

AMENDED IN ASSEMBLY FEBRUARY 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1695

Introduced by Assembly Member Cook

February 15, 2012

An act to add Section 290.035 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, as amended, Cook. Sex offenders: identification.

Existing law, the Sex Offender Registration Act, requires persons who have been convicted of specified sex offenses to register with local law enforcement. Existing law requires that the registration include the person's address, fingerprints, current photograph, and license plate number. Existing law requires the registrant to update his or her registration annually, upon moving, or upon changing his or her name. Under existing law, failure to register is a crime. Existing law, as amended by Proposition 83 of the November 7, 2006, statewide general election, prohibits any person who is required to register pursuant to the Sex Offender Registration Act from residing within 2,000 feet of any public or private school, or park where children regularly gather.

Existing law defines a sexually violent predator as a person who has been convicted of a sexually violent offense against one or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior. Existing law requires every person who has been adjudicated a sexually violent predator to register as a sex offender pursuant to the Sex Offender Registration Act.

This bill would make it a misdemeanor for *any person who has been adjudicated a sexually violent predator and who is required to register pursuant to the Sex Offender Registration Act* or any person convicted of a crime committed against a minor under the age of 14 who, because of that conviction, is required to register as a sex offender pursuant to the Sex Offender Registration Act, to be outside his or her domicile without a state-issued identification card, as defined.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.035 is added to the Penal Code, to
2 read:

3 290.035. (a) Any person convicted of a crime committed
4 against a minor under the age of 14 who, because of that
5 conviction, is required to register as a sex offender pursuant to the
6 Sex Offender Registration Act shall carry a state-issued
7 identification card at all times when he or she is outside of his or
8 her domicile. ~~For~~

9 (b) *Any person who has been adjudicated a sexually violent*
10 *predator, as defined in Section 6600 of the Welfare and Institutions*
11 *Code, and is required to register as a sex offender pursuant to the*
12 *Sex Offender Registration Act shall carry a state-issued*
13 *identification card at all times when he or she is outside of his or*
14 *her domicile.*

15 (c) For purposes of this section, a “state-issued identification
16 card” shall mean any identification card issued by a state
17 department or agency, including a driver’s license.

18 ~~(b)~~

19 (d) A violation of this section shall be a misdemeanor.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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