

25 (d) A violation of this section is a misdemeanor punishable by  
26 imprisonment in a county jail for not exceeding six months, by a  
27 fine not exceeding one thousand dollars (\$1,000), or by both that  
28 imprisonment and fine, and a violation of this section shall not  
29 constitute a continuing offense.