

ASSEMBLY BILL

No. 2008

Introduced by Assembly Member Wagner

February 16, 2016

An act to amend Section 290.017 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2008, as introduced, Wagner. Crimes: sex offender registration: notice of duty to register.

Existing law, the Sex Offender Registration Act, requires a person convicted of specified sex offenses to register with local law enforcement authorities and update that registration, as specified. Existing law requires that a person who is required to register be informed of his or her duty to register prior to his or her release, discharge, or parole from confinement in specified institutions, when he or she is released on probation, or when he or she is granted conditional release without supervised probation, or discharged upon payment of a fine.

This bill would require that the person be informed of his or her duty to register only if the release, discharge, or parole, as applicable, is related to a sentence imposed as the result of a conviction for an offense for which the person is required to register under the act, as specified.

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

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

SECTION 1. Section 290.017 of the Penal Code is amended to read:

290.017. (a) Any person who is released, discharged, or paroled from a jail, state or federal prison, school, road camp, or other institution where he or she was ~~confined~~, *who confined as the result of a sentence imposed for conviction of an offense for which the person* is required to register pursuant to the Act, shall, prior to discharge, parole, or release, be informed of his or her duty to register under the Act by the official in charge of the place of confinement or hospital, and the official shall require the person to read and sign any form that may be required by the Department of Justice, stating that the duty of the person to register under the Act has been explained to the person. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of Justice. The official shall at the same time forward a current photograph of the person to the Department of Justice.

(b) The official in charge of the place of confinement or hospital shall give one copy of the form to the person and shall send one copy to the Department of Justice and one copy to the appropriate law enforcement agency or agencies having jurisdiction over the place the person expects to reside upon discharge, parole, or release. If the conviction that makes the person subject to the Act is a felony conviction, the official in charge shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon discharge, parole, or release; one copy to the prosecuting agency that prosecuted the person; and one copy to the Department of Justice. The official in charge of the place of confinement or hospital shall retain one copy.

(c) ~~Any person who is required to register pursuant to the Act and who is released on probation,~~ *probation as the result of a sentence imposed for conviction of an offense for which the person is required to register pursuant to the act* shall, prior to release or discharge, be informed of the duty to register under the Act by the probation department, and a probation officer shall require the

1 person to read and sign any form that may be required by the
2 Department of Justice, stating that the duty of the person to register
3 has been explained to him or her. The probation officer shall obtain
4 the address where the person expects to reside upon release or
5 discharge and shall report within three days the address to the
6 Department of Justice. The probation officer shall give one copy
7 of the form to the person, send one copy to the Department of
8 Justice, and forward one copy to the appropriate law enforcement
9 agency or agencies having local jurisdiction where the person
10 expects to reside upon his or her discharge, parole, or release.

11 (d) Any person ~~who is required to register pursuant to the Act~~
12 ~~and~~ who is granted conditional release without supervised
13 ~~probation~~, *probation from confinement imposed by*, or discharged
14 upon payment of a ~~fine~~, *fine imposed in connection with, a sentence*
15 *for a conviction of an offense for which a person is required to*
16 *register pursuant to the act*, shall, prior to release or discharge, be
17 informed of the duty to register under the Act in open court by the
18 court in which the person has been convicted, and the court shall
19 require the person to read and sign any form that may be required
20 by the Department of Justice, stating that the duty of the person
21 to register has been explained to him or her. If the court finds that
22 it is in the interest of the efficiency of the court, the court may
23 assign the bailiff to require the person to read and sign forms under
24 the Act. The court shall obtain the address where the person expects
25 to reside upon release or discharge and shall report within three
26 days the address to the Department of Justice. The court shall give
27 one copy of the form to the person, send one copy to the
28 Department of Justice, and forward one copy to the appropriate
29 law enforcement agency or agencies having local jurisdiction where
30 the person expects to reside upon his or her discharge, parole, or
31 release.