

**ASSEMBLY BILL**

**No. 992**

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**Introduced by Assembly Member Perea**

February 22, 2013

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An act to amend Section 290.008 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as introduced, Perea. Sex offender registration: juvenile offenders.

The Sex Offender Registration Act requires every person who has been convicted of any one of specified sex offenses to register with law enforcement, as specified, for the rest of his or her life while residing in this state. This provision applies to any person who is discharged or paroled from the Department of Corrections and Rehabilitation to the custody of which he or she was committed after having been adjudicated a ward of the juvenile court, or from a facility in another state that is equivalent to the Division of Juvenile Justice, to the custody of which he or she was committed because of an offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses for which registration is required in accordance with the Act. Existing law also requires that all records specifically relating to the registration that are in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials be destroyed when the person who is required to register has his or her records sealed under a specified provision of law.

This bill would require a juvenile sex offender who is placed on probation or parole for committing or attempting to commit specified sex offenses to register in accordance with the Act. The bill would also

require a juvenile sex offender who is on probation or parole in another state, transfers to this state for supervision, and was found to have committed or attempted to commit specified sex offenses in the other state, to register in accordance with the Act. By expanding the class of persons who are required to register and to have their records sealed or destroyed, the bill would impose additional duties on local law enforcement employees, thereby imposing 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 290.008 of the Penal Code is amended
- 2 to read:
- 3 290.008. (a) (1) Any person who, on or after January 1, 1986,
- 4 is discharged or paroled from the Department of Corrections and
- 5 Rehabilitation to the custody of which he or she was committed
- 6 after having been adjudicated a ward of the juvenile court pursuant
- 7 to Section 602 of the Welfare and Institutions Code because of the
- 8 commission or attempted commission of any offense described in
- 9 subdivision (c) shall register in accordance with the Act.
- 10 (2) Any person who, on or after January 1, 2014, has been
- 11 adjudicated a ward of the juvenile court pursuant to Section 602
- 12 of the Welfare and Institutions Code and has been placed on
- 13 probation for the commission or attempted commission of any
- 14 offense described in subdivision (c), shall register in accordance
- 15 with the Act.
- 16 (b) Any person who (1) is discharged or paroled from a facility
- 17 in another state that is equivalent to the Division of Juvenile Justice,
- 18 to the custody of which he or she was committed because of an
- 19 offense which, if committed or attempted in this state, would have
- 20 been punishable as one or more of the offenses described in

1 subdivision (c), or (2) is on probation or parole in another state,  
2 transfers to this state for supervision, and was found by a court in  
3 the other state to have committed or attempted to commit one or  
4 more of the offenses described in subdivision (c) in that state when  
5 he or she was under 18 years of age, shall register in accordance  
6 with the Act.

7 (c) Any person described in this section who committed an  
8 offense in violation of any of the following provisions shall be  
9 required to register pursuant to the Act:

10 (1) Assault with intent to commit rape, sodomy, oral copulation,  
11 or any violation of Section 264.1, 288, or 289 under Section 220.

12 (2) Any offense defined in paragraph (1), (2), (3), (4), or (6) of  
13 subdivision (a) of Section 261, Section 264.1, 266c, or 267,  
14 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,  
15 Section 286, Section 288 or 288.5, paragraph (1) of subdivision  
16 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)  
17 of Section 289, or Section 647.6.

18 (3) A violation of Section 207 or 209 committed with the intent  
19 to violate Section 261, 286, 288, 288a, or 289.

20 (d) Prior to *termination of probation, or prior to discharge or*  
21 *parole* from the Department of Corrections and Rehabilitation, any  
22 person who is subject to registration under this section shall be  
23 informed of the duty to register under the procedures set forth in  
24 the Act. Department officials shall transmit the required forms and  
25 information to the Department of Justice.

26 (e) All records specifically relating to the registration in the  
27 custody of the Department of Justice, law enforcement agencies,  
28 and other agencies or public officials shall be destroyed when the  
29 person who is required to register has his or her records sealed  
30 under the procedures set forth in Section 781 of the Welfare and  
31 Institutions Code. This section shall not be construed as requiring  
32 the destruction of other criminal offender or juvenile records  
33 relating to the case that are maintained by the Department of  
34 Justice, law enforcement agencies, the juvenile court, or other  
35 agencies and public officials unless ordered by a court under  
36 Section 781 of the Welfare and Institutions Code.

37 SEC. 2. If the Commission on State Mandates determines that  
38 this act contains costs mandated by the state, reimbursement to  
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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