

ASSEMBLY BILL

No. 307

Introduced by Assembly Member Cook

February 17, 2009

An act to add Sections 16005 and 16106 to the Business and Professions Code, and to amend Section 9002 of the Penal Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 307, as introduced, Cook. Business licenses: ice cream truck operation.

Existing law authorizes the legislative body of an incorporated city and the board of supervisors of a county to issue business licenses to persons to operate any kind of business not prohibited by law.

This bill would prohibit a city or county from issuing a license to operate an ice cream truck, as defined, to any person who is required to register as a sex offender.

Existing law establishes the Sex Offender Management Board and requires the board to address any issues, concerns, and problems related to the community management of adult sex offenders, as specified.

This bill would, in addition, require the board to conduct an assessment of whether the state needs to preempt local control regarding licensure prohibitions on sex offenders and to report on the assessment to the Legislature and the Governor, as specified.

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 16005 is added to the Business and
2 Professions Code, to read:

3 16005. No person shall be issued a license by a city to operate
4 an ice cream truck, as defined in subdivision (c) of Section 22456
5 of the Vehicle Code, if that person is required to register as a sex
6 offender pursuant to any provision of Chapter 5.5 (commencing
7 with Section 290) of Title 9 of Part 1 of the Penal Code because
8 of a conviction for a crime where the victim was a person under
9 16 years of age.

10 SEC. 2. Section 16106 is added to the Business and Professions
11 Code, to read:

12 16106. No person shall be issued a license by a county to
13 operate an ice cream truck, as defined in subdivision (c) of Section
14 22456 of the Vehicle Code, if that person is required to register as
15 a sex offender pursuant to any provision of Chapter 5.5
16 (commencing with Section 290) of Title 9 of Part 1 of the Penal
17 Code because of a conviction for a crime where the victim was a
18 person under 16 years of age.

19 SEC. 3. Section 9002 of the Penal Code is amended to read:

20 9002. (a) The board shall address any issues, concerns, and
21 problems related to the community management of adult sex
22 offenders. The main objective of the board, which shall be used
23 to guide the board in prioritizing resources and use of time, is to
24 achieve safer communities by reducing victimization. To that end,
25 the board shall do ~~both~~ all of the following:

26 (1) Conduct a thorough assessment of current management
27 practices for adult sex offenders, primarily those under direct
28 criminal justice or other supervision, residing in California
29 communities. A report on the findings of this assessment shall be
30 submitted to the Legislature and the Governor by January 1, 2008.
31 Areas to be reviewed in this assessment shall include, but not be
32 limited to, the following:

- 33 (A) The numbers and distribution of offenders.
- 34 (B) Supervision practices.
- 35 (C) Treatment availability and quality.
- 36 (D) Issues related to housing.
- 37 (E) Recidivism patterns.

1 (F) Response to the safety concerns of past and potential future
2 victims.

3 (G) Cost and cost-effectiveness of various approaches.

4 (H) Any significant shortcomings in management practices.

5 (2) Develop recommendations, based upon the findings in the
6 assessment *conducted pursuant to paragraph (1)*, to improve
7 management practices of adult sex offenders under supervision in
8 the community, with the goal of improving community safety. The
9 plan shall address all significant aspects of community management
10 including supervision, treatment, housing, transition to the
11 community, interagency coordination and the practices of other
12 entities that directly or indirectly affect the community management
13 of sex offenders. The board shall provide information to the
14 Legislature and Governor as to its progress by January 1, 2009.
15 The completed plan shall be submitted to the Legislature and the
16 Governor by January 1, 2010.

17 (3) *Conduct a thorough assessment of whether the state needs*
18 *to preempt local control regarding licensure prohibitions for*
19 *persons required to register as a sex offender pursuant to any*
20 *provision of Chapter 5.5 (commencing with Section 290) of Title*
21 *9 of Part 1. The board shall submit a summary of its findings to*
22 *the Legislature and the Governor on or before January 1, 2011.*

23 (b) The board shall conduct public hearings, as it deems
24 necessary, to provide opportunities for gathering information and
25 receiving input regarding the work of the board from concerned
26 stakeholders and the public.