

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2188

Introduced by Assembly Member Grove

February 18, 2016

An act to ~~amend~~ add Section 290 of 15030 to the Penal Government Code, relating to ~~sex offenders~~ human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, as amended, Grove. ~~Sex offenders~~. *Human trafficking: database.*

Existing law requires the Department of Justice to seek to control and eradicate organized crime by, among other things, gathering, analyzing, and storing intelligence related to organized crime and providing this intelligence to local, state, and federal law enforcement units. Existing law also requires, prior to a local law enforcement agency designating, or submitting a document to the Attorney General's office for the purpose of designating, a person as a gang member, associate, or affiliate in a shared gang database, as defined, the local law enforcement agency to provide written notice to the person and his or her parent or guardian of the designation and the basis for the designation if the person is under 18 years of age, except as specified. Existing law authorizes the person or his or her parent or guardian to submit written documentation contesting that designation and requires the local law enforcement agency to provide written verification of its decision within 60 days.

This bill would require the department, on or before January 1, 2018, to expand its shared gang database, as defined in the provision described above, in order to provide accurate, timely, and electronically

generated data of statewide human trafficking intelligence information. The bill would specify that the purpose of that expansion is to allow law enforcement agencies in California to collaborate in reducing the incidence of human trafficking. The bill would authorize the department to promulgate regulations to implement its provisions.

~~Existing law, the Sex Offender Registration Act, last amended by Proposition 35, as approved by the voters at the November 6, 2012, statewide general election, requires a person convicted of certain crimes, as specified, to register with law enforcement as a sex offender for the rest of his or her life while residing in California or while attending school or working in California, as specified. A willful failure to register, as required by the act, is a misdemeanor, or felony, depending on the underlying offense.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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 15030 is added to the Government Code,*
- 2 *to read:*
- 3 15030. (a) *On or before January 1, 2018, the Department of*
- 4 *Justice shall expand its shared gang database, as defined in Section*
- 5 *186.34 of the Penal Code, in order to provide accurate, timely,*
- 6 *and electronically generated data of statewide human trafficking*
- 7 *intelligence information. The purpose of this expansion shall be*
- 8 *to allow law enforcement agencies in California to collaborate in*
- 9 *reducing the incidence of human trafficking.*
- 10 (b) *The department may promulgate regulations to implement*
- 11 *this section.*
- 12 (c) *For purposes of this section, “human trafficking” has the*
- 13 *same meaning as defined in Section 236.1 of the Penal Code.*
- 14 ~~SECTION 1. Section 290 of the Penal Code is amended to~~
- 15 ~~read:~~
- 16 290. ~~(a) Sections 290 to 290.024, inclusive, shall be known,~~
- 17 ~~and may be cited, as the Sex Offender Registration Act. All~~
- 18 ~~references to “the Act” in those sections are to the Sex Offender~~
- 19 ~~Registration Act.~~

1 ~~(b) Any person described in subdivision (c), for the rest of his~~
2 ~~or her life while residing in California, or while attending school~~
3 ~~or working in California, as described in Sections 290.002 and~~
4 ~~290.01, shall be required to register with the chief of police of the~~
5 ~~city in which he or she is residing, or the sheriff of the county if~~
6 ~~he or she is residing in an unincorporated area or city that has no~~
7 ~~police department, and, additionally, with the chief of police of a~~
8 ~~campus of the University of California, the California State~~
9 ~~University, or community college if he or she is residing upon the~~
10 ~~campus or in any of its facilities, within five working days of~~
11 ~~coming into, or changing his or her residence within, any city,~~
12 ~~county, or city and county, or campus in which he or she~~
13 ~~temporarily resides, and shall be required to register thereafter in~~
14 ~~accordance with the Act.~~

15 ~~(c) The following persons shall be required to register:~~

16 ~~Any person who, since July 1, 1944, has been or is hereafter~~
17 ~~convicted in any court in this state or in any federal or military~~
18 ~~court of a violation of Section 187 committed in the perpetration,~~
19 ~~or an attempt to perpetrate, rape or any act punishable under~~
20 ~~Section 286, 288, 288a, or 289, Section 207 or 209 committed~~
21 ~~with intent to violate Section 261, 286, 288, 288a, or 289, Section~~
22 ~~220, except assault to commit mayhem, subdivision (b) and (c) of~~
23 ~~Section 236.1, Section 243.4, paragraph (1), (2), (3), (4), or (6) of~~
24 ~~subdivision (a) of Section 261, paragraph (1) of subdivision (a) of~~
25 ~~Section 262 involving the use of force or violence for which the~~
26 ~~person is sentenced to the state prison, Section 264.1, 266, or 266c,~~
27 ~~subdivision (b) of Section 266h, subdivision (b) of Section 266i,~~
28 ~~Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5,~~
29 ~~288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2,~~
30 ~~Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section~~
31 ~~647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section~~
32 ~~314, any offense involving lewd or lascivious conduct under~~
33 ~~Section 272, or any felony violation of Section 288.2; any statutory~~
34 ~~predecessor that includes all elements of one of the~~
35 ~~above-mentioned offenses; or any person who since that date has~~
36 ~~been or is hereafter convicted of the attempt or conspiracy to~~
37 ~~commit any of the above-mentioned offenses.~~

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