

AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1927

Introduced by Assembly Member Morrow

February 17, 1998

An act to amend Sections 290, 679.03, 3003, 3058.6, 3058.7, and 3058.8 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1927, as amended, Morrow. Sex offenders: probation: notification requirements.

Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address. These persons are required to provide information required by the Department of Justice, as well as fingerprints, a photograph, and the license plate number of any vehicle owned by or registered in the name of that person.

This bill would require, in addition, that the person required to register as a sex offender provide copies of adequate proof of residence, limited to a California driver's license, a California identification card, or recent rent or utility receipt.

Existing law authorizes the Department of Corrections or the Board of Prison Terms to release an inmate on parole to a county other than the county in which the parolee resided prior to incarceration. The decision to release the inmate to another county is generally discretionary based on specified

criteria. However, when the inmate is convicted of a violent felony or other specified charge, the department or board is barred from returning the inmate to a location within 35 miles of the actual residence of a victim or witness to that offense or charge. In addition, the department or board are required to release specified information concerning the inmate to local law enforcement agencies. Whenever local law enforcement agencies are so notified about a person convicted of a violent felony, that agency is authorized to notify any person that the agency designates as an appropriate recipient.

This bill would make the above provisions applicable to a person who is placed on probation for a conviction for a sex offense that is subject to the sex offender registration requirements. In addition, the bill would bar, upon the victim’s request, a probationer from being returned to a location of unspecified distance from the victim’s residence if the court makes the necessary finding. Because this bill would increase the duties of local officials, it 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 of the Penal Code is*
 2 *amended to read:*
 3 290. (a) (1) (A) Every person described in
 4 paragraph (2), for the rest of his or her life while residing



1 in, or, if he or she has no residence, while located within
2 California, shall be required to register with the chief of
3 police of the city in which he or she is residing, or if he or
4 she has no residence, is located, or the sheriff of the
5 county if he or she is residing, or if he or she has no
6 residence, is located, in an unincorporated area or city
7 that has no police department, and, additionally, with the
8 chief of police of a campus of the University of California,
9 the California State University, or community college if
10 he or she is residing, or if he or she has no residence, is
11 located upon the campus or in any of its facilities, within
12 five working days of coming into any city, county, or city
13 and county in which he or she temporarily resides, or, if
14 he or she has no residence, is located.

15 (B) If the person who is registering has no residence
16 address, he or she shall update his or her registration no
17 less than once every 90 days in addition to the
18 requirement in subparagraph (A), on a form as may be
19 required by the Department of Justice, with the entity or
20 entities described in subparagraph (A) in whose
21 jurisdiction he or she is located at the time he or she is
22 updating the registration.

23 (C) Beginning on his or her first birthday following
24 registration or change of address, the person shall be
25 required to register annually, within five working days of
26 his or her birthday, to update his or her registration with
27 the entities described in subparagraph (A), including,
28 verifying his or her name and address, or temporary
29 location, on a form as may be required by the
30 Department of Justice.

31 (D) In addition, every person who is a sexually violent
32 predator, as defined in Section 6600 of the Welfare and
33 Institutions Code, shall, after his or her release from
34 custody, verify his or her address every 90 days in a
35 manner established by the Department of Justice.

36 (E) No entity shall require a person to pay a fee to
37 register or update his or her registration pursuant to this
38 section.

39 (2) The following persons shall be required to register
40 pursuant to paragraph (1):



1 (A) Any person who, since July 1, 1944, has been or is
2 hereafter convicted in any court in this state or in any
3 federal or military court of a violation of Section 207 or 209
4 committed with intent to violate Section 261, 286, 288,
5 288a, or 289, Section 220, except assault to commit
6 mayhem, Section 243.4, paragraph (1), (2), (3), (4), or
7 (6) of subdivision (a) of Section 261, or paragraph (1) of
8 subdivision (a) of Section 262 involving the use of force
9 or violence for which the person is sentenced to the state
10 prison, Section 264.1, 266, 266c, subdivision (b) of Section
11 266h, subdivision (b) of Section 266i, 266j, 267, 269, 285,
12 286, 288, 288a, 288.5, or 289, subdivision (b), (c), or (d) of
13 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,
14 former Section 647a, subdivision (c) of Section 653f,
15 subdivision 1 or 2 of Section 314, any offense involving
16 lewd or lascivious conduct under Section 272, or any
17 felony violation of Section 288.2; or any person who since
18 that date has been or is hereafter convicted of the attempt
19 to commit any of the above-mentioned offenses.

20 (B) Any person who, since July 1, 1944, has been or
21 hereafter is released, discharged, or paroled from a penal
22 institution where he or she was confined because of the
23 commission or attempted commission of one of the
24 offenses described in subparagraph (A).

25 (C) Any person who, since July 1, 1944, has been or
26 hereafter is determined to be a mentally disordered sex
27 offender under Article 1 (commencing with Section
28 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
29 and Institutions Code or any person who has been found
30 guilty in the guilt phase of a trial for an offense for which
31 registration is required by this section but who has been
32 found not guilty by reason of insanity in the sanity phase
33 of the trial.

34 (D) Any person who, since July 1, 1944, has been, or is
35 hereafter convicted in any other court, including any
36 state, federal, or military court, of any offense which, if
37 committed or attempted in this state, would have been
38 punishable as one or more of the offenses described in
39 subparagraph (A) or any person ordered by any other
40 court, including any state, federal, or military court, to



1 register as a sex offender for any offense, if the court
2 found at the time of conviction that the person
3 committed the offense as a result of sexual compulsion or
4 for purposes of sexual gratification.

5 (E) Any person ordered by any court to register
6 pursuant to this section for any offense not included
7 specifically in this section if the court finds at the time of
8 conviction that the person committed the offense as a
9 result of sexual compulsion or for purposes of sexual
10 gratification. The court shall state on the record the
11 reasons for its findings and the reasons for requiring
12 registration.

13 (F) (i) Notwithstanding any other subdivision, a
14 person who was convicted before January 1, 1976, under
15 subdivision (a) of Section 286, or Section 288a, shall not be
16 required to register pursuant to this section for that
17 conviction if the conviction was for conduct between
18 consenting adults that was decriminalized by Chapter 71
19 of the Statutes of 1975 or Chapter 1139 of the Statutes of
20 1976. The Department of Justice shall remove that person
21 from the Sex Offender Registry, and the person is
22 discharged from his or her duty to register pursuant to the
23 following procedure:

24 (I) The person submits to the Department of Justice
25 official documentary evidence, including court records or
26 police reports, which demonstrate that the person's
27 conviction pursuant to either of those sections was for
28 conduct between consenting adults that was
29 decriminalized; or

30 (II) The person submits to the department a
31 declaration stating that the person's conviction pursuant
32 to either of those sections was for consensual conduct
33 between adults that has been decriminalized. The
34 declaration shall be confidential and not a public record,
35 and shall include the person's name, address, telephone
36 number, date of birth, and a summary of the
37 circumstances leading to the conviction, including the
38 date of the conviction and county of the occurrence.

39 (III) The department shall determine whether the
40 person's conviction was for conduct between consensual



1 adults that has been decriminalized. If the conviction was
2 for consensual conduct between adults that has been
3 decriminalized, and the person has no other offenses for
4 which he or she is required to register pursuant to this
5 section, the department shall, within 60 days of receipt of
6 those documents, notify the person that he or she is
7 relieved of the duty to register, and shall notify the local
8 law enforcement agency with which the person is
9 registered that he or she has been relieved of the duty to
10 register. The local law enforcement agency shall remove
11 the person's registration from its files within 30 days of
12 receipt of notification. If the documentary or other
13 evidence submitted is insufficient to establish the
14 person's claim, the department shall, within 60 days of
15 receipt of those documents, notify the person that his or
16 her claim cannot be established, and that the person shall
17 continue to register pursuant to this section. The
18 department shall provide, upon the person's request, any
19 information relied upon by the department in making its
20 determination that the person shall continue to register
21 pursuant to this section. Any person whose claim has been
22 denied by the department pursuant to this clause may
23 petition the court to appeal the department's denial of
24 the person's claim.

25 (ii) On or before July 1, 1998, the department shall
26 make a report to the Legislature concerning the status of
27 persons who may come under the provisions of this
28 subparagraph, including the number of persons who
29 were convicted before January 1, 1976, under subdivision
30 (a) of Section 286 or Section 288a and are required to
31 register under this section, the average age of these
32 persons, the number of these persons who have any
33 subsequent convictions for a registerable sex offense, and
34 the number of these persons who have sought successfully
35 or unsuccessfully to be relieved of their duty to register
36 under this section.

37 (b) (1) Any person who is released, discharged, or
38 paroled from a jail, state or federal prison, school, road
39 camp, or other institution where he or she was confined
40 because of the commission or attempted commission of



1 one of the offenses specified in subdivision (a) or is
2 released from a state hospital to which he or she was
3 committed as a mentally disordered sex offender under
4 Article 1 (commencing with Section 6300) of Chapter 2
5 of Part 2 of Division 6 of the Welfare and Institutions
6 Code, shall, prior to discharge, parole, or release, be
7 informed of his or her duty to register under this section
8 by the official in charge of the place of confinement or
9 hospital, and the official shall require the person to read
10 and sign any form that may be required by the
11 Department of Justice, stating that the duty of the person
12 to register under this section has been explained to the
13 person. The official in charge of the place of confinement
14 or hospital shall obtain the address where the person
15 expects to reside upon his or her discharge, parole, or
16 release and shall report the address to the Department of
17 Justice.

18 (2) The official in charge of the place of confinement
19 or hospital shall give one copy of the form to the person
20 and shall send one copy to the Department of Justice and
21 one copy to the appropriate law enforcement agency or
22 agencies having jurisdiction over the place the person
23 expects to reside upon discharge, parole, or release. If the
24 conviction that makes the person subject to this section
25 is a felony conviction, the official in charge shall, not later
26 than 45 days prior to the scheduled release of the person,
27 send one copy to the appropriate law enforcement
28 agency or agencies having local jurisdiction where the
29 person expects to reside upon discharge, parole, or
30 release; one copy to the prosecuting agency that
31 prosecuted the person; and one copy to the Department
32 of Justice. The official in charge of the place of
33 confinement shall retain one copy.

34 (c) Any person who is convicted in this state of the
35 commission or attempted commission of any of the
36 offenses specified in subdivision (a) and who is released
37 on probation or discharged upon payment of a fine shall,
38 prior to release or discharge, be informed of the duty to
39 register under this section by the probation department,
40 and a probation officer shall require the person to read



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

13 (d) (1) Any person who, on or after January 1, 1986,
14 is discharged or paroled from the Department of the
15 Youth Authority to the custody of which he or she was
16 committed after having been adjudicated a ward of the
17 juvenile court pursuant to Section 602 of the Welfare and
18 Institutions Code because of the commission or
19 attempted commission of any offense described in
20 paragraph (3) shall be subject to registration under the
21 procedures of this section.

22 (2) Any person who is discharged or paroled from a
23 facility in another state that is equivalent to the
24 Department of the Youth Authority, to the custody of
25 which he or she was committed because of an offense
26 which, if committed or attempted in this state, would
27 have been punishable as one or more of the offenses
28 described in paragraph (3), shall be subject to
29 registration under the procedures of this section.

30 (3) Any person described in this subdivision who
31 committed an offense in violation of any of the following
32 provisions shall be required to register pursuant to this
33 section:

34 (A) Assault with intent to commit rape, sodomy, oral
35 copulation, or any violation of Section 264.1, 288, or 289
36 under Section 220.

37 (B) Any offense defined in paragraph (1), (2), (3),
38 (4), or (6) of subdivision (a) of Section 261, Section 264.1,
39 266c, or 267, paragraph (1) of subdivision (b) of, or
40 subdivision (c) or (d) of, Section 286, Section 288 or 288.5,



1 paragraph (1) of subdivision (b) of, or subdivision (c) or
2 (d) of, Section 288a, subdivision (a) of Section 289, or
3 Section 647.6.

4 (C) A violation of Section 207 or 209 committed with
5 the intent to violate Section 261, 286, 288, 288a, or 289.

6 (4) Prior to discharge or parole from the Department
7 of the Youth Authority, any person who is subject to
8 registration under this subdivision shall be informed of
9 the duty to register under the procedures set forth in this
10 section. Department of the Youth Authority officials shall
11 transmit the required forms and information to the
12 Department of Justice.

13 (5) All records specifically relating to the registration
14 in the custody of the Department of Justice, law
15 enforcement agencies, and other agencies or public
16 officials shall be destroyed when the person who is
17 required to register has his or her records sealed under
18 the procedures set forth in Section 781 of the Welfare and
19 Institutions Code. This subdivision shall not be construed
20 as requiring the destruction of other criminal offender or
21 juvenile records relating to the case that are maintained
22 by the Department of Justice, law enforcement agencies,
23 the juvenile court, or other agencies and public officials
24 unless ordered by a court under Section 781 of the
25 Welfare and Institutions Code.

26 (e) (1) On or after January 1, 1998, upon
27 incarceration, placement, or commitment, or prior to
28 release on probation, any person who is required to
29 register under this section shall preregister. The
30 preregistering official shall be the admitting officer at the
31 place of incarceration, placement, or commitment, or the
32 probation officer if the person is to be released on
33 probation. The preregistration shall consist of both of the
34 following:

35 (A) A preregistration statement in writing, signed by
36 the person, giving information that may be required by
37 the Department of Justice.

38 (B) The fingerprints and photograph of the person.

39 (C) Any person who is preregistered pursuant to this
40 subdivision is required to be preregistered only once.



1 (2) A person described in paragraph (2) of subdivision
2 (a) shall register, or reregister if the person has previously
3 registered, upon release from incarceration, placement,
4 or commitment, pursuant to paragraph (1) of subdivision
5 (a). The registration shall consist of all of the following:

6 (A) A statement in writing signed by the person,
7 giving information as may be required by the
8 Department of Justice.

9 (B) The fingerprints and photograph of the person.

10 (C) The license plate number of any vehicle owned
11 by, regularly driven by, or registered in the name of the
12 person.

13 (D) Notice to the person that, in addition to the
14 requirements of paragraph (4), he or she may have a duty
15 to register in any other state where he or she may
16 relocate.

17 (E) *Copies of adequate proof of residence, which shall*
18 *be limited to a California driver's license, California*
19 *identification card, or recent rent or utility receipt.*

20 (3) Within three days thereafter, the preregistering
21 official or the registering law enforcement agency or
22 agencies shall forward the statement, fingerprints,
23 photograph, and vehicle license plate number, if any, to
24 the Department of Justice.

25 (f) (1) If any person who is required to register
26 pursuant to this section changes his or her residence
27 address, the person shall inform, in writing within five
28 working days, the law enforcement agency or agencies
29 with which he or she last registered of the new address.
30 The law enforcement agency or agencies shall, within
31 three days after receipt of this information, forward a
32 copy of the change of address information to the
33 Department of Justice. The Department of Justice shall
34 forward appropriate registration data to the law
35 enforcement agency or agencies having local jurisdiction
36 of the new place of residence.

37 (2) If any person who is required to register pursuant
38 to this section changes his or her name, the person shall
39 inform, in person, the law enforcement agency or
40 agencies with which he or she is currently registered



1 within five working days. The law enforcement agency or
2 agencies shall forward a copy of this information to the
3 Department of Justice within three days of its receipt.

4 (g) (1) Any person who is required to register under
5 this section based on a misdemeanor conviction who
6 willfully violates any requirement of this section is guilty
7 of a misdemeanor punishable by imprisonment in a
8 county jail not exceeding one year.

9 (2) Except as provided in paragraph (5), any person
10 who is required to register under this section based on a
11 felony conviction who willfully violates any requirement
12 of this section or who has a prior conviction for the offense
13 of failing to register under this section and who
14 subsequently and willfully violates any requirement of
15 this section is guilty of a felony and shall be punished by
16 imprisonment in the state prison for 16 months, or two or
17 three years.

18 If probation is granted or if the imposition or execution
19 of sentence is suspended, it shall be a condition of the
20 probation or suspension that the person serve at least 90
21 days in a county jail. The penalty described in this
22 paragraph shall apply whether or not the person has been
23 released on parole or has been discharged from parole.

24 (3) Any person determined to be a mentally
25 disordered sex offender or who has been found guilty in
26 the guilt phase of trial for an offense for which registration
27 is required under this section, but who has been found not
28 guilty by reason of insanity in the sanity phase of the trial,
29 who willfully violates any requirement of this section is
30 guilty of a misdemeanor and shall be punished by
31 imprisonment in a county jail not exceeding one year. For
32 any second or subsequent willful violation of any
33 requirement of this section, the person is guilty of a felony
34 and shall be punished by imprisonment in the state prison
35 for 16 months, or two or three years.

36 (4) If, after discharge from parole, the person is
37 convicted of a felony as specified in this subdivision, he or
38 she shall be required to complete parole of at least one
39 year, in addition to any other punishment imposed under
40 this subdivision. A person convicted of a felony as



1 specified in this subdivision may be granted probation
2 only in the unusual case where the interests of justice
3 would best be served. When probation is granted under
4 this paragraph, the court shall specify on the record and
5 shall enter into the minutes the circumstances indicating
6 that the interests of justice would best be served by the
7 disposition.

8 (5) Any person who, as a sexually violent predator, as
9 defined in Section 6600 of the Welfare and Institutions
10 Code, fails to verify his or her registration every 90 days
11 as required pursuant to subparagraph (D) of paragraph
12 (1) of subdivision (a), shall be punished by imprisonment
13 in the state prison, or in a county jail not exceeding one
14 year.

15 (6) In addition to any other penalty imposed under
16 this subdivision, any person who is required pursuant to
17 subparagraph (B) of paragraph (1) of subdivision (a) to
18 update his or her registration every 90 days and willfully
19 fails to update his or her registration is guilty of a
20 misdemeanor and shall be punished by imprisonment in
21 a county jail not exceeding six months. Any subsequent
22 violation of this requirement that persons described in
23 subdivision (B) of paragraph (1) of subdivision (a) shall
24 update their registration every 90 days is also a
25 misdemeanor and shall be punished by imprisonment in
26 a county jail not exceeding six months.

27 (7) Any person who is required to register under this
28 section who willfully violates any requirement of this
29 section is guilty of a continuing offense.

30 (h) Whenever any person is released on parole or
31 probation and is required to register under this section
32 but fails to do so within the time prescribed, the parole
33 authority, the Youthful Offender Parole Board, or the
34 court, as the case may be, shall order the parole or
35 probation of the person revoked. For purposes of this
36 subdivision, "parole authority" has the same meaning as
37 described in Section 3000.

38 (i) Except as provided in subdivisions (m) and (n) and
39 Section 290.4, the statements, photographs, and
40 fingerprints required by this section shall not be open to



1 inspection by the public or by any person other than a
2 regularly employed peace officer or other law
3 enforcement officer.

4 (j) In any case in which a person who would be
5 required to register pursuant to this section for a felony
6 conviction is to be temporarily sent outside the institution
7 where he or she is confined on any assignment within a
8 city or county including firefighting, disaster control, or
9 of whatever nature the assignment may be, the local law
10 enforcement agency having jurisdiction over the place or
11 places where the assignment shall occur shall be notified
12 within a reasonable time prior to removal from the
13 institution. This subdivision shall not apply to any person
14 who is temporarily released under guard from the
15 institution where he or she is confined.

16 (k) As used in this section, “mentally disordered sex
17 offender” includes any person who has been determined
18 to be a sexual psychopath or a mentally disordered sex
19 offender under any provision which, on or before January
20 1, 1976, was contained in Division 6 (commencing with
21 Section 6000) of the Welfare and Institutions Code.

22 (l) (1) Every person who, prior to January 1, 1997, is
23 required to register under this section, shall be notified
24 whenever he or she next reregisters of the reduction of
25 the registration period from 14 to five working days. This
26 notice shall be provided in writing by the registering
27 agency or agencies. Failure to receive this notification
28 shall be a defense against the penalties prescribed by
29 subdivision (g) if the person did register within 14 days.

30 (2) Every person who, as a sexually violent predator,
31 as defined in Section 6600 of the Welfare and Institutions
32 Code, is required to verify his or her registration every 90
33 days, shall be notified wherever he or she next registers
34 of his or her increased registration obligations. This notice
35 shall be provided in writing by the registering agency or
36 agencies. Failure to receive this notice shall be a defense
37 against the penalties prescribed by paragraph (5) of
38 subdivision (g).

39 (m) (1) When a peace officer reasonably suspects,
40 based on information that has come to his or her attention



1 through information provided by any peace officer or
 2 member of the public, that a child or other person may
 3 be at risk from a sex offender convicted of a crime listed
 4 in paragraph (1) of subdivision (a) of Section 290.4, a law
 5 enforcement agency may, notwithstanding any other
 6 provision of law, provide any of the information specified
 7 in paragraph (2) of this subdivision about that registered
 8 sex offender that the agency deems relevant and
 9 necessary to protect the public, to the following persons,
 10 agencies, or organizations the offender is likely to
 11 encounter, including, but not limited to, the following:

12 (A) Public and private educational institutions, day
 13 care establishments, and establishments and
 14 organizations that primarily serve individuals likely to be
 15 victimized by the offender.

16 (B) Other community members at risk.

17 (2) The information that may be disclosed pursuant to
 18 this section includes the following:

19 (A) The offender’s full name.

20 (B) The offender’s known aliases.

21 (C) The offender’s gender.

22 (D) The offender’s race.

23 (E) The offender’s physical description.

24 (F) The offender’s photograph.

25 (G) The offender’s date of birth.

26 (H) Crimes resulting in registration under this section.

27 (I) The offender’s address, which must be verified
 28 prior to publication.

29 (J) Description and license plate number of offender’s
 30 vehicles or vehicles the offender is known to drive.

31 (K) Type of victim targeted by the offender.

32 (L) Relevant parole or probation conditions, such as
 33 one prohibiting contact with children.

34 (M) Dates of crimes resulting in classification under
 35 this section.

36 (N) Date of release from confinement.

37 However, information disclosed pursuant to this
 38 subdivision shall not include information that would
 39 identify the victim.



1 (3) If a law enforcement agency discloses information
2 pursuant to this subdivision, it shall include, with the
3 disclosure, a statement that the purpose of the release of
4 the information is to allow members of the public to
5 protect themselves and their children from sex offenders.

6 (4) For purposes of this section, “likely to encounter”
7 means both of the following:

8 (A) That the agencies, organizations, or other
9 community members are in a location or in close
10 proximity to a location where the offender lives or is
11 employed, or that the offender visits or is likely to visit on
12 a regular basis.

13 (B) The types of interaction that ordinarily occur at
14 that location and other circumstances indicate that
15 contact with the offender is reasonably probable.

16 (5) For purposes of this section, “reasonably suspects”
17 means that it is objectively reasonable for a peace officer
18 to entertain a suspicion, based upon facts that could cause
19 a reasonable person in a like position, drawing when
20 appropriate on his or her training and experience, to
21 suspect that a child or other person is at risk.

22 (6) For purposes of this section, “at risk” means a
23 person is or may be exposed to a risk of becoming a victim
24 of a sex offense committed by the offender.

25 (7) A law enforcement agency may continue to
26 disclose information on an offender under this
27 subdivision for as long as the offender is included in
28 Section 290.4.

29 (n) In addition to the procedures set forth elsewhere
30 in this section, a designated law enforcement entity may
31 advise the public of the presence of high-risk sex
32 offenders in its community pursuant to this subdivision.

33 (1) For purposes of this subdivision:

34 (A) A high-risk sex offender is a person who has been
35 convicted of an offense specified in paragraph (1) of
36 subdivision (a) of Section 290.4 and also meets one of the
37 following criteria:

38 (i) Has been convicted of three or more violent sex
39 offenses, at least two of which were brought and tried
40 separately.



1 (ii) Has been convicted of two violent sex offenses and
2 one or more violent nonsex offenses, at least two of which
3 were brought and tried separately.

4 (iii) Has been convicted of one violent sex offense and
5 two or more violent nonsex offenses, at least two of which
6 were brought and tried separately.

7 (iv) Has been convicted of either two violent sex
8 offenses or one violent sex offense and one violent nonsex
9 offense, at least two of which were brought and tried
10 separately, and has been arrested on separate occasions
11 for three or more violent sex offenses, violent nonsex
12 offenses, or associated offenses.

13 (v) Has been adjudicated a sexually violent predator
14 pursuant to Article 4 (commencing with Section 6600) of
15 Chapter 2 of Part 2 of Division 6 of the Welfare and
16 Institutions Code.

17 (B) A violent sex offense means any offense defined in
18 Section 220, except attempt to commit mayhem, 261,
19 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of
20 great bodily injury during the commission of a sex offense,
21 as provided in Section 12022.8.

22 (C) A violent nonsex offense means any offense
23 defined in Section 187, subdivision (a) of Section 192, or
24 Section 203, 206, 207, or 236, provided that the offense is
25 a felony, subdivision (a) of Section 273a, Section 273d or
26 451, or attempted murder, as defined in Sections 187 and
27 664.

28 (D) An associated offense means any offense defined
29 in Section 243.4, provided that the offense is a felony,
30 Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314,
31 Section 459, provided the offense is of the first degree,
32 Section 597 or 646.9, subdivision (d), (h), or (i) of Section
33 647, Section 653m, or infliction of great bodily injury
34 during the commission of a felony, as defined in Section
35 12022.7.

36 (E) For purposes of subparagraphs (B) to (D),
37 inclusive, an arrest or conviction for the statutory
38 predecessor of any of the enumerated offenses, or an
39 arrest or conviction in any other jurisdiction for any
40 offense which, if committed or attempted in this state,



1 would have been punishable as one or more of the
2 offenses described in those subparagraphs, is to be
3 considered in determining whether an offender is a
4 high-risk sex offender.

5 (F) For purposes of subparagraphs (B) to (D),
6 inclusive, an arrest as a juvenile or an adjudication as a
7 ward of the juvenile court within the meaning of Section
8 602 of the Welfare and Institutions Code for any of the
9 offenses described in those subparagraphs is to be
10 considered in determining whether an offender is a
11 high-risk sex offender.

12 (G) Notwithstanding subparagraphs (A) to (D),
13 inclusive, an offender shall not be considered to be a
14 high-risk sex offender if either of the following apply:

15 (i) The offender's most recent conviction or arrest for
16 an offense described in subparagraphs (B) to (D),
17 inclusive, occurred more than five years prior to the
18 high-risk assessment by the Department of Justice,
19 excluding periods of confinement.

20 (ii) The offender notifies the Department of Justice,
21 on a form approved by the department and available at
22 any sheriff's office, that he or she has not been convicted
23 in the preceding 15 years, excluding periods of
24 confinement, of an offense for which registration is
25 required under paragraph (2) of subdivision (a), and the
26 department is able, upon exercise of reasonable diligence,
27 to verify the information provided in paragraph (2).

28 (H) "Confinement" means confinement in a jail,
29 prison, school, road camp, or other penal institution,
30 confinement in a state hospital to which the offender was
31 committed as a mentally disordered sex offender under
32 Article 1 (commencing with Section 6300) of Chapter 2
33 of Part 2 of Division 6 of the Welfare and Institutions
34 Code, or confinement in a facility designated by the
35 Director of Mental Health to which the offender was
36 committed as a sexually violent predator under Article 4
37 (commencing with Section 6600) of Chapter 2 of Part 2
38 of Division 6 of the Welfare and Institutions Code.

39 (I) "Designated law enforcement entity" means any
40 of the following: municipal police department; sheriff's



1 department; district attorney's office; county probation
2 department; Department of Justice; Department of
3 Corrections; Department of the Youth Authority;
4 Department of the California Highway Patrol; or the
5 police department of any campus of the University of
6 California or California State University, or community
7 college.

8 (2) The Department of Justice shall continually search
9 the records provided to it pursuant to subdivision (b) and
10 identify, on the basis of those records, high-risk sex
11 offenders. Four times each year, the department shall
12 provide to each chief of police and sheriff in the state, and
13 to any other designated law enforcement entity upon
14 request, the following information regarding each
15 identified high-risk sexual offender: full name; known
16 aliases; gender; race; physical description; photograph;
17 date of birth; and crimes resulting in classification under
18 this section.

19 (3) The Department of Justice and any designated law
20 enforcement entity to which notice has been given
21 pursuant to paragraph (2) may cause to be made public,
22 by whatever means the agency deems necessary to
23 ensure the public safety, based upon information
24 available to the agency concerning a specific person,
25 including, but not limited to, the information described
26 in paragraph (2); the offender's address, which shall be
27 verified prior to publication; description and license plate
28 number of the offender's vehicles or vehicles the offender
29 is known to drive; type of victim targeted by the offender;
30 relevant parole or probation conditions, such as one
31 prohibiting contact with children; dates of crimes
32 resulting in classification under this section; and date of
33 release from confinement; but excluding information
34 that would identify the victim.

35 (o) Agencies disseminating information to the public
36 pursuant to Section 290.4 shall maintain records of those
37 persons requesting to view the CD-ROM or other
38 electronic media for a minimum of five years. Agencies
39 disseminating information to the public pursuant to



1 subdivision (n) shall maintain records of the means and
2 dates of dissemination for a minimum of five years.

3 (p) Law enforcement agencies and employees of law
4 enforcement agencies shall be immune from liability for
5 good faith conduct under this section. For the purposes
6 of this section, “law enforcement agency” means the
7 Attorney General, any district attorney, and any state
8 agency expressly authorized by statute to investigate or
9 prosecute law violators.

10 (q) Any person who uses information disclosed
11 pursuant to this section to commit a felony shall be
12 punished, in addition and consecutive to any other
13 punishment, by a five-year term of imprisonment in the
14 state prison. Any person who uses information disclosed
15 pursuant to this section to commit a misdemeanor shall be
16 subject to, in addition to any other penalty or fine
17 imposed, a fine of not less than five hundred dollars
18 (\$500) and not more than one thousand dollars (\$1,000).

19 (r) The registration and public notification provisions
20 of this section are applicable to every person described in
21 this section, without regard to when his or her crimes
22 were committed or his or her duty to register pursuant to
23 this section arose, and to every offense described in this
24 section, regardless of when it was committed.

25 *SEC. 2.* Section 679.03 of the Penal Code is amended
26 to read:

27 679.03. (a) (1) With respect to the conviction of a
28 defendant involving a violent offense, as defined in
29 subdivision (b) of Section 12021.1, the county district
30 attorney, probation department, and victim-witness
31 coordinator shall confer and establish an annual policy
32 within existing resources to decide which one of their
33 agencies shall inform each witness involved in the
34 conviction who was threatened by the defendant
35 following the defendant’s arrest and each victim or next
36 of kin of the victim of that offense of the right to request
37 and receive a notice pursuant to Section 3058.8 or 3605. If
38 no agreement is reached, the presiding judge shall
39 designate the appropriate county agency or department
40 to provide this notification.



1 (2) With respect to a defendant placed on probation
 2 for a conviction of a sex offense described in
 3 subparagraph (A) of paragraph (2) of subdivision (a) of
 4 Section 290, the probation department of the county in
 5 which the defendant is placed on probation, shall inform
 6 each victim of that offense of the right to request and
 7 receive a notice pursuant to Section 3058.8.

8 (b) The Department of Corrections shall supply a
 9 form to the agency designated pursuant to subdivision
 10 (a) in order to enable persons specified in subdivision (a)
 11 to request and receive notification from the department
 12 of the release, escape, scheduled execution, or death of
 13 the violent offender. That agency shall give the form to
 14 the victim, witness, or next of kin of the victim for
 15 completion, explain to that person or persons the right to
 16 be so notified, and forward the completed form to the
 17 department. The department or the Board of Prison
 18 Terms is responsible for notifying all victims, witnesses, or
 19 next of kin of victims who request to be notified of a
 20 violent offender’s release or scheduled execution, as
 21 provided by Sections 3058.8 and 3605.

22 (c) All information relating to any person receiving
 23 notice pursuant to subdivision (b) shall remain
 24 confidential and is not subject to disclosure pursuant to
 25 the California Public Records Act (Chapter 3.5
 26 commencing with Section 6250) of Title 7 of Division 1
 27 of the Government Code).

28 ~~SEC. 2.~~

29 *SEC. 3.* Section 3003 of the Penal Code is amended to
 30 read:

31 3003. (a) (1) Except as otherwise provided in this
 32 section, an inmate who is released on parole shall be
 33 returned to the county that was the last legal residence
 34 of the inmate prior to his or her incarceration.

35 (2) For purposes of this subdivision, “last legal
 36 residence” shall not be construed to mean the county
 37 wherein the inmate committed an offense while confined
 38 in a state prison or local jail facility or while confined for
 39 treatment in a state hospital.



1 (b) Notwithstanding subdivision (a), an inmate may
2 be returned to another county if that would be in the best
3 interests of the public. If the Board of Prison Terms
4 setting the conditions of parole for inmates sentenced
5 pursuant to subdivision (b) of Section 1168, or the
6 Department of Corrections setting the conditions of
7 parole for inmates sentenced pursuant to Section 1170, or
8 the court setting the conditions of probation for a
9 defendant convicted of any sex offense described in
10 subparagraph (A) of paragraph (2) of subdivision (a) of
11 Section 290, decides on a return to another county, the
12 department or the board shall place its reasons in writing
13 in the parolee's permanent record, or the court shall place
14 its reasons in writing in an order entered upon the
15 minutes, and these reasons shall be included in the notice
16 to the sheriff or chief of police pursuant to Section 3058.6.
17 In making its decision, the paroling authority or the court
18 shall consider, among others, the following factors, giving
19 the greatest weight to the protection of the victim and the
20 safety of the community:

21 (1) The need to protect the life or safety of a victim,
22 the parolee or probationer, a witness, or any other person.

23 (2) Public concern that would reduce the chance that
24 the inmate's parole, or the probationer's probation, would
25 be successfully completed.

26 (3) The verified existence of a work offer, or an
27 educational or vocational training program.

28 (4) The existence of family in another county with
29 whom the inmate or probationer has maintained strong
30 ties and whose support would increase the chance that
31 the inmate's parole, or the probationer's probation, would
32 be successfully completed.

33 (5) The lack of necessary outpatient treatment
34 programs for parolees receiving treatment pursuant to
35 Section 2960.

36 (c) The Department of Corrections, in determining
37 an out-of-county commitment, shall give priority to the
38 safety of the community and any witnesses and victims.

39 (d) In making its decision about an inmate who
40 participated in a joint venture program pursuant to



1 Article 1.5 (commencing with Section 2717.1) of Chapter
2 5, the paroling authority shall give serious consideration
3 to releasing him or her to the county where the joint
4 venture program employer is located if that employer
5 states to the paroling authority that he or she intends to
6 employ the inmate upon release.

7 (e) (1) The following information, if available, shall
8 be released by the Department of Corrections to local law
9 enforcement agencies regarding a paroled inmate who is
10 released in their jurisdictions, or by the probation
11 department to local law enforcement agencies regarding
12 a probationer who is placed on probation in their
13 jurisdiction:

14 (A) Last, first, and middle name.

15 (B) Birth date.

16 (C) Sex, race, height, weight, and hair and eye color.

17 (D) Date of parole and discharge, or probation and
18 release.

19 (E) Registration status, if the inmate or probationer is
20 required to register as a result of a controlled substance,
21 sex, or arson offense.

22 (F) California Criminal Information Number, FBI
23 number, social security number, and driver's license
24 number.

25 (G) County of commitment.

26 (H) A description of scars, marks, and tattoos on the
27 inmate or probationer.

28 (I) Offense or offenses for which the inmate or
29 probationer was convicted that resulted in parole or
30 probation in this instance.

31 (J) Address, including all of the following information:

32 (i) Street name and number. Post office box numbers
33 are not acceptable for purposes of this subparagraph.

34 (ii) City and ZIP Code.

35 (iii) Date the address as provided pursuant to this
36 subparagraph was proposed to be effective.

37 (K) Contact officer and unit, including all of the
38 following information:

39 (i) Name and telephone number of each contact
40 officer.



1 (ii) Contact unit type of each contact officer such as
2 units responsible for parole, registration, or county
3 probation.

4 (L) A digitized image of the photograph and at least
5 a single digit fingerprint of the parolee or probation.

6 (M) A geographic coordinate for the residence
7 location of the parolee or probationer for use with a
8 Geographical Information System (GIS) or comparable
9 computer program.

10 (2) The information required by this subdivision shall
11 come from the statewide parolee data base. The
12 information obtained from each source shall be based on
13 the same timeframe.

14 (3) All of the information required by this subdivision
15 shall be provided utilizing a computer-to-computer
16 transfer in a format usable by a desktop computer system.
17 The transfer of this information shall be continually
18 available to local law enforcement agencies upon request.

19 (4) The unauthorized release or receipt of the
20 information described in this subdivision is a violation of
21 Section 11143.

22 (f) Notwithstanding any other law, upon request by
23 the victim, a person placed on probation for a conviction
24 of a sex offense subject to the registration requirements
25 of Section 290, shall not be returned to a location within
26 _____ of the actual residence of the victim of the
27 offense, if the court finds that there is a need to protect
28 the life, safety, or well-being of the victim.

29 (g) Notwithstanding any other law, an inmate who is
30 released on parole shall not be returned to a location
31 within 35 miles of the actual residence of a victim of, or
32 a witness to, a violent felony as defined in paragraphs (1)
33 to (7), inclusive, of subdivision (c) of Section 667.5 or a
34 felony in which the defendant inflicts great bodily injury
35 on any person other than an accomplice that has been
36 charged and proved as provided for in Section 12022.7 or
37 12022.9, if the victim or witness has requested additional
38 distance in the placement of the inmate on parole, and if
39 the Board of Prison Terms or the Department of



1 Corrections finds that there is a need to protect the life,
2 safety, or well-being of a victim or witness.

3 (h) The authority shall give consideration to the
4 equitable distribution of parolees and the proportion of
5 out-of-county commitments from a county compared to
6 the number of commitments from that county when
7 making parole decisions.

8 (i) An inmate may be paroled to another state
9 pursuant to any other law.

10 (j) (1) Except as provided in paragraph (2), the
11 Department of Corrections shall be the agency primarily
12 responsible for, and shall have control over, the program,
13 resources, and staff implementing the Law Enforcement
14 Automated Data System (LEADS) in conformance with
15 subdivision (e).

16 (2) Notwithstanding paragraph (1), the Department
17 of Justice shall be the agency primarily responsible for the
18 proper release of information under LEADS that relates
19 to fingerprint cards.

20 ~~SEC. 3.~~

21 *SEC. 4.* Section 3058.6 of the Penal Code is amended
22 to read:

23 3058.6. (a) (1) Whenever any person confined to
24 state prison is serving a term for the conviction of a
25 violent felony listed in subdivision (c) of Section 667.5, the
26 Board of Prison Terms, with respect to inmates sentenced
27 pursuant to subdivision (b) of Section 1168 or the
28 Department of Corrections, with respect to inmates
29 sentenced pursuant to Section 1170, shall notify the sheriff
30 or chief of police, or both, and the district attorney, who
31 has jurisdiction over the community in which the person
32 is scheduled to be released on parole or rereleased
33 following a period of confinement pursuant to a parole
34 revocation without a new commitment.

35 (2) Whenever any person is placed on probation for a
36 conviction of a sex offense described in subparagraph (A)
37 of paragraph (2) of subdivision (a) of Section 290, the
38 probation department shall notify the sheriff or chief of
39 police, or both, who has jurisdiction over the community



1 in which the person is scheduled to be placed on
2 probation.

3 (b) (1) The notification shall be made by mail at least
4 45 days prior to the scheduled release date, except as
5 provided in paragraph (3). In all cases, the notification
6 shall include the name of the person who is scheduled to
7 be released, whether or not the person is required to
8 register with local law enforcement, and the community
9 in which the person will reside. In the case of an inmate
10 released on parole, the notification shall specify the office
11 within the Department of Corrections with the authority
12 to make final determination and adjustments regarding
13 parole location decisions.

14 (2) Notwithstanding any other provision of law, the
15 Department of Corrections shall not restore credits nor
16 take any administrative action resulting in an inmate
17 being placed in a greater credit earning category that
18 would result in notification being provided less than 45
19 days prior to an inmate's scheduled release date.

20 (3) When notification cannot be provided within the
21 45 days due to the unanticipated release date change of
22 an inmate as a result of an order from the court, an action
23 by the Board of Prison Terms, the granting of an
24 administrative appeal, or a finding of not guilty or
25 dismissal of a disciplinary action, that affects the sentence
26 of the inmate, or due to a modification of the
27 department's decision regarding the community into
28 which the person is scheduled to be released pursuant to
29 paragraph (4), the department shall provide notification
30 as soon as practicable, but in no case less than 24 hours
31 after the final decision is made regarding where the
32 parolee will be released.

33 (4) Those agencies receiving the notice referred to in
34 this subdivision may provide written comment to the
35 board, department, or court regarding the impending
36 release. Agencies that choose to provide written
37 comments shall respond within 30 days prior to the
38 scheduled release of the inmate or probationer, unless an
39 agency received less than 45 days' notice of the
40 impending release, in which case the agency shall



1 respond as soon as practicable prior to the scheduled
2 release. Those comments shall be considered by the
3 board or department or by the court which may, based on
4 those comments, modify its decision regarding the
5 community in which the person is scheduled to be
6 released. The Department of Corrections shall respond in
7 writing not less than 15 days prior to the scheduled release
8 with a final determination as to whether to adjust the
9 parole location and documenting the basis for its decision,
10 unless the department received comments less than 30
11 days prior to the impending release, in which case the
12 department shall respond as soon as practicable prior to
13 the scheduled release. The comments shall become a part
14 of the inmate's file.

15 (c) If the court orders the immediate release of an
16 inmate, the department shall notify the sheriff or chief of
17 police, or both, and the district attorney, who has
18 jurisdiction over the community in which the person is
19 scheduled to be released on parole at the time of release.

20 (d) The notification required by this section shall be
21 made whether or not a request has been made under
22 Section 3058.5.

23 In no case shall notice required by this section to the
24 appropriate agency be later than the day of release on
25 parole or probation. If, after the 45-day notice is given to
26 law enforcement and to the district attorney relating to
27 an out-of-county placement, there is change of county
28 placement, notice to the ultimate county of placement
29 shall be made upon the determination of the county of
30 placement.

31 ~~SEC. 4.~~

32 *SEC. 5.* Section 3058.7 of the Penal Code is amended
33 to read:

34 3058.7. (a) Whenever any sheriff or chief of police is
35 notified pursuant to Section 3058.6 of the pending release
36 of a convicted violent felon, or a person placed on
37 probation for a sex offense subject to the registration
38 requirements of Section 290, that sheriff or chief of police
39 may notify any person designated by the sheriff or chief
40 of police as an appropriate recipient of this notice.



1 (b) A law enforcement official authorized to provide
2 notice pursuant to this section, and the public agency or
3 entity employing the law enforcement official, shall not
4 be liable for providing or failing to provide notice
5 pursuant to this section.

6 ~~SEC. 5.~~

7 *SEC. 6.* Section 3058.8 of the Penal Code is amended
8 to read:

9 3058.8. (a) At the time a notification is sent pursuant
10 to subdivision (a) of Section 3058.6, the Board of Prison
11 Terms, the Department of Corrections, or the probation
12 department, as the case may be, shall also send a notice
13 to persons described in Section 679.03 who have
14 requested a notice informing those persons of the fact
15 that the person who committed the offense is scheduled
16 to be released and specifying the proposed date of
17 release. Notice of the community in which the person is
18 scheduled to reside shall also be given if it is (1) in the
19 county of residence of a witness, victim, or family
20 member of a victim who has requested notification, or (2)
21 within 100 miles of the actual residence of a witness,
22 victim, or family member of a victim who has requested
23 notification. If, after providing the witness, victim, or next
24 of kin with the notice, there is any change in the release
25 date or the community in which the person is to reside,
26 the board or department or probation department shall
27 provide the witness, victim, or next of kin with the revised
28 information.

29 (b) In order to be entitled to receive the notice set
30 forth in this section, the requesting party shall keep the
31 department or board or probation department informed
32 of his or her current mailing address.

33 (c) The board or department or probation
34 department, when sending out notices regarding an
35 offender's release on parole or probation, shall use the
36 information provided by the requesting party in the form
37 completed pursuant to subdivision (b) of Section 679.03,
38 unless that information is no longer current. If the
39 information is no longer current, the department or
40 probation department shall make a reasonable attempt to



1 contact the person and to notify him or her of the
2 impending release.

3 ~~SEC. 6.~~

4 *SEC. 7.* Notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains costs mandated by the
7 state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

14 Notwithstanding Section 17580 of the Government
15 Code, unless otherwise specified, the provisions of this act
16 shall become operative on the same date that the act
17 takes effect pursuant to the California Constitution.

