

AMENDED IN ASSEMBLY JUNE 16, 2010

AMENDED IN SENATE APRIL 20, 2010

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, *or* 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 specify that this assessment shall occur no later than 60 days after ~~the placement of the person under the parole supervision of the department~~ *a determination by the Department of Justice that the person is required 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,

1 if committed or attempted in this state, would have been punishable
2 as one or more of the offenses described in subdivision (c) of
3 Section 290. The assessment required by this paragraph shall occur
4 no later than 60 days after the placement of the person under the
5 ~~parole supervision of the department.~~ *a determination by the*
6 *Department of Justice that the person is required to register as a*
7 *sex offender in California pursuant to Section 290.005.*

8 (4) The State Department of Mental Health shall assess every
9 eligible person who is committed to that department. Whenever
10 possible, the assessment shall take place at least four months, but
11 no sooner than 10 months, prior to release from commitment. The
12 State Department of Mental Health shall record in a database the
13 risk assessment scores of persons assessed pursuant to this
14 paragraph and any risk assessment score that was submitted to the
15 department by a probation officer pursuant to Section 1203.

16 (5) Commencing January 1, 2010, the Department of Corrections
17 and Rehabilitation and the State Department of Mental Health
18 shall send the scores obtained in accordance with paragraphs (2),
19 (3), and (4) to the Department of Justice Sex Offender Tracking
20 Program not later than 30 days after the date of the assessment.
21 The risk assessment score of an offender shall be made part of his
22 or her file maintained by the Department of Justice Sex Offender
23 Tracking Program as soon as possible without financial impact,
24 but no later than January 1, 2012.

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

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

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

33 (1) Upon request of the law enforcement agency in the
34 jurisdiction in which the person is registered pursuant to Sections
35 290 to 290.023, inclusive, the person shall be assessed. The law
36 enforcement agency may enter into a memorandum of
37 understanding with a probation department to perform the
38 assessment. In the alternative, the law enforcement agency may
39 arrange to have personnel trained to perform the risk assessment
40 in accordance with subdivision (d) of Section 290.05.

1 (2) Eligible persons not assessed pursuant to subdivision (a)
 2 may request that a risk assessment be performed. A request form
 3 shall be available at registering law enforcement agencies. The
 4 person requesting the assessment shall pay a fee for the assessment
 5 that shall be sufficient to cover the cost of the assessment. The risk
 6 assessment so requested shall be performed either by the probation
 7 department, if a memorandum of understanding is established
 8 between the law enforcement agency and the probation department,
 9 or by personnel who have been trained to perform risk assessment
 10 in accordance with subdivision (d) of Section 290.05.

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

22 (d) For purposes of this section, “eligible person” means a person
 23 who was convicted of an offense that requires him or her to register
 24 as a sex offender pursuant to the Sex Offender Registration Act
 25 and who is eligible for assessment, pursuant to the official Coding
 26 Rules designated for use with the risk assessment instrument by
 27 the author of any risk assessment instrument (SARATSO) selected
 28 by the SARATSO Review Committee.

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

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35 **CORRECTIONS:**

36 **Text—Page 3.**

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