

ASSEMBLY BILL

No. 1988

Introduced by Assembly Member Strickland

February 18, 2000

An act to add Section 290.86 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1988, as introduced, Strickland. Sex offenders: residence restriction.

(1) Existing law provides that every person convicted of specified sex crimes, for the rest of his or her life while residing in, located in, attending school in, or working in California, shall be required to register with specified authorities as a sex offender. Existing law also provides that an inmate who is released on parole for any violation of the crimes of lewd or lascivious acts on a child or continuous sexual abuse of a child shall not be placed within one-quarter mile of any school that includes any or all of grades kindergarten to 6, inclusive.

This bill would provide that, notwithstanding any other provision of law, a person who is required to register as a sex offender for any violation of the crimes of lewd or lascivious acts on a child or continuous sexual abuse of a child shall not reside or establish domicile within one-quarter mile of any school that includes any or all of grades kindergarten to 8, inclusive, for the remainder of his or her registration as a sex offender. The bill would provide that a violation of this provision is punishable as a felony, and would state the intent of the Legislature that these provisions have prospective

application. Because this bill creates a new crime, it would impose a state-mandated local program.

(2) 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 290.86 is added to the Penal
2 Code, to read:

3 290.86. Notwithstanding any other provision of law, a
4 person who is required to register as a sex offender
5 pursuant to Section 290 for any violation of Section 288 or
6 288.5 shall not reside or establish domicile within
7 one-quarter mile of any school that includes any or all of
8 grades kindergarten to 8, inclusive, for the remainder of
9 his or her registration as a sex offender. A violation of this
10 provision is punishable as a felony.

11 SEC. 2. It is the intent of the Legislature that Section
12 1 of this bill have prospective effect, and be applied only
13 to persons convicted of violations of Section 288 or 288.5
14 after the effective date of this act.

15 SEC. 3. No reimbursement is required by this act
16 pursuant to Section 6 of Article XIII B of the California
17 Constitution because the only costs that may be incurred
18 by a local agency or school district will be incurred
19 because this act creates a new crime or infraction,
20 eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition
23 of a crime within the meaning of Section 6 of Article
24 XIII B of the California Constitution.

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