

AMENDED IN ASSEMBLY JULY 8, 1996

AMENDED IN SENATE APRIL 17, 1996

SENATE BILL

No. 2161

Introduced by Senator Leslie
(Coauthor: Assembly Member Alby)

February 23, 1996

An act to amend Section 290.5 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 2161, as amended, Leslie. Sex offenders: registration.

(1) Existing law authorizes a person who is required to register annually with local law enforcement officials as a sex offender to petition for a certificate of rehabilitation and pardon. Upon obtaining a certificate of rehabilitation, that person is relieved of any further duty to register as a sex offender. Failure to register when required is a misdemeanor.

This bill would provide that the person is relieved of any further duty to register upon receipt of the certificate of rehabilitation if he or she is not in custody, on parole, or on probation.

(2) *This bill would incorporate additional changes in Section 290.5 of the Penal Code, proposed by AB 1901, to be operative only if AB 1901 and this bill are both chaptered and become effective on or before January 1, 1997 and this bill is chaptered last.*

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

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

1 SECTION 1. Section 290.5 of the Penal Code is
2 amended to read:

3 290.5. A person required to register under Section 290
4 may initiate a proceeding under Chapter 3.5
5 (commencing with Section 4852.01) of Title 6 of Part 3 of
6 this code, and upon obtaining a certificate of
7 rehabilitation, shall be relieved of any further duty to
8 register under Section 290 if not in custody, on parole, or
9 on probation. This certificate shall not relieve *a* petitioner
10 of the duty to register under Section 290 for any offense
11 subject to that section of which he or she is convicted in
12 the future.

13 SEC. 2. *Section 290.5 of the Penal Code is amended to*
14 *read:*

15 290.5. (a) A person required to register under
16 Section 290 may initiate a proceeding under Chapter 3.5
17 (commencing with Section 4852.01) of Title 6 of Part 3 of
18 ~~this code, and~~, *and, except persons described in*
19 *paragraph (1) of subdivision (a) of Section 290.4 or*
20 *paragraph (2) of subdivision (g) of Section 290, upon*
21 *obtaining a certificate of rehabilitation, shall be relieved*
22 *of any further duty to register under Section 290 if not in*
23 *custody, on parole, or on probation. Such This certificate*
24 *shall not relieve persons described in paragraph (1) of*
25 *subdivision (a) of Section 290.4 or paragraph (2) of*
26 *subdivision (g) of Section 290 of the duty to register*
27 *under Section 290 and shall not relieve a petitioner of the*
28 *duty to register under Section 290 for any offense subject*
29 *to that section of which he or she is convicted in the*
30 *future.*

31 (b) (1) *Except as provided in paragraphs (2) and (3),*
32 *a person described in paragraph (1) of subdivision (a) of*
33 *Section 290.4 or paragraph (2) of subdivision (g) of*
34 *Section 290 shall not be relieved of the duty to register*
35 *until that person has obtained a full pardon as provided*
36 *in Chapter 1 (commencing with Section 4800) or Chapter*
37 *3 (commencing with Section 4850) of Title 6 of Part 3.*



1 (2) This subdivision does not apply to misdemeanor
2 violations of Section 647.6.

3 (3) The court, upon granting a petition for a certificate
4 of rehabilitation pursuant to Chapter 3.5 (commencing
5 with Section 4852.01) of Title 6 of Part 3, may relieve a
6 person of the duty to register under Section 290 for a
7 violation of Section 288 or 288.5, provided that the person
8 was granted probation pursuant to subdivision (c) of
9 Section 1203.066, has complied with the provisions of
10 Section 290 for a continuous period of at least 10 years
11 immediately preceding the filing of the petition, and has
12 not been convicted of a felony during that period.

13 SEC. 3. Section 2 of this bill incorporates amendments
14 to Section 290.5 of the Penal Code proposed by both this
15 bill and AB 1901. It shall become operative if (1) both bills
16 are enacted and become effective on or before January
17 1, 1997, (2) each bill amends Section 290.5 of the Penal
18 Code, and (3) this bill is enacted after AB 1901, in which
19 case Section 290.5 of the Penal Code, as amended by AB
20 1901, shall remain operative only until the operative date
21 of this bill, at which time Section 2 of this bill shall become
22 operative, and Section 1 of this bill shall not become
23 operative.

