

Introduced by Senator DeSaulnier

February 18, 2010

An act to amend Section 290.06 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 1201, as introduced, DeSaulnier. Sex offenders: assessments.

Existing law requires that persons required to register as sex offenders be subject to assessment by the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as specified. Existing law requires the Department of Corrections and Rehabilitation and the State Department of Mental Health to perform a risk assessment of every eligible person under their jurisdiction, as specified.

This bill would require the Department of Corrections and Rehabilitation to assess every person on parole transferred from any other state or by the federal government to this state who has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would require the person to register as a sex offender, 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 290.06 of the Penal Code is amended to
- 2 read:
- 3 290.06. ~~Effective on or before July 1, 2008, the~~ *The* SARATSO,
- 4 as set forth in Section 290.04, shall be administered as follows:

1 (a) (1) The Department of Corrections and Rehabilitation shall
2 assess every eligible person who is incarcerated in state prison.
3 Whenever possible, the assessment shall take place at least four
4 months, but no sooner than 10 months, prior to release from
5 incarceration.

6 (2) The department shall assess every eligible person who is on
7 parole if the person was not assessed prior to release from state
8 prison. Whenever possible, the assessment shall take place at least
9 four months, but no sooner than 10 months, prior to termination
10 of parole. The department shall record in a database the risk
11 assessment scores of persons assessed pursuant to this paragraph
12 and paragraph (1), and any risk assessment score that was
13 submitted to the department by a probation officer pursuant to
14 Section 1203.

15 (3) *The department shall assess every person on parole*
16 *transferred from any other state or by the federal government to*
17 *this state who has been, or is hereafter convicted in any other*
18 *court, including any state, federal, or military court, of any offense*
19 *that, if committed or attempted in this state, would have been*
20 *punishable as one or more of the offenses described in subdivision*
21 *(c) of Section 290.*

22 ~~(3)~~
23 (4) The State Department of Mental Health shall assess every
24 eligible person who is committed to that department. Whenever
25 possible, the assessment shall take place at least four months, but
26 no sooner than 10 months, prior to release from commitment. The
27 State Department of Mental Health shall record in a database the
28 risk assessment scores of persons assessed pursuant to this
29 paragraph and any risk assessment score that was submitted to the
30 department by a probation officer pursuant to Section 1203.

31 ~~(4)~~
32 (5) Commencing January 1, 2010, the Department of Corrections
33 and Rehabilitation and the State Department of Mental Health
34 shall send the scores obtained in accordance with paragraphs (2)
35 ~~and, (3) respectively,~~ *and (4)* to the Department of Justice Sex
36 Offender Tracking Program not later than 30 days after the date
37 of the assessment. The risk assessment score of an offender shall
38 be made part of his or her file maintained by the Department of
39 Justice Sex Offender Tracking Program as soon as possible without
40 financial impact, but no later than January 1, 2012.

1 ~~(5)~~

2 (6) Each probation department shall assess every eligible person
3 for whom it prepares a report pursuant to Section 1203.

4 ~~(6)~~

5 (7) Each probation department shall assess every eligible person
6 under its supervision who was not assessed pursuant to paragraph
7 (5). The assessment shall take place prior to the termination of
8 probation, but no later than January 1, 2010.

9 (b) Eligible persons not assessed pursuant to subdivision (a)
10 may be assessed as follows:

11 (1) Upon request of the law enforcement agency in the
12 jurisdiction in which the person is registered pursuant to Sections
13 290 to 290.023, inclusive, the person shall be assessed. The law
14 enforcement agency may enter into a memorandum of
15 understanding with a probation department to perform the
16 assessment. In the alternative, the law enforcement agency may
17 arrange to have personnel trained to perform the risk assessment
18 in accordance with subdivision (d) of Section 290.05.

19 (2) Eligible persons not assessed pursuant to subdivision (a)
20 may request that a risk assessment be performed. A request form
21 shall be available at registering law enforcement agencies. The
22 person requesting the assessment shall pay a fee for the assessment
23 that shall be sufficient to cover the cost of the assessment. The risk
24 assessment so requested shall be performed either by the probation
25 department, if a memorandum of understanding is established
26 between the law enforcement agency and the probation department,
27 or by personnel who have been trained to perform risk assessment
28 in accordance with subdivision (d) of Section 290.05.

29 (c) On or before January 1, 2008, the SARATSO Review
30 Committee shall research the appropriateness and feasibility of
31 providing a means by which an eligible person subject to
32 assessment may, at his or her own expense, be assessed with the
33 SARATSO by a governmental entity prior to his or her scheduled
34 assessment. If the committee unanimously agrees that such a
35 process is appropriate and feasible, it shall advise the Governor
36 and the Legislature of the selected tool, and it shall post its decision
37 on the Department of Corrections and Rehabilitation's Internet
38 Web site. Sixty days after the decision is posted, the established
39 process shall become effective.

- 1 (d) For purposes of this section, “eligible person” means a person
- 2 who was convicted of an offense that requires him or her to register
- 3 as a sex offender pursuant to Section 290 and who is eligible for
- 4 assessment, pursuant to the official Coding Rules designated for
- 5 use with the risk assessment instrument by the author of any risk
- 6 assessment instrument (SARATSO) selected by the SARATSO
- 7 Review Committee.
- 8 (e) Persons authorized to perform risk assessments pursuant to
- 9 this section, Section 1203, and Section 706 of the Welfare and
- 10 Institutions Code shall be immune from liability for good faith
- 11 conduct under this act.