

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1108

Introduced by Assembly Members Perea and Frazier

(Principal coauthor: Senator Huff)

(Coauthors: Assembly Members Blumenfield, Hall, and

Maienschein)

(Coauthors: Senators Beall, Cannella, Fuller, and Lieu)

February 22, 2013

An act to add Section 3003.6 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, Perea. Sex offenders: foster care homes: prohibitions.

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. Existing law, the California Community Care Facilities Act,

provides for the licensure and regulation of community care facilities, including group homes and foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.

This bill would, subject to exception, prohibit any person who is required to register as a sex offender, *based upon the commission of an offense against a minor*, from residing, working, or volunteering in specified foster homes or facilities, as provided. The bill would provide that violation of the prohibition is a misdemeanor.

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 3003.6 is added to the Penal Code, to
2 read:

3 3003.6. (a) Every person who is required to register pursuant
4 to ~~Sections 290 to 290.023, inclusive~~, *Section 290, based upon the*
5 *commission of an offense against a minor*, is prohibited from
6 residing, except as a client, and from working or volunteering in
7 any of the following:

8 (1) A foster home or facility that is licensed by the State
9 Department of Social Services or a county child welfare services
10 agency.

11 (2) A certified home of a foster care agency.

12 (3) A home or facility that receives a placement of a child who
13 has been, or may be, declared a dependent child of the juvenile
14 court pursuant to Section 300 of the Welfare and Institutions Code
15 or Section 602 of the Welfare and Institutions Code.

16 (b) Any person who violates this section is guilty of a
17 misdemeanor.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 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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