

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 702

Introduced by Assembly Member Ammiano

February 21, 2013

An act to amend ~~Section~~ *Sections 290 and 290.006* of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 702, as amended, Ammiano. ~~Sex—offenders.~~ *offenders: registration.*

Existing law requires every person convicted of certain offenses, 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 the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and to register thereafter as specified.

~~This bill would make a technical, nonsubstantive change to these provisions:~~

This bill would instead establish 3 tiers of registration based on specified criteria, for periods of 10 years, 20 years, and life, respectively, as specified.

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

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

1 SECTION 1. Section 290 of the Penal Code is amended to
2 read:

3 290. (a) Sections 290 to 290.024, inclusive, shall be known
4 and may be cited as the Sex Offender Registration Act. All
5 references to “the Act” in those sections are to the Sex Offender
6 Registration Act.

7 (b) Every person described in subdivision (c), ~~for the rest of his~~
8 ~~or her life~~ *period specified in subdivision (d)* while residing in
9 California, or while attending school or working in California, as
10 described in Sections 290.002 and 290.01, shall be required to
11 register with the chief of police of the city in which he or she is
12 residing, or the sheriff of the county if he or she is residing in an
13 unincorporated area or city that has no police department, and,
14 additionally, with the chief of police of a campus of the University
15 of California, the California State University, or community college
16 if he or she is residing upon the campus or in any of its facilities,
17 within five working days of coming into, or changing his or her
18 residence within, any city, county, or city and county, or campus
19 in which he or she temporarily resides, and shall be required to
20 register thereafter in accordance with the Act.

21 (c) The following persons shall be required to register:
22 Every person who, since July 1, 1944, has been or is hereafter
23 convicted in any court in this state or in any federal or military
24 court of a violation of Section 187 committed in the perpetration,
25 or an attempt to perpetrate, rape or any act punishable under
26 Section 286, 288, 288a, or 289, Section 207 or 209 committed
27 with intent to violate Section 261, 286, 288, 288a, or 289, Section
28 220, except assault to commit mayhem, subdivision (b) ~~and~~ or (c)
29 of Section 236.1, Section 243.4, paragraph (1), (2), (3), (4), or (6)
30 of subdivision (a) of Section 261, paragraph (1) of subdivision (a)
31 of Section 262 involving the use of force or violence for which
32 the person is sentenced to the state prison, Section 264.1, 266, or
33 266c, subdivision (b) of Section 266h, subdivision (b) of Section
34 266i, Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4,
35 288.5, 288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section

1 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former
2 Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2
3 of Section 314, any offense involving lewd or lascivious conduct
4 under Section 272, or any felony violation of Section 288.2; any
5 statutory predecessor that includes all elements of one of the
6 above-mentioned offenses; or any person who since that date has
7 been or is hereafter convicted of the attempt or conspiracy to
8 commit any of the above-mentioned offenses.

9 *(d) (1) For purposes of this subdivision, the following*
10 *definitions apply:*

11 *(A) "Registerable offense" means an offense or punishable act*
12 *described in subdivision (c).*

13 *(B) "Initial registration date" means either the date the person*
14 *was released from prison after incarceration for conviction of a*
15 *registerable offense, or the date of conviction for a registerable*
16 *offense for a person who was not sentenced to prison.*

17 *(C) "Violent felony" means a felony described in subdivision*
18 *(c) of Section 667.5.*

19 *(D) "Violent registerable offense" means an offense that is both*
20 *a registerable offense and a violent felony.*

21 *(E) "SARATSO" means the State-Authorized Risk Assessment*
22 *Tool for Sex Offenders as described in Section 290.04.*

23 *(2) Every person described in subdivision (c), and every person*
24 *who is otherwise required to register pursuant to the Act, shall be*
25 *required to register as a tier one, tier two, or tier three offender,*
26 *and for a period commencing on that person's initial registration*
27 *date, except as otherwise provided in this section, of 10 years, 20*
28 *years, or life, depending on which of the three tiers the offender*
29 *is placed, pursuant to paragraphs (3) to (5), inclusive.*

30 *(3) A tier one offender shall be subject to the registration*
31 *requirements of the Act for a period of 10 years. A person is a tier*
32 *one offender if all of subparagraphs (A) to (D), inclusive, apply,*
33 *or if subparagraph (E) applies:*

34 *(A) The person was convicted of a registerable offense that is*
35 *not a violent offense.*

36 *(B) The person's score on the SARATSO is low, low-moderate,*
37 *or moderate, or the person is not eligible for assessment under the*
38 *applicable coding rules, pursuant to Section 290.06.*

1 (C) For a period of 10 years, commencing with the person's
2 initial registration date, the person is not convicted of a
3 registerable offense or for a violent felony.

4 (D) For a period of 10 years, commencing with the person's
5 initial registration date, the person is not convicted of more than
6 one felony violation of the Act.

7 (E) The person is required by the court to register as a tier one
8 offender, pursuant to Section 290.006.

9 (4) A tier two offender shall be subject to the registration
10 requirements of the Act for a period of 20 years. A person is a tier
11 two offender if subparagraphs (A) to (C), inclusive, all apply, or
12 if subparagraphs (D) to (F), inclusive, all apply, or if subparagraph
13 (G) applies:

14 (A) The person's score on the SARATSO is moderate-high risk,
15 the person was convicted of a violent registerable offense, or the
16 person was convicted of a violation of Section 647.6.

17 (B) For a period of 20 years, commencing with the person's
18 initial registration date, the person is not convicted of a violent
19 registerable offense.

20 (C) For a period of 20 years, commencing with the person's
21 initial registration date, the person is not convicted of more than
22 one felony violation of the Act.

23 (D) The person was a tier one offender, but was convicted of
24 more than one felony violation of the Act, or was convicted of a
25 registerable offense or a violent felony, within 10 years from the
26 person's initial registration date.

27 (E) For a period of 20 years, commencing with the person's
28 conviction described in subparagraph (D), the person is not
29 convicted of a violent registerable offense.

30 (F) For a period of 20 years, commencing with the person's
31 conviction described in subparagraph (D), the person is not
32 convicted of a violation of the Act.

33 (G) The person is required by the court to register as a tier two
34 offender, pursuant to Section 290.006.

35 (5) A tier three offender shall be subject to the registration
36 requirements of the Act for life. A person is a tier three offender
37 if any of the following apply:

38 (A) The person's score on the SARATSO is high risk.

39 (B) Within 20 years of the person's initial registration date, the
40 person is convicted of a violent registerable offense.

1 (C) *The person has at any time been committed to a state mental*
2 *hospital as a sexually violent predator pursuant to Article 4*
3 *(commencing with Section 6600) of Chapter 2 of Part 2 of Division*
4 *6 of the Welfare and Institutions Code.*

5 (D) *The person was a tier two offender, and subsequently was*
6 *convicted of more than one felony violation of the Act, or the*
7 *person is convicted of any violation of the Act after becoming a*
8 *tier two offender, and having previously been a tier one offender.*

9 (E) *The person is required to register pursuant to Section*
10 *290.004.*

11 (F) *The person is required by the court to register as a tier three*
12 *offender pursuant to Section 290.006.*

13 (G) *The person has been convicted of a violation of subdivision*
14 *(b) or (c) of Section 236.1.*

15 (6) *Persons required to register pursuant to Section 290.005*
16 *shall be placed in the appropriate tier if the offense is assessed as*
17 *equivalent to a registerable offense. If the person's duty to register*
18 *pursuant to Section 290.005 is based solely on the requirement of*
19 *registration in another jurisdiction, the person shall be placed in*
20 *tier two, except that the person shall be placed in tier three if any*
21 *of the following apply:*

22 (A) *The person's score on the SARATSO is high risk.*

23 (B) *Within 20 years of the person's initial registration date, the*
24 *person is convicted of a violent registerable offense.*

25 (C) *The person has at any time been committed to a state mental*
26 *hospital or mental health facility in a proceeding similar to civil*
27 *commitment as a sexually violent predator pursuant to Article 4*
28 *(commencing with Section 6600) of Chapter 2 of Part 2 of Division*
29 *6 of the Welfare and Institutions Code.*

30 (7) *A person required to register as a tier two offender may, by*
31 *filing an application on a form approved by the Department of*
32 *Justice, petition the department for tier one status if the person*
33 *was convicted of a registerable offense, or adjudicated for an*
34 *offense described in subdivision (c) of Section 290.008, against*
35 *no more than one victim 12 to 17 years of age, inclusive; the person*
36 *was not more than 10 years older than the victim; and the act was*
37 *illegal due solely to the age of the minor. If the department*
38 *determines that the person meets the requirements for tier one*
39 *status, the department shall grant the petition. The petitioner bears*

1 *the burden of proving the facts that make the petitioner eligible*
2 *for tier one status.*

3 *SEC. 2. Section 290.006 of the Penal Code is amended to read:*

4 290.006. Any person ordered by any court to register pursuant
5 to the Act for any offense not included specifically in subdivision
6 (c) of Section 290, shall so register, if the court finds at the time
7 of conviction or sentencing that the person committed the offense
8 as a result of sexual compulsion or for purposes of sexual
9 gratification. The court shall state on the record the reasons for its
10 findings and the reasons for requiring registration. *The person*
11 *shall register as a tier one offender pursuant to Section 290, unless*
12 *the court states on the record the reasons for requiring the person*
13 *to register as a tier two or tier three offender pursuant to Section*
14 *290.*

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