

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1201

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 amended, DeSaulnier. Sex offenders: assessments.

Existing law, *the Sex Offender Registration Act*, provides that persons convicted of specified sex offenses are required to register with law enforcement as specified. 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. Existing law provides that the definition of "eligible person" for this purpose means a person convicted of an offense that requires him or her to register pursuant to a specified provision of the act and who is eligible for assessment. The act, in addition to the provision specified in this definition of "eligible person," also provides registration requirements for the registration of, among others, persons convicted of registerable offenses in out-of-state, federal, military courts, and registration of out-of-state residents working or attending school in California.

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. *The bill would revise the definition of “eligible person” for the purpose in the paragraph above to include all persons required to register as sex offenders pursuant to the Sex Offender Registration Act.*

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. The SARATSO, as set forth in Section 290.04, shall
4 be administered as follows:

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

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

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

26 (4) The State Department of Mental Health shall assess every
27 eligible person who is committed to that department. Whenever
28 possible, the assessment shall take place at least four months, but
29 no sooner than 10 months, prior to release from commitment. The

1 State Department of Mental Health shall record in a database the
2 risk assessment scores of persons assessed pursuant to this
3 paragraph and any risk assessment score that was submitted to the
4 department by a probation officer pursuant to Section 1203.

5 (5) Commencing January 1, 2010, the Department of Corrections
6 and Rehabilitation and the State Department of Mental Health
7 shall send the scores obtained in accordance with paragraphs (2),
8 (3), and (4) to the Department of Justice Sex Offender Tracking
9 Program not later than 30 days after the date of the assessment.
10 The risk assessment score of an offender shall be made part of his
11 or her file maintained by the Department of Justice Sex Offender
12 Tracking Program as soon as possible without financial impact,
13 but no later than January 1, 2012.

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

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

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

22 (1) Upon request of the law enforcement agency in the
23 jurisdiction in which the person is registered pursuant to Sections
24 290 to 290.023, inclusive, the person shall be assessed. The law
25 enforcement agency may enter into a memorandum of
26 understanding with a probation department to perform the
27 assessment. In the alternative, the law enforcement agency may
28 arrange to have personnel trained to perform the risk assessment
29 in accordance with subdivision (d) of Section 290.05.

30 (2) Eligible persons not assessed pursuant to subdivision (a)
31 may request that a risk assessment be performed. A request form
32 shall be available at registering law enforcement agencies. The
33 person requesting the assessment shall pay a fee for the assessment
34 that shall be sufficient to cover the cost of the assessment. The risk
35 assessment so requested shall be performed either by the probation
36 department, if a memorandum of understanding is established
37 between the law enforcement agency and the probation department,
38 or by personnel who have been trained to perform risk assessment
39 in accordance with subdivision (d) of Section 290.05.

1 (c) On or before January 1, 2008, the SARATSO Review
2 Committee shall research the appropriateness and feasibility of
3 providing a means by which an eligible person subject to
4 assessment may, at his or her own expense, be assessed with the
5 SARATSO by a governmental entity prior to his or her scheduled
6 assessment. If the committee unanimously agrees that such a
7 process is appropriate and feasible, it shall advise the Governor
8 and the Legislature of the selected tool, and it shall post its decision
9 on the Department of Corrections and Rehabilitation’s Internet
10 Web site. Sixty days after the decision is posted, the established
11 process shall become effective.

12 (d) For purposes of this section, “eligible person” means a person
13 who was convicted of an offense that requires him or her to register
14 as a sex offender pursuant to ~~Section 290~~ *the Sex Offender*
15 *Registration Act* and who is eligible for assessment, pursuant to
16 the official Coding Rules designated for use with the risk
17 assessment instrument by the author of any risk assessment
18 instrument (SARATSO) selected by the SARATSO Review
19 Committee.

20 (e) Persons authorized to perform risk assessments pursuant to
21 this section, Section 1203, and Section 706 of the Welfare and
22 Institutions Code shall be immune from liability for good faith
23 conduct under this act.