

ASSEMBLY BILL

No. 321

Introduced by Assembly Member Donnelly

February 12, 2013

An act to add Section 290.48 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 321, as introduced, Donnelly. Registration of sex offenders: nonpermitted addresses.

Existing law, the Sex Offender Registration Act, requires a person convicted of certain crimes, as specified, for the rest of his or her life while residing in California, or while attending school or working in California, as specified, to register with law enforcement as a sex offender. Under existing law, a person registered as a sex offender is required to register annually and to register a new address if he or she changes residence.

This bill would require an employee of a law enforcement agency who receives the registration of a sex offender or the update to a registration to check the address given by the sex offender and ensure that the address is not that of a place where the sex offender is prohibited from staying or a place that serves the needs of children. The bill would require the employee of the law enforcement agency to inform the person if the registered address is a place where the person is prohibited from being and would require the person to find a new address within 60 days and register that new address with the appropriate law enforcement agency. By increasing the duties of local law enforcement, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 290.48 is added to the Penal Code, to
2 read:

3 290.48. (a) An employee of a law enforcement agency who
4 receives the registration of a sex offender or the update to a
5 registration pursuant to this chapter shall check the address given
6 by the sex offender and shall ensure that the address is not that of
7 a place where the sex offender is prohibited from staying or a place
8 that serves the needs of children, including, but not limited to, a
9 day care center or a foster home.

10 (b) If the address is one where the person is not permitted to
11 live, the employee of the law enforcement agency shall inform the
12 person registering.

13 (c) After receipt of notice required by subdivision (b) the person
14 shall have 60 days to find a new residence and to register that
15 address with the appropriate law enforcement agency.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

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