

AMENDED IN ASSEMBLY SEPTEMBER 7, 2017

AMENDED IN ASSEMBLY SEPTEMBER 5, 2017

AMENDED IN ASSEMBLY AUGUST 21, 2017

AMENDED IN ASSEMBLY JULY 17, 2017

AMENDED IN ASSEMBLY JUNE 29, 2017

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MARCH 20, 2017

SENATE BILL

No. 384

Introduced by Senators Wiener and Anderson

(Coauthor: Senator Allen)

~~(Principal coauthors: Assembly Members Dababneh and Santiago)~~

~~(Coauthors: Assembly Members Daly, Jones-Sawyer, and Obernolte)~~

(Coauthors: Senators Mitchell and Skinner)

February 14, 2017

~~An act to add Section 23059 to the Business and Professions Code, relating to alcoholic beverages. An act to amend Sections 9002 and 13125 of, and to amend, repeal, and add Sections 290, 290.006, 290.008, 290.45, 290.46, 290.5, and 4852.03 of, the Penal Code, relating to sex offenders.~~

LEGISLATIVE COUNSEL'S DIGEST

~~SB 384, as amended, Wiener. Alcoholic beverages: Extended Hours for Alcohol Sales Task Force. Sex offenders: registration: criminal offender record information systems.~~

Existing law requires persons convicted of specified sex offenses and certain acts of human trafficking for purposes of committing various

sex offenses or extortion, as specified, or attempts to commit those offenses, to register with local law enforcement agencies while residing in the state or while attending school or working in the state. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense.

Existing law requires the Department of Justice to make available to the public information concerning registered sex offenders on an Internet Web site, as specified. Existing law requires that information to include, among other things, whether the offender was subsequently incarcerated for another felony. Existing law also authorizes a person to file an application for exclusion from the Internet Web site and establishes the requirements for exclusion.

This bill would, commencing January 1, 2021, instead establish 3 tiers of registration based on specified criteria, for periods of at least 10 years, at least 20 years, and life, respectively, for a conviction of specified sex offenses, and 5 years and 10 years for tiers one and two, respectively, for an adjudication as a ward of the juvenile court for specified sex offenses, as specified. The bill would allow the Department of Justice to place a person in a tier-to-be-determined category for a maximum period of 24 months if his or her appropriate tier designation cannot be immediately ascertained. The bill would, commencing July 1, 2021, establish procedures for termination from the sex offender registry for a registered sex offender who is a tier one or tier two offender and who completes his or her mandated minimum registration period under specified conditions. The bill would require the offender to file a petition at the expiration of his or her minimum registration period and would authorize the district attorney to request a hearing on the petition if the petitioner has not fulfilled the requirement of successful tier completion, as specified. The bill would establish procedures for a person required to register as a tier three offender based solely on his or her risk level to petition the court for termination from the registry after 20 years from release of custody, if certain criteria are met. The bill would also, commencing January 1, 2022, revise the criteria for exclusion from the Internet Web site.

Existing law requires all basic information stored in state or local criminal offender record information systems to be recorded in the form of specified data elements, including the disposition of the offense.

This bill would require that information to include sentence enhancement data elements.

Existing law establishes the Sex Offender Management Board within the jurisdiction of the Department of Corrections and Rehabilitation. Existing law requires the board to address issues, concerns, and problems related to the community management of adult sex offenders.

This bill would instead require the board to address any issues, concerns, and problems related to the community management of all sex offenders.

~~The Alcoholic Beverage Control Act is administered by the Department of Alcoholic Beverage Control. The Alcoholic Beverage Control Act provides that any on- or off-sale licensee, or agent or employee of the licensee, who sells, gives, or delivers to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m. of the same day, and any person who knowingly purchases any alcoholic beverages between those hours, is guilty of a misdemeanor.~~

~~This bill would require the Department of Alcoholic Beverage Control, on or before April 1, 2018, to convene and appoint members to an Extended Hours for Alcohol Sales Task Force that would be required to provide a report to the Legislature regarding the potential community, fiscal, health or safety impact of extending the hours of alcohol sales to 4 a.m., as provided.~~

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

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

1 SECTION 1. Section 290 of the Penal Code is amended to
2 read:

3 290. (a) Sections 290 to 290.024, inclusive, shall be known
4 and may be cited as the Sex Offender Registration Act. All
5 references to “the Act” in those sections are to the Sex Offender
6 Registration Act.

7 (b) Every person described in subdivision (c), for the rest of his
8 or her life while residing in California, or while attending school
9 or working in California, as described in Sections 290.002 and
10 290.01, shall be required to register with the chief of police of the
11 city in which he or she is residing, or the sheriff of the county if
12 he or she is residing in an unincorporated area or city that has no
13 police department, and, additionally, with the chief of police of a
14 campus of the University of California, the California State
15 University, or community college if he or she is residing upon the

1 campus or in any of its facilities, within five working days of
2 coming into, or changing his or her residence within, any city,
3 county, or city and county, or campus in which he or she
4 temporarily resides, and shall be required to register thereafter in
5 accordance with the Act.

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

7 Any person who, since July 1, 1944, has been or is hereafter
8 convicted in any court in this state or in any federal or military
9 court of a violation of Section 187 committed in the perpetration,
10 or an attempt to perpetrate, rape or any act punishable under
11 Section 286, 288, 288a, or 289, Section 207 or 209 committed
12 with intent to violate Section 261, 286, 288, 288a, or 289, Section
13 220, except assault to commit mayhem, subdivision (b) and (c) of
14 Section 236.1, Section 243.4, paragraph (1), (2), (3), (4), or (6) of
15 subdivision (a) of Section 261, paragraph (1) of subdivision (a) of
16 Section 262 involving the use of force or violence for which the
17 person is sentenced to the state prison, Section 264.1, 266, or 266c,
18 subdivision (b) of Section 266h, subdivision (b) of Section 266i,
19 Section 266j, 267, 269, 285, 286, 288, 288a, 288.3, 288.4, 288.5,
20 288.7, 289, or 311.1, subdivision (b), (c), or (d) of Section 311.2,
21 Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section
22 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section
23 314, any offense involving lewd or lascivious conduct under
24 Section 272, or any felony violation of Section 288.2; any statutory
25 predecessor that includes all elements of one of the
26 above-mentioned offenses; or any person who since that date has
27 been or is hereafter convicted of the attempt or conspiracy to
28 commit any of the above-mentioned offenses.

29 (d) *This section shall remain in effect only until January 1, 2021,*
30 *and as of that date is repealed.*

31 *SEC. 2. Section 290 is added to the Penal Code, to read:*

32 290. (a) *Sections 290 to 290.024, inclusive, shall be known*
33 *and may be cited as the Sex Offender Registration Act. All*
34 *references to “the Act” in those sections are to the Sex Offender*
35 *Registration Act.*

36 (b) *Every person described in subdivision (c), for the period*
37 *specified in subdivision (d) while residing in California, or while*
38 *attending school or working in California, as described in Sections*
39 *290.002 and 290.01, shall register with the chief of police of the*
40 *city in which he or she is residing, or the sheriff of the county if*

1 *he or she is residing in an unincorporated area or city that has no*
2 *police department, and, additionally, with the chief of police of a*
3 *campus of the University of California, the California State*
4 *University, or community college if he or she is residing upon the*
5 *campus or in any of its facilities, within five working days of*
6 *coming into, or changing his or her residence within, any city,*
7 *county, or city and county, or campus in which he or she*
8 *temporarily resides, and shall register thereafter in accordance*
9 *with the Act, unless the duty to register is terminated pursuant to*
10 *Section 290.5 or as otherwise provided by law.*

11 *(c) The following persons shall register:*

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

34 *(d) A person described in subdivision (c), or who is otherwise*
35 *required to register pursuant to the Act shall register for 10 years,*
36 *20 years, or life, following a conviction and release from*
37 *incarceration, placement, commitment, or release on probation*
38 *or other supervision, as follows:*

39 *(1) (A) A tier one offender is subject to registration for a*
40 *minimum of 10 years. A person is a tier one offender if the person*

1 *is required to register for conviction of a misdemeanor described*
2 *in subdivision (c), or for conviction of a felony described in*
3 *subdivision (c) that was not a serious or violent felony as described*
4 *in subdivision (c) of Section 667.5 or subdivision (c) of Section*
5 *1192.7.*

6 *(B) This paragraph does not apply to a person who is subject*
7 *to registration pursuant to paragraph (2) or (3).*

8 *(2) (A) A tier two offender is subject to registration for a*
9 *minimum of 20 years. A person is a tier two offender if the person*
10 *was convicted of an offense described in subdivision (c) that is*
11 *also described in subdivision (c) of Section 667.5 or subdivision*
12 *(c) of Section 1192.7, Section 285, subdivision (f), (g), (h), or (i)*
13 *of Section 286, subdivision (c) of Section 288, subdivision (f), (g),*
14 *(h), or (i) of Section 288a, subdivision (b), (d), or (e) of Section*
15 *289, or Section 647.6 if it is a second or subsequent conviction for*
16 *that offense that was brought and tried separately.*

17 *(B) This paragraph does not apply if the person is subject to*
18 *lifetime registration as required in paragraph (3).*

19 *(3) A tier three offender is subject to registration for life. A*
20 *person is a tier three offender if any one of the following applies:*

21 *(A) Following conviction of a registerable offense, the person*
22 *was subsequently convicted in a separate proceeding of committing*
23 *an offense described in subdivision (c) and the conviction is for*
24 *commission of a violent felony described in subdivision (c) of*
25 *Section 667.5, or the person was subsequently convicted of*
26 *committing an offense for which the person was ordered to register*
27 *pursuant to Section 290.006, and the conviction is for the*
28 *commission of a violent felony described in subdivision (c) of*
29 *Section 667.5.*

30 *(B) The person was committed to a state mental hospital as a*
31 *sexually violent predator pursuant to Article 4 (commencing with*
32 *Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare*
33 *and Institutions Code.*

34 *(C) The person was convicted of violating any of the following:*

35 *(i) Section 187 while attempting to commit or committing an*
36 *act punishable under Section 261, 286, 288, 288a, or 289.*

37 *(ii) Section 207 or 209 with intent to violate Section 261, 286,*
38 *288, 288a, or 289.*

39 *(iii) Section 220.*

40 *(iv) Subdivision (b) of Section 266h.*

- 1 (v) *Subdivision (b) of Section 266i.*
- 2 (vi) *Section 266j.*
- 3 (vii) *Section 267.*
- 4 (viii) *Section 269.*
- 5 (ix) *Subdivision (b) or (c) of Section 288.*
- 6 (x) *Section 288.2.*
- 7 (xi) *Section 288.3, unless committed with the intent to commit*
- 8 *a violation of subdivision (b) of Section 286, subdivision (b) of*
- 9 *Section 288a, or subdivision (h) or (i) of Section 289.*
- 10 (xii) *Section 288.4.*
- 11 (xiii) *Section 288.5.*
- 12 (xiv) *Section 288.7.*
- 13 (xv) *Subdivision (c) of Section 653f.*
- 14 (xvi) *Any offense for which the person is sentenced to a life term*
- 15 *pursuant to Section 667.61.*
- 16 (D) *The person's risk level on the static risk assessment*
- 17 *instrument for sex offenders (SARATSO), pursuant to Section*
- 18 *290.04, is well above average risk at the time of release on the*
- 19 *index sex offense into the community, as defined in the Coding*
- 20 *Rules for that instrument.*
- 21 (E) *The person is a habitual sex offender pursuant to Section*
- 22 *667.71.*
- 23 (F) *The person was convicted of violating subdivision (a) of*
- 24 *Section 288 in two proceedings brought and tried separately.*
- 25 (G) *The person was sentenced to 15 to 25 years to life for an*
- 26 *offense listed in Section 667.61.*
- 27 (H) *The person is required to register pursuant to Section*
- 28 *290.004.*
- 29 (I) *The person was convicted of a felony offense described in*
- 30 *subdivision (b) or (c) of Section 236.1.*
- 31 (J) *The person was convicted of a felony offense described in*
- 32 *subdivision (a), (c), or (d) of Section 243.4.*
- 33 (K) *The person was convicted of violating paragraph (2), (3),*
- 34 *or (4) of subdivision (a) of Section 261 or was convicted of*
- 35 *violating Section 261 and punished pursuant to paragraph (1) or*
- 36 *(2) of subdivision (c) of Section 264.*
- 37 (L) *The person was convicted of violating paragraph (1) of*
- 38 *subdivision (a) of Section 262.*
- 39 (M) *The person was convicted of violating Section 264.1.*

1 (N) *The person was convicted of any offense involving lewd or*
2 *lascivious conduct under Section 272.*

3 (O) *The person was convicted of violating paragraph (2) of*
4 *subdivision (c) or subdivision (d), (f), or (i) of Section 286.*

5 (P) *The person was convicted of violating paragraph (2) of*
6 *subdivision (c) or subdivision (d), (f), or (i) of Section 288a.*

7 (Q) *The person was convicted of violating paragraph (1) of*
8 *subdivision (a) or subdivision (d), (e), or (j) of Section 289.*

9 (R) *The person was convicted of a felony violation of Section*
10 *311.1 or 311.11 or of violating subdivision (b), (c), or (d) of Section*
11 *311.2, Section 311.3, 311.4, or 311.10.*

12 (4) (A) *A person who is required to register pursuant to Section*
13 *290.005 shall be placed in the appropriate tier if the offense is*
14 *assessed as equivalent to a California registerable offense*
15 *described in subdivision (c).*

16 (B) *If the person's duty to register pursuant to Section 290.005*
17 *is based solely on the requirement of registration in another*
18 *jurisdiction, and there is no equivalent California registerable*
19 *offense, the person shall be subject to registration as a tier two*
20 *offender, except that the person is subject to registration as a tier*
21 *three offender if one of the following applies:*

22 (i) *The person's risk level on the static risk assessment*
23 *instrument (SARATSO), pursuant to Section 290.06, is well above*
24 *average risk at the time of release on the index sex offense into*
25 *the community, as defined in the Coding Rules for that instrument.*

26 (ii) *The person was subsequently convicted in a separate*
27 *proceeding of an offense substantially similar to an offense listed*
28 *in subdivision (c) which is also substantially similar to an offense*
29 *described in subdivision (c) of Section 667.5, or is substantially*
30 *similar to Section 269 or 288.7.*

31 (iii) *The person has ever been committed to a state mental*
32 *hospital or mental health facility in a proceeding substantially*
33 *similar to civil commitment as a sexually violent predator pursuant*
34 *to Article 4 (commencing with Section 6600) of Chapter 2 of Part*
35 *2 of Division 6 of the Welfare and Institutions Code.*

36 (5) (A) *The Department of Justice may place a person described*
37 *in subdivision (c), or who is otherwise required to register pursuant*
38 *to the Act, in a tier-to-be-determined category if his or her*
39 *appropriate tier designation described in this subdivision cannot*
40 *be immediately ascertained. An individual placed in this*

1 *tier-to-be-determined* category shall continue to register in
2 accordance with the Act. The individual shall be given credit for
3 any period for which he or she registers towards his or her
4 mandated minimum registration period.

5 (B) The Department of Justice shall ascertain an individual's
6 appropriate tier designation as described in this subdivision within
7 24 months of his or her placement in the tier-to-be-determined
8 category.

9 (e) The minimum time period for the completion of the required
10 registration period in tier one or two commences on the date of
11 release from incarceration, placement, or commitment, including
12 any related civil commitment on the registerable offense. The
13 minimum time for the completion of the required registration
14 period for a designated tier is tolled during any period of
15 subsequent incarceration, placement, or commitment, including
16 any subsequent civil commitment, except that arrests not resulting
17 in conviction, adjudication, or revocation of probation or parole
18 shall not toll the required registration period. The minimum time
19 period shall be extended by one year for each misdemeanor
20 conviction of failing to register under this act, and by three years
21 for each felony conviction of failing to register under this act,
22 without regard to the actual time served in custody for the
23 conviction. If a registrant is subsequently convicted of another
24 offense requiring registration pursuant to the Act, a new minimum
25 time period for the completion of the registration requirement for
26 the applicable tier shall commence upon that person's release
27 from incarceration, placement, or commitment, including any
28 related civil commitment. If the subsequent conviction requiring
29 registration pursuant to the Act occurs prior to an order to
30 terminate the registrant from the registry after completion of a
31 tier associated with the first conviction for a registerable offense,
32 the applicable tier shall be the highest tier associated with the
33 convictions.

34 (f) Nothing in this section shall be construed to require a ward
35 of the juvenile court to register under the Act, except as provided
36 in Section 290.008.

37 (g) This section shall become operative on January 1, 2021.

38 SEC. 3. Section 290.006 of the Penal Code is amended to read:

39 290.006. (a) Any person ordered by any court to register
40 pursuant to the Act for any offense not included specifically in

1 subdivision (c) of Section 290, shall so register, if the court finds
2 at the time of conviction or sentencing that the person committed
3 the offense as a result of sexual compulsion or for purposes of
4 sexual gratification. The court shall state on the record the reasons
5 for its findings and the reasons for requiring registration.

6 *(b) This section shall remain in effect only until January 1, 2021,*
7 *and as of that date is repealed.*

8 *SEC. 4. Section 290.006 is added to the Penal Code, to read:*

9 *290.006. (a) Any person ordered by any court to register*
10 *pursuant to the Act for any offense not included specifically in*
11 *subdivision (c) of Section 290, shall so register, if the court finds*
12 *at the time of conviction or sentencing that the person committed*
13 *the offense as a result of sexual compulsion or for purposes of*
14 *sexual gratification. The court shall state on the record the reasons*
15 *for its findings and the reasons for requiring registration.*

16 *(b) The person shall register as a tier one offender in*
17 *accordance with paragraph (1) of subdivision (d) of Section 290,*
18 *unless the court finds the person should register as a tier two or*
19 *tier three offender and states on the record the reasons for its*
20 *finding.*

21 *(c) In determining whether to require the person to register as*
22 *a tier two or tier three offender, the court shall consider all of the*
23 *following:*

24 *(1) The nature of the registerable offense.*

25 *(2) The age and number of victims, and whether any victim was*
26 *personally unknown to the person at the time of the offense. A*
27 *victim is personally unknown to the person for purposes of this*
28 *paragraph if the victim was known to the offender for less than 24*
29 *hours.*

30 *(3) The criminal and relevant noncriminal behavior of the*
31 *person before and after conviction for the registerable offense.*

32 *(4) Whether the person has previously been arrested for, or*
33 *convicted of, a sexually motivated offense.*

34 *(5) The person's current risk of sexual or violent reoffense,*
35 *including the person's risk level on the SARATSO static risk*
36 *assessment instrument, and, if available from past supervision for*
37 *a sexual offense, the person's risk level on the SARATSO dynamic*
38 *and violence risk assessment instruments.*

39 *(d) This section shall become operative on January 1, 2021.*

40 *SEC. 5. Section 290.008 of the Penal Code is amended to read:*

1 290.008. (a) Any person who, on or after January 1, 1986, is
2 discharged or paroled from the Department of Corrections and
3 Rehabilitation to the custody of which he or she was committed
4 after having been adjudicated a ward of the juvenile court pursuant
5 to Section 602 of the Welfare and Institutions Code because of the
6 commission or attempted commission of any offense described in
7 subdivision (c) shall register in accordance with the Act.

8 (b) Any person who is discharged or paroled from a facility in
9 another state that is equivalent to the Division of Juvenile Justice,
10 to the custody of which he or she was committed because of an
11 offense which, if committed or attempted in this state, would have
12 been punishable as one or more of the offenses described in
13 subdivision (c) shall register in accordance with the Act.

14 (c) Any person described in this section who committed an
15 offense in violation of any of the following provisions shall be
16 required to register pursuant to the Act:

17 (1) Assault with intent to commit rape, sodomy, oral copulation,
18 or any violation of Section 264.1, 288, or 289 under Section 220.

19 (2) Any offense defined in paragraph (1), (2), (3), (4), or (6) of
20 subdivision (a) of Section 261, Section 264.1, 266c, or 267,
21 paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,
22 Section 286, Section 288 or 288.5, paragraph (1) of subdivision
23 (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)
24 of Section 289, or Section 647.6.

25 (3) A violation of Section 207 or 209 committed with the intent
26 to violate Section 261, 286, 288, 288a, or 289.

27 (d) Prior to discharge or parole from the Department of
28 Corrections and Rehabilitation, any person who is subject to
29 registration under this section shall be informed of the duty to
30 register under the procedures set forth in the Act. Department
31 officials shall transmit the required forms and information to the
32 Department of Justice.

33 (e) All records specifically relating to the registration in the
34 custody of the Department of Justice, law enforcement agencies,
35 and other agencies or public officials shall be destroyed when the
36 person who is required to register has his or her records sealed
37 under the procedures set forth in Section 781 of the Welfare and
38 Institutions Code. This section shall not be construed as requiring
39 the destruction of other criminal offender or juvenile records
40 relating to the case that are maintained by the Department of

1 Justice, law enforcement agencies, the juvenile court, or other
2 agencies and public officials unless ordered by a court under
3 Section 781 of the Welfare and Institutions Code.

4 *(f) This section shall remain in effect only until January 1, 2021,*
5 *and as of that date is repealed.*

6 *SEC. 6. Section 290.008 is added to the Penal Code, to read:*

7 *290.008. (a) Any person who, on or after January 1, 1986, is*
8 *discharged or paroled from the Department of Corrections and*
9 *Rehabilitation to the custody of which he or she was committed*
10 *after having been adjudicated a ward of the juvenile court pursuant*
11 *to Section 602 of the Welfare and Institutions Code because of the*
12 *commission or attempted commission of any offense described in*
13 *subdivision (c) shall register in accordance with the Act unless*
14 *the duty to register is terminated pursuant to Section 290.5 or as*
15 *otherwise provided by law.*

16 *(b) Any person who is discharged or paroled from a facility in*
17 *another state that is equivalent to the Division of Juvenile Justice,*
18 *to the custody of which he or she was committed because of an*
19 *offense which, if committed or attempted in this state, would have*
20 *been punishable as one or more of the offenses described in*
21 *subdivision (c) shall register in accordance with the Act.*

22 *(c) Any person described in this section who committed an*
23 *offense in violation of any of the following provisions shall be*
24 *required to register pursuant to the Act:*

25 *(1) Assault with intent to commit rape, sodomy, oral copulation,*
26 *or any violation of Section 264.1, 288, or 289 under Section 220.*

27 *(2) Any offense defined in paragraph (1), (2), (3), (4), or (6) of*
28 *subdivision (a) of Section 261, Section 264.1, 266c, or 267,*
29 *paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of,*
30 *Section 286, Section 288 or 288.5, paragraph (1) of subdivision*
31 *(b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a)*
32 *of Section 289, or Section 647.6.*

33 *(3) A violation of Section 207 or 209 committed with the intent*
34 *to violate Section 261, 286, 288, 288a, or 289.*

35 *(d) (1) A tier one juvenile offender is subject to registration for*
36 *a minimum of five years. A person is a tier one juvenile offender*
37 *if the person is required to register after being adjudicated as a*
38 *ward of the court and discharged or paroled from the Department*
39 *of Corrections and Rehabilitation for an offense listed in*
40 *subdivision (c) that is not a serious or violent felony as described*

1 *in subdivision (c) of Section 667.5 or subdivision (c) of Section*
2 *1192.7.*

3 *(2) A tier two juvenile offender is subject to registration for a*
4 *minimum of 10 years. A person is a tier two juvenile offender if*
5 *the person is required to register after being adjudicated as a ward*
6 *of the court and discharged or paroled from the Department of*
7 *Corrections and Rehabilitation for an offense listed in subdivision*
8 *(c) that is a serious or violent felony as described in subdivision*
9 *(c) of Section 667.5 or subdivision (c) of Section 1192.7.*

10 *(3) A person who is required to register as a sex offender*
11 *pursuant to this section may file a petition for termination from*
12 *the sex offender registry in the juvenile court in the county in which*
13 *he or she is registered at the expiration of his or her mandated*
14 *minimum registration period, pursuant to Section 290.5.*

15 *(e) Prior to discharge or parole from the Department of*
16 *Corrections and Rehabilitation, any person who is subject to*
17 *registration under this section shall be informed of the duty to*
18 *register under the procedures set forth in the Act. Department*
19 *officials shall transmit the required forms and information to the*
20 *Department of Justice.*

21 *(f) All records specifically relating to the registration in the*
22 *custody of the Department of Justice, law enforcement agencies,*
23 *and other agencies or public officials shall be destroyed when the*
24 *person who is required to register has his or her records sealed*
25 *under the procedures set forth in Section 781 of the Welfare and*
26 *Institutions Code. This section shall not be construed as requiring*
27 *the destruction of other criminal offender or juvenile records*
28 *relating to the case that are maintained by the Department of*
29 *Justice, law enforcement agencies, the juvenile court, or other*
30 *agencies and public officials unless ordered by a court under*
31 *Section 781 of the Welfare and Institutions Code.*

32 *(g) This section shall become operative on January 1, 2021.*

33 *SEC. 7. Section 290.45 of the Penal Code is amended to read:*

34 290.45. (a) (1) Notwithstanding any other law, and except as
35 provided in paragraph (2), any designated law enforcement entity
36 may provide information to the public about a person required to
37 register as a sex offender pursuant to Section 290, by whatever
38 means the entity deems appropriate, when necessary to ensure the
39 public safety based upon information available to the entity
40 concerning that specific person.

1 (2) The law enforcement entity shall include, with the disclosure,
2 a statement that the purpose of the release of information is to
3 allow members of the public to protect themselves and their
4 children from sex offenders.

5 (3) Community notification by way of an Internet Web site shall
6 be governed by Section 290.46, and a designated law enforcement
7 entity may not post on an Internet Web site any information
8 identifying an individual as a person required to register as a sex
9 offender except as provided in that section unless there is a warrant
10 outstanding for that person's arrest.

11 (b) Information that may be provided pursuant to subdivision
12 (a) may include, but is not limited to, the offender's name, known
13 aliases, gender, race, physical description, photograph, date of
14 birth, address, which shall be verified prior to publication,
15 description and license plate number of the offender's vehicles or
16 vehicles the offender is known to drive, type of victim targeted by
17 the offender, relevant parole or probation conditions, crimes
18 resulting in classification under this section, and date of release
19 from confinement, but excluding information that would identify
20 the victim. It shall not include any Internet identifier submitted
21 pursuant to this chapter.

22 (c) (1) The designated law enforcement entity may authorize
23 persons and entities who receive the information pursuant to this
24 section to disclose information to additional persons only if the
25 entity determines that disclosure to the additional persons will
26 enhance the public safety and identifies the appropriate scope of
27 further disclosure. A law enforcement entity may not authorize
28 any disclosure of this information by placing that information on
29 an Internet Web site, and shall not authorize disclosure of Internet
30 identifiers submitted pursuant to this chapter, except as provided
31 in subdivision (h).

32 (2) A person who receives information from a law enforcement
33 entity pursuant to paragraph (1) may disclose that information only
34 in the manner and to the extent authorized by the law enforcement
35 entity.

36 (d) (1) A designated law enforcement entity and its employees
37 shall be immune from liability for good faith conduct under this
38 section.

39 (2) A public or private educational institution, a day care facility,
40 or a child care custodian described in Section 11165.7, or an

1 employee of a public or private educational institution or day care
2 facility which in good faith disseminates information as authorized
3 pursuant to subdivision (c) shall be immune from civil liability.

4 (e) (1) A person who uses information disclosed pursuant to
5 this section to commit a felony shall be punished, in addition and
6 consecutive to any other punishment, by a five-year term of
7 imprisonment pursuant to subdivision (h) of Section 1170.

8 (2) A person who uses information disclosed pursuant to this
9 section to commit a misdemeanor shall be subject to, in addition
10 to any other penalty or fine imposed, a fine of not less than five
11 hundred dollars (\$500) and not more than one thousand dollars
12 (\$1,000).

13 (f) For purposes of this section, “designated law enforcement
14 entity” means the Department of Justice, every district attorney,
15 the Department of Corrections, the Department of the Youth
16 Authority, and every state or local agency expressly authorized by
17 statute to investigate or prosecute law violators.

18 (g) The public notification provisions of this section are
19 applicable to every person required to register pursuant to Section
20 290, without regard to when his or her crimes were committed or
21 his or her duty to register pursuant to Section 290 arose, and to
22 every offense described in Section 290, regardless of when it was
23 committed.

24 (h) (1) Notwithstanding any other law, a designated law
25 enforcement entity shall only use an Internet identifier submitted
26 pursuant to this chapter, or release that Internet identifier to another
27 law enforcement entity, for the purpose of investigating a
28 sex-related crime, a kidnapping, or human trafficking.

29 (2) A designated law enforcement entity shall not disclose or
30 authorize persons or entities to disclose an Internet identifier
31 submitted pursuant to this chapter to the public or other persons,
32 except as required by court order.

33 (i) *This section shall remain in effect only until January 1, 2021,*
34 *and as of that date is repealed.*

35 *SEC. 8. Section 290.45 is added to the Penal Code, to read:*

36 *290.45. (a) (1) Notwithstanding any other law, and except as*
37 *provided in paragraph (2), any designated law enforcement entity*
38 *may provide information to the public about a person required to*
39 *register as a sex offender pursuant to Section 290, by whatever*
40 *means the entity deems appropriate, when necessary to ensure the*

1 public safety based upon information available to the entity
2 concerning that specific person's current risk of sexual or violent
3 reoffense, including, but not limited to, the person's static, dynamic,
4 and violence risk levels on the SARATSO risk tools described in
5 subdivision (f) of Section 290.04.

6 (2) The law enforcement entity shall include, with the disclosure,
7 a statement that the purpose of the release of information is to
8 allow members of the public to protect themselves and their
9 children from sex offenders.

10 (3) Community notification by way of an Internet Web site shall
11 be governed by Section 290.46, and a designated law enforcement
12 entity may not post on an Internet Web site any information
13 identifying an individual as a person required to register as a sex
14 offender except as provided in that section unless there is a warrant
15 outstanding for that person's arrest.

16 (b) Information that may be provided pursuant to subdivision
17 (a) may include, but is not limited to, the offender's name, known
18 aliases, gender, race, physical description, photograph, date of
19 birth, address, which shall be verified prior to publication,
20 description and license plate number of the offender's vehicles or
21 vehicles the offender is known to drive, type of victim targeted by
22 the offender, relevant parole or probation conditions, crimes
23 resulting in classification under this section, and date of release
24 from confinement, but excluding information that would identify
25 the victim. It shall not include any Internet identifier submitted
26 pursuant to this chapter.

27 (c) (1) The designated law enforcement entity may authorize
28 persons and entities who receive the information pursuant to this
29 section to disclose information to additional persons only if the
30 entity determines that disclosure to the additional persons will
31 enhance the public safety and identifies the appropriate scope of
32 further disclosure. A law enforcement entity may not authorize
33 any disclosure of this information by placing that information on
34 an Internet Web site, and shall not authorize disclosure of Internet
35 identifiers submitted pursuant to this chapter, except as provided
36 in subdivision (h).

37 (2) A person who receives information from a law enforcement
38 entity pursuant to paragraph (1) may disclose that information
39 only in the manner and to the extent authorized by the law
40 enforcement entity.

1 (d) (1) A designated law enforcement entity and its employees
2 shall be immune from liability for good faith conduct under this
3 section.

4 (2) A public or private educational institution, a day care
5 facility, or a child care custodian described in Section 11165.7,
6 or an employee of a public or private educational institution or
7 day care facility which in good faith disseminates information as
8 authorized pursuant to subdivision (c) shall be immune from civil
9 liability.

10 (e) (1) A person who uses information disclosed pursuant to
11 this section to commit a felony shall be punished, in addition and
12 consecutive to any other punishment, by a five-year term of
13 imprisonment pursuant to subdivision (h) of Section 1170.

14 (2) A person who uses information disclosed pursuant to this
15 section to commit a misdemeanor shall be subject to, in addition
16 to any other penalty or fine imposed, a fine of not less than five
17 hundred dollars (\$500) and not more than one thousand dollars
18 (\$1,000).

19 (f) For purposes of this section, “designated law enforcement
20 entity” means the Department of Justice, a district attorney, the
21 Department of Corrections and Rehabilitation, the Division of
22 Juvenile Justice, and every state or local agency expressly
23 authorized by statute to investigate or prosecute law violators.

24 (g) The public notification provisions of this section are
25 applicable to every person required to register pursuant to Section
26 290, without regard to when his or her crimes were committed or
27 his or her duty to register pursuant to Section 290 arose, and to
28 each offense described in Section 290, regardless of when it was
29 committed.

30 (h) (1) Notwithstanding any other law, a designated law
31 enforcement entity shall only use an Internet identifier submitted
32 pursuant to this chapter, or release that Internet identifier to
33 another law enforcement entity, for the purpose of investigating
34 a sex-related crime, a kidnapping, or human trafficking.

35 (2) A designated law enforcement entity shall not disclose or
36 authorize persons or entities to disclose an Internet identifier
37 submitted pursuant to this chapter to the public or other persons,
38 except as required by court order.

39 (i) This section shall become operative on January 1, 2021.

40 SEC. 9. Section 290.46 of the Penal Code is amended to read:

1 290.46. (a) (1) On or before the dates specified in this section,
2 the Department of Justice shall make available information
3 concerning persons who are required to register pursuant to Section
4 290 to the public via an Internet Web site as specified in this
5 section. The department shall update the Internet Web site on an
6 ongoing basis. All information identifying the victim by name,
7 birth date, address, or relationship to the registrant shall be
8 excluded from the Internet Web site. The name or address of the
9 person's employer and the listed person's criminal history other
10 than the specific crimes for which the person is required to register
11 shall not be included on the Internet Web site. The Internet Web
12 site shall be translated into languages other than English as
13 determined by the department.

14 (2) (A) On or before July 1, 2010, the Department of Justice
15 shall make available to the public, via an Internet Web site as
16 specified in this section, as to any person described in subdivision
17 (b), (c), or (d), the following information:

18 (i) The year of conviction of his or her most recent offense
19 requiring registration pursuant to Section 290.

20 (ii) The year he or she was released from incarceration for that
21 offense.

22 (iii) Whether he or she was subsequently incarcerated for any
23 other felony, if that fact is reported to the department. If the
24 department has no information about a subsequent incarceration
25 for any felony, that fact shall be noted on the Internet Web site.

26 However, no year of conviction shall be made available to the
27 public unless the department also is able to make available the
28 corresponding year of release of incarceration for that offense, and
29 the required notation regarding any subsequent felony.

30 (B) (i) Any state facility that releases from incarceration a
31 person who was incarcerated because of a crime for which he or
32 she is required to register as a sex offender pursuant to Section
33 290 shall, within 30 days of release, provide the year of release
34 for his or her most recent offense requiring registration to the
35 Department of Justice in a manner and format approved by the
36 department.

37 (ii) Any state facility that releases a person who is required to
38 register pursuant to Section 290 from incarceration whose
39 incarceration was for a felony committed subsequently to the

1 offense for which he or she is required to register shall, within 30
2 days of release, advise the Department of Justice of that fact.

3 (iii) Any state facility that, prior to January 1, 2007, released
4 from incarceration a person who was incarcerated because of a
5 crime for which he or she is required to register as a sex offender
6 pursuant to Section 290 shall provide the year of release for his or
7 her most recent offense requiring registration to the Department
8 of Justice in a manner and format approved by the department.
9 The information provided by the Department of Corrections and
10 Rehabilitation shall be limited to information that is currently
11 maintained in an electronic format.

12 (iv) Any state facility that, prior to January 1, 2007, released a
13 person who is required to register pursuant to Section 290 from
14 incarceration whose incarceration was for a felony committed
15 subsequently to the offense for which he or she is required to
16 register shall advise the Department of Justice of that fact in a
17 manner and format approved by the department. The information
18 provided by the Department of Corrections and Rehabilitation
19 shall be limited to information that is currently maintained in an
20 electronic format.

21 (3) The State Department of State Hospitals shall provide to the
22 Department of Justice the names of all persons committed to its
23 custody pursuant to Article 4 (commencing with Section 6600) of
24 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
25 Code, within 30 days of commitment, and shall provide the names
26 of all of those persons released from its custody within five
27 working days of release.

28 (b) (1) On or before July 1, 2005, with respect to a person who
29 has been convicted of the commission or the attempted commission
30 of any of the offenses listed in, or who is described in, paragraph
31 (2), the Department of Justice shall make available to the public
32 via the Internet Web site his or her name and known aliases, a
33 photograph, a physical description, including gender and race, date
34 of birth, criminal history, prior adjudication as a sexually violent
35 predator, the address at which the person resides, and any other
36 information that the Department of Justice deems relevant, but not
37 the information excluded pursuant to subdivision (a). On or before
38 January 1, 2013, the department shall make available to the public
39 via the Internet Web site his or her static SARATSO score and

- 1 information on an elevated risk level based on the SARATSO
- 2 future violence tool.
- 3 (2) This subdivision shall apply to the following offenses and
- 4 offenders:
- 5 (A) Section 187 committed in the perpetration, or an attempt to
- 6 perpetrate, rape or any act punishable under Section 286, 288,
- 7 288a, or 289.
- 8 (B) Section 207 committed with intent to violate Section 261,
- 9 286, 288, 288a, or 289.
- 10 (C) Section 209 committed with intent to violate Section 261,
- 11 286, 288, 288a, or 289.
- 12 (D) Paragraph (2) or (6) of subdivision (a) of Section 261.
- 13 (E) Section 264.1.
- 14 (F) Section 269.
- 15 (G) Subdivision (c) or (d) of Section 286.
- 16 (H) Subdivision (a), (b), or (c) of Section 288, provided that the
- 17 offense is a felony.
- 18 (I) Subdivision (c) or (d) of Section 288a.
- 19 (J) Section 288.3, provided that the offense is a felony.
- 20 (K) Section 288.4, provided that the offense is a felony.
- 21 (L) Section 288.5.
- 22 (M) Subdivision (a) or (j) of Section 289.
- 23 (N) Section 288.7.
- 24 (O) Any person who has ever been adjudicated a sexually violent
- 25 predator, as defined in Section 6600 of the Welfare and Institutions
- 26 Code.
- 27 (P) A felony violation of Section 311.1.
- 28 (Q) A felony violation of subdivision (b), (c), or (d) of Section
- 29 311.2.
- 30 (R) A felony violation of Section 311.3.
- 31 (S) A felony violation of subdivision (a), (b), or (c) of Section
- 32 311.4.
- 33 (T) Section 311.10.
- 34 (U) A felony violation of Section 311.11.
- 35 (c) (1) On or before July 1, 2005, with respect to a person who
- 36 has been convicted of the commission or the attempted commission
- 37 of any of the offenses listed in paragraph (2), the Department of
- 38 Justice shall make available to the public via the Internet Web site
- 39 his or her name and known aliases, a photograph, a physical
- 40 description, including gender and race, date of birth, criminal

1 history, the community of residence and ZIP Code in which the
2 person resides or the county in which the person is registered as a
3 transient, and any other information that the Department of Justice
4 deems relevant, but not the information excluded pursuant to
5 subdivision (a). On or before July 1, 2006, the Department of
6 Justice shall determine whether any person convicted of an offense
7 listed in paragraph (2) also has one or more prior or subsequent
8 convictions of an offense listed in subdivision (c) of Section 290,
9 and, for those persons, the Department of Justice shall make
10 available to the public via the Internet Web site the address at
11 which the person resides. However, the address at which the person
12 resides shall not be disclosed until a determination is made that
13 the person is, by virtue of his or her additional prior or subsequent
14 conviction of an offense listed in subdivision (c) of Section 290,
15 subject to this subdivision.

16 (2) This subdivision shall apply to the following offenses:

17 (A) Section 220, except assault to commit mayhem.

18 (B) Paragraph (1), (3), or (4) of subdivision (a) of Section 261.

19 (C) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
20 (i), of Section 286.

21 (D) Paragraph (2) of subdivision (b), or subdivision (f), (g), or
22 (i), of Section 288a.

23 (E) Subdivision (b), (d), (e), or (i) of Section 289.

24 (d) (1) On or before July 1, 2005, with respect to a person who
25 has been convicted of the commission or the attempted commission
26 of any of the offenses listed in, or who is described in, this
27 subdivision, the Department of Justice shall make available to the
28 public via the Internet Web site his or her name and known aliases,
29 a photograph, a physical description, including gender and race,
30 date of birth, criminal history, the community of residence and
31 ZIP Code in which the person resides or the county in which the
32 person is registered as a transient, and any other information that
33 the Department of Justice deems relevant, but not the information
34 excluded pursuant to subdivision (a) or the address at which the
35 person resides.

36 (2) This subdivision shall apply to the following offenses and
37 offenders:

38 (A) Subdivision (a) of Section 243.4, provided that the offense
39 is a felony.

40 (B) Section 266, provided that the offense is a felony.

- 1 (C) Section 266c, provided that the offense is a felony.
- 2 (D) Section 266j.
- 3 (E) Section 267.
- 4 (F) Subdivision (c) of Section 288, provided that the offense is
- 5 a misdemeanor.
- 6 (G) Section 288.3, provided that the offense is a misdemeanor.
- 7 (H) Section 288.4, provided that the offense is a misdemeanor.
- 8 (I) Section 626.81.
- 9 (J) Section 647.6.
- 10 (K) Section 653c.
- 11 (L) Any person required to register pursuant to Section 290
- 12 based upon an out-of-state conviction, unless that person is
- 13 excluded from the Internet Web site pursuant to subdivision (e).
- 14 However, if the Department of Justice has determined that the
- 15 out-of-state crime, if committed or attempted in this state, would
- 16 have been punishable in this state as a crime described in
- 17 subdivision (c) of Section 290, the person shall be placed on the
- 18 Internet Web site as provided in subdivision (b) or (c), as applicable
- 19 to the crime.
- 20 (e) (1) If a person has been convicted of the commission or the
- 21 attempted commission of any of the offenses listed in this
- 22 subdivision, and he or she has been convicted of no other offense
- 23 listed in subdivision (b), (c), or (d) other than those listed in this
- 24 subdivision, that person may file an application with the
- 25 Department of Justice, on a form approved by the department, for
- 26 exclusion from the Internet Web site. If the department determines
- 27 that the person meets the requirements of this subdivision, the
- 28 department shall grant the exclusion and no information concerning
- 29 the person shall be made available via the Internet Web site
- 30 described in this section. He or she bears the burden of proving
- 31 the facts that make him or her eligible for exclusion from the
- 32 Internet Web site. However, a person who has filed for or been
- 33 granted an exclusion from the Internet Web site is not relieved of
- 34 his or her duty to register as a sex offender pursuant to Section
- 35 290 nor from any otherwise applicable provision of law.
- 36 (2) This subdivision shall apply to the following offenses:
- 37 (A) A felony violation of subdivision (a) of Section 243.4.
- 38 (B) Section 647.6, if the offense is a misdemeanor.
- 39 (C) A felony violation of Section 311.1, subdivision (b), (c), or
- 40 (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if

1 the person submits to the department a certified copy of a probation
2 report filed in court that clearly states that all victims involved in
3 the commission of the offense were at least 16 years of age or older
4 at the time of the commission of the offense.

5 (D) (i) An offense for which the offender successfully
6 completed probation, provided that the offender submits to the
7 department a certified copy of a probation report, presentencing
8 report, report prepared pursuant to Section 288.1, or other official
9 court document that clearly demonstrates that the offender was
10 the victim’s parent, stepparent, sibling, or grandparent and that the
11 crime did not involve either oral copulation or penetration of the
12 vagina or rectum of either the victim or the offender by the penis
13 of the other or by any foreign object.

14 (ii) An offense for which the offender is on probation at the
15 time of his or her application, provided that the offender submits
16 to the department a certified copy of a probation report,
17 presentencing report, report prepared pursuant to Section 288.1,
18 or other official court document that clearly demonstrates that the
19 offender was the victim’s parent, stepparent, sibling, or grandparent
20 and that the crime did not involve either oral copulation or
21 penetration of the vagina or rectum of either the victim or the
22 offender by the penis of the other or by any foreign object.

23 (iii) If, subsequent to his or her application, the offender commits
24 a violation of probation resulting in his or her incarceration in
25 county jail or state prison, his or her exclusion, or application for
26 exclusion, from the Internet Web site shall be terminated.

27 (iv) For the purposes of this subparagraph, “successfully
28 completed probation” means that during the period of probation
29 the offender neither received additional county jail or state prison
30 time for a violation of probation nor was convicted of another
31 offense resulting in a sentence to county jail or state prison.

32 (3) If the department determines that a person who was granted
33 an exclusion under a former version of this subdivision would not
34 qualify for an exclusion under the current version of this
35 subdivision, the department shall rescind the exclusion, make a
36 reasonable effort to provide notification to the person that the
37 exclusion has been rescinded, and, no sooner than 30 days after
38 notification is attempted, make information about the offender
39 available to the public on the Internet Web site as provided in this
40 section.

1 (4) Effective January 1, 2012, no person shall be excluded
2 pursuant to this subdivision unless the offender has submitted to
3 the department documentation sufficient for the department to
4 determine that he or she has a SARATSO risk level of low or
5 moderate-low.

6 (f) The Department of Justice shall make a reasonable effort to
7 provide notification to persons who have been convicted of the
8 commission or attempted commission of an offense specified in
9 subdivision (b), (c), or (d), that on or before July 1, 2005, the
10 department is required to make information about specified sex
11 offenders available to the public via an Internet Web site as
12 specified in this section. The Department of Justice shall also make
13 a reasonable effort to provide notice that some offenders are
14 eligible to apply for exclusion from the Internet Web site.

15 (g) (1) A designated law enforcement entity, as defined in
16 subdivision (f) of Section 290.45, may make available information
17 concerning persons who are required to register pursuant to Section
18 290 to the public via an Internet Web site as specified in paragraph
19 (2).

20 (2) The law enforcement entity may make available by way of
21 an Internet Web site the information described in subdivision (c)
22 if it determines that the public disclosure of the information about
23 a specific offender by way of the entity's Internet Web site is
24 necessary to ensure the public safety based upon information
25 available to the entity concerning that specific offender.

26 (3) The information that may be provided pursuant to this
27 subdivision may include the information specified in subdivision
28 (b) of Section 290.45. However, that offender's address may not
29 be disclosed unless he or she is a person whose address is on the
30 Department of Justice's Internet Web site pursuant to subdivision
31 (b) or (c).

32 (h) For purposes of this section, "offense" includes the statutory
33 predecessors of that offense, or any offense committed in another
34 jurisdiction that, if committed or attempted to be committed in this
35 state, would have been punishable in this state as an offense listed
36 in subdivision (c) of Section 290.

37 (i) Notwithstanding Section 6254.5 of the Government Code,
38 disclosure of information pursuant to this section is not a waiver
39 of exemptions under Chapter 3.5 (commencing with Section 6250)

1 of Title 1 of Division 7 of the Government Code and does not
2 affect other statutory restrictions on disclosure in other situations.

3 (j) (1) Any person who uses information disclosed pursuant to
4 this section to commit a misdemeanor shall be subject to, in
5 addition to any other penalty or fine imposed, a fine of not less
6 than ten thousand dollars (\$10,000) and not more than fifty
7 thousand dollars (\$50,000).

8 (2) Any person who uses information disclosed pursuant to this
9 section to commit a felony shall be punished, in addition and
10 consecutive to any other punishment, by a five-year term of
11 imprisonment pursuant to subdivision (h) of Section 1170.

12 (k) Any person who is required to register pursuant to Section
13 290 who enters an Internet Web site established pursuant to this
14 section shall be punished by a fine not exceeding one thousand
15 dollars (\$1,000), imprisonment in a county jail for a period not to
16 exceed six months, or by both that fine and imprisonment.

17 (l) (1) A person is authorized to use information disclosed
18 pursuant to this section only to protect a person at risk.

19 (2) Except as authorized under paragraph (1) or any other
20 provision of law, use of any information that is disclosed pursuant
21 to this section for purposes relating to any of the following is
22 prohibited:

23 (A) Health insurance.

24 (B) Insurance.

25 (C) Loans.

26 (D) Credit.

27 (E) Employment.

28 (F) Education, scholarships, or fellowships.

29 (G) Housing or accommodations.

30 (H) Benefits, privileges, or services provided by any business
31 establishment.

32 (3) This section shall not affect authorized access to, or use of,
33 information pursuant to, among other provisions, Sections 11105
34 and 11105.3, Section 8808 of the Family Code, Sections 777.5
35 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871
36 of the Health and Safety Code, and Section 432.7 of the Labor
37 Code.

38 (4) (A) Any use of information disclosed pursuant to this section
39 for purposes other than those provided by paragraph (1) or in
40 violation of paragraph (2) shall make the user liable for the actual

1 damages, and any amount that may be determined by a jury or a
2 court sitting without a jury, not exceeding three times the amount
3 of actual damage, and not less than two hundred fifty dollars
4 (\$250), and attorney’s fees, exemplary damages, or a civil penalty
5 not exceeding twenty-five thousand dollars (\$25,000).

6 (B) Whenever there is reasonable cause to believe that any
7 person or group of persons is engaged in a pattern or practice of
8 misuse of the information available via an Internet Web site
9 established pursuant to this section in violation of paragraph (2),
10 the Attorney General, any district attorney, or city attorney, or any
11 person aggrieved by the misuse is authorized to bring a civil action
12 in the appropriate court requesting preventive relief, including an
13 application for a permanent or temporary injunction, restraining
14 order, or other order against the person or group of persons
15 responsible for the pattern or practice of misuse. The foregoing
16 remedies shall be independent of any other remedies or procedures
17 that may be available to an aggrieved party under other provisions
18 of law, including Part 2 (commencing with Section 43) of Division
19 1 of the Civil Code.

20 (m) The public notification provisions of this section are
21 applicable to every person described in this section, without regard
22 to when his or her crimes were committed or his or her duty to
23 register pursuant to Section 290 arose, and to every offense
24 described in this section, regardless of when it was committed.

25 (n) A designated law enforcement entity and its employees shall
26 be immune from liability for good faith conduct under this section.

27 (o) The Attorney General, in collaboration with local law
28 enforcement and others knowledgeable about sex offenders, shall
29 develop strategies to assist members of the public in understanding
30 and using publicly available information about registered sex
31 offenders to further public safety. These strategies may include,
32 but are not limited to, a hotline for community inquiries,
33 neighborhood and business guidelines for how to respond to
34 information posted on this Internet Web site, and any other resource
35 that promotes public education about these offenders.

36 (p) *This section shall remain in effect only until January 1, 2022,*
37 *and as of that date is repealed.*

38 *SEC. 10. Section 290.46 is added to the Penal Code, to read:*

39 *290.46. (a) (1) On or before the dates specified in this section,*
40 *the Department of Justice shall make available information*

1 *concerning persons who are required to register pursuant to*
2 *Section 290 to the public via an Internet Web site as specified in*
3 *this section. The department shall update the Internet Web site on*
4 *an ongoing basis. All information identifying the victim by name,*
5 *birth date, address, or relationship to the registrant shall be*
6 *excluded from the Internet Web site. The name or address of the*
7 *person's employer and the listed person's criminal history other*
8 *than the specific crimes for which the person is required to register*
9 *shall not be included on the Internet Web site. The Internet Web*
10 *site shall be translated into languages other than English as*
11 *determined by the department.*

12 (2) (A) *On or before July 1, 2010, the Department of Justice*
13 *shall make available to the public, via an Internet Web site as*
14 *specified in this section, as to any person described in subdivision*
15 *(b), the following information:*

16 (i) *The year of conviction of his or her most recent offense*
17 *requiring registration pursuant to Section 290.*

18 (ii) *The year he or she was released from incarceration for that*
19 *offense.*

20 *However, no year of conviction shall be made available to the*
21 *public unless the department also is able to make available the*
22 *corresponding year of release of incarceration for that offense,*
23 *and the required notation regarding any subsequent felony.*

24 (B) (i) *Any state facility that releases from incarceration a*
25 *person who was incarcerated because of a crime for which he or*
26 *she is required to register as a sex offender pursuant to Section*
27 *290 shall, within 30 days of release, provide the year of release*
28 *for his or her most recent offense requiring registration to the*
29 *Department of Justice in a manner and format approved by the*
30 *department.*

31 (ii) *Any state facility that releases a person who is required to*
32 *register pursuant to Section 290 from incarceration whose*
33 *incarceration was for a felony committed subsequently to the*
34 *offense for which he or she is required to register shall, within 30*
35 *days of release, advise the Department of Justice of that fact.*

36 (iii) *Any state facility that, prior to January 1, 2007, released*
37 *from incarceration a person who was incarcerated because of a*
38 *crime for which he or she is required to register as a sex offender*
39 *pursuant to Section 290 shall provide the year of release for his*
40 *or her most recent offense requiring registration to the Department*

1 of Justice in a manner and format approved by the department.
2 The information provided by the Department of Corrections and
3 Rehabilitation shall be limited to information that is currently
4 maintained in an electronic format.

5 (iv) Any state facility that, prior to January 1, 2007, released a
6 person who is required to register pursuant to Section 290 from
7 incarceration whose incarceration was for a felony committed
8 subsequently to the offense for which he or she is required to
9 register shall advise the Department of Justice of that fact in a
10 manner and format approved by the department. The information
11 provided by the Department of Corrections and Rehabilitation
12 shall be limited to information that is currently maintained in an
13 electronic format.

14 (3) The State Department of State Hospitals shall provide to
15 the Department of Justice the names of all persons committed to
16 its custody pursuant to Article 4 (commencing with Section 6600)
17 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
18 Code, within 30 days of commitment, and shall provide the names
19 of all of those persons released from its custody within five working
20 days of release.

21 (b) (1) With respect to a person who has been convicted of the
22 commission or the attempted commission of any of the offenses
23 listed in, or who is otherwise described in, paragraph (2), or who
24 is a tier three offender as described in paragraph (3) of subdivision
25 (d) of Section 290, the Department of Justice shall make available
26 to the public via the Internet Web site his or her name and known
27 aliases, a photograph, a physical description, including gender
28 and race, date of birth, criminal history, prior adjudication as a
29 sexually violent predator, the address at which the person resides,
30 and any other information that the Department of Justice deems
31 relevant, but not the information excluded pursuant to subdivision
32 (a), except that information about persons required to register as
33 a result of an adjudication as a ward of the juvenile court pursuant
34 to Section 290.008 shall not be made available on the Internet
35 Web site. The department shall also make available to the public
36 via the Internet Web site his or her static SARATSO risk level, if
37 any, and information on an elevated risk level based on the
38 SARATSO future violence tool. Any registrant whose information
39 is listed on the public Internet Web site on January 1, 2022, by the
40 Department of Justice pursuant to this subdivision, may continue

1 to be included on the public Internet Web site while the registrant
2 is placed in the tier-to-be-determined category described in
3 paragraph (5) of subdivision (d) of Section 290.

4 (2) This subdivision shall apply to the following offenses and
5 offenders:

6 (A) Section 187 committed in the perpetration, or an attempt to
7 perpetrate, rape or any act punishable under Section 286, 288,
8 288a, or 289.

9 (B) Section 207 committed with intent to violate Section 261,
10 286, 288, 288a, or 289.

11 (C) Section 209 committed with intent to violate Section 261,
12 286, 288, 288a, or 289.

13 (D) Paragraph (2) or (6) of subdivision (a) of Section 261.

14 (E) Section 264.1.

15 (F) Section 269.

16 (G) Subdivision (c) or (d) of Section 286.

17 (H) Subdivision (a), (b), or (c) of Section 288, provided that the
18 offense is a felony.

19 (I) Subdivision (c) or (d) of Section 288a.

20 (J) Section 288.3, provided that the offense is a felony.

21 (K) Section 288.4, provided that the offense is a felony.

22 (L) Section 288.5.

23 (M) Subdivision (a) or (j) of Section 289.

24 (N) Section 288.7.

25 (O) Any person who has ever been adjudicated a sexually violent
26 predator, as defined in Section 6600 of the Welfare and Institutions
27 Code.

28 (P) A felony violation of Section 311.1.

29 (Q) A felony violation of subdivision (b), (c), or (d) of Section
30 311.2.

31 (R) A felony violation of Section 311.3.

32 (S) A felony violation of subdivision (a), (b), or (c) of Section
33 311.4.

34 (T) Section 311.10.

35 (U) A felony violation of Section 311.11.

36 (V) A tier three offender, as described in paragraph (3) of
37 subdivision (d) of Section 290.

38 (c) (1) With respect to a person who has been convicted of the
39 commission or the attempted commission of any of the offenses
40 listed in, or who is otherwise described in, paragraph (2) of

1 subdivision (d) of Section 290 and who is a tier two offender, and
2 with respect to a person who has been convicted of the commission
3 or the attempted commission of Section 647.6, the Department of
4 Justice shall make available to the public via the Internet Web site
5 his or her name and known aliases, a photograph, a physical
6 description, including gender and race, date of birth, criminal
7 history, the community of residence and ZIP Code in which the
8 person resides or the county in which the person is registered as
9 a transient, and any other information that the Department of
10 Justice deems relevant, but not the information excluded pursuant
11 to subdivision (a) or the address at which the person resides, except
12 that information about persons required to register as a result of
13 an adjudication as a ward of the juvenile court pursuant to Section
14 290.008 shall not be made available on the Internet Web site. Any
15 registrant whose information is listed on the public Internet Web
16 site on January 1, 2022, by the Department of Justice pursuant to
17 this subdivision may continue to be included on the public Internet
18 Web site while the registrant is placed in the tier-to-be-determined
19 category described in paragraph (5) of subdivision (d) of Section
20 290.

21 (2) Any registrant whose information was not included on the
22 public Internet Web site on January 1, 2022, and who is placed in
23 the tier-to-be-determined category described in paragraph (5) of
24 subdivision (d) of Section 290 may have the information described
25 in this subdivision made available to the public via the public
26 Internet Web site.

27 (d) (1) (A) An offender who is required to register pursuant to
28 the Sex Offender Registration Act may apply for exclusion from
29 the Internet Web site if he or she demonstrates that the person's
30 only registerable offense is either of the following:

31 (i) An offense for which the offender successfully completed
32 probation, provided that the offender submits to the department a
33 certified copy of a probation report, presentencing report, report
34 prepared pursuant to Section 288.1, or other official court
35 document that clearly demonstrates that the offender was the
36 victim's parent, stepparent, sibling, or grandparent and that the
37 crime did not involve either oral copulation or penetration of the
38 vagina or rectum of either the victim or the offender by the penis
39 of the other or by any foreign object.

1 (ii) An offense for which the offender is on probation at the time
2 of his or her application, provided that the offender submits to the
3 department a certified copy of a probation report, presentencing
4 report, report prepared pursuant to Section 288.1, or other official
5 court document that clearly demonstrates that the offender was
6 the victim's parent, stepparent, sibling, or grandparent and that
7 the crime did not involve either oral copulation or penetration of
8 the vagina or rectum of either the victim or the offender by the
9 penis of the other or by any foreign object.

10 (B) If, subsequent to his or her application, the offender commits
11 a violation of probation resulting in his or her incarceration in
12 county jail or state prison, his or her exclusion, or application for
13 exclusion, from the Internet Web site shall be terminated.

14 (C) For the purposes of this paragraph, "successfully completed
15 probation" means that during the period of probation the offender
16 neither received additional county jail or state prison time for a
17 violation of probation nor was convicted of another offense
18 resulting in a sentence to county jail or state prison.

19 (2) If the department determines that a person who was granted
20 an exclusion under a former version of this subdivision would not
21 qualify for an exclusion under the current version of this
22 subdivision, the department shall rescind the exclusion, make a
23 reasonable effort to provide notification to the person that the
24 exclusion has been rescinded, and, no sooner than 30 days after
25 notification is attempted, make information about the offender
26 available to the public on the Internet Web site as provided in this
27 section.

28 (3) Effective January 1, 2012, no person shall be excluded
29 pursuant to this subdivision unless the offender has submitted to
30 the department documentation sufficient for the department to
31 determine that he or she has a SARATSO risk level of average,
32 below average, or very low as determined by the Coding Rules for
33 the SARATSO static risk assessment instrument.

34 (e) (1) A designated law enforcement entity, as defined in
35 subdivision (f) of Section 290.45, may make available information
36 concerning persons who are required to register pursuant to
37 Section 290 to the public via an Internet Web site as specified in
38 paragraph (2), provided that the information about that person is
39 also displayed on the Department of Justice's Megan's Law
40 Internet Web site.

1 (2) *The law enforcement entity may make available by way of*
2 *an Internet Web site the information described in subdivision (c)*
3 *if it determines that the public disclosure of the information about*
4 *a specific offender by way of the entity’s Internet Web site is*
5 *necessary to ensure the public safety based upon information*
6 *available to the entity concerning the current risk posed by a*
7 *specific offender, including his or her risk of sexual or violent*
8 *reoffense, as indicated by the person’s SARATSO static, dynamic,*
9 *and violence risk levels, as described in Section 290.04, if*
10 *available.*

11 (3) *The information that may be provided pursuant to this*
12 *subdivision may include the information specified in subdivision*
13 *(b) of Section 290.45. However, that offender’s address may not*
14 *be disclosed unless he or she is a person whose address is on the*
15 *Department of Justice’s Internet Web site pursuant to subdivision*
16 *(b).*

17 (f) *For purposes of this section, “offense” includes the statutory*
18 *predecessors of that offense, or any offense committed in another*
19 *jurisdiction that, if committed or attempted to be committed in this*
20 *state, would have been punishable in this state as an offense listed*
21 *in subdivision (c) of Section 290.*

22 (g) *Notwithstanding Section 6254.5 of the Government Code,*
23 *disclosure of information pursuant to this section is not a waiver*
24 *of exemptions under Chapter 3.5 (commencing with Section 6250)*
25 *of Title 1 of Division 7 of the Government Code and does not affect*
26 *other statutory restrictions on disclosure in other situations.*

27 (h) (1) *Any person who uses information disclosed pursuant to*
28 *this section to commit a misdemeanor shall be subject to, in*
29 *addition to any other penalty or fine imposed, a fine of not less*
30 *than ten thousand dollars (\$10,000) and not more than fifty*
31 *thousand dollars (\$50,000).*

32 (2) *Any person who uses information disclosed pursuant to this*
33 *section to commit a felony shall be punished, in addition and*
34 *consecutive to any other punishment, by a five-year term of*
35 *imprisonment pursuant to subdivision (h) of Section 1170.*

36 (i) *Any person who is required to register pursuant to Section*
37 *290 who enters an Internet Web site established pursuant to this*
38 *section shall be punished by a fine not exceeding one thousand*
39 *dollars (\$1,000), imprisonment in a county jail for a period not to*
40 *exceed six months, or by both that fine and imprisonment.*

1 (j) (1) A person is authorized to use information disclosed
2 pursuant to this section only to protect a person at risk.

3 (2) Except as authorized under paragraph (1) or any other
4 provision of law, use of any information that is disclosed pursuant
5 to this section for purposes relating to any of the following is
6 prohibited:

7 (A) Health insurance.

8 (B) Insurance.

9 (C) Loans.

10 (D) Credit.

11 (E) Employment.

12 (F) Education, scholarships, or fellowships.

13 (G) Housing or accommodations.

14 (H) Benefits, privileges, or services provided by any business
15 establishment.

16 (3) This section shall not affect authorized access to, or use of,
17 information pursuant to, among other provisions, Sections 11105
18 and 11105.3 of this code, Section 8808 of the Family Code,
19 Sections 777.5 and 14409.2 of the Financial Code, Sections
20 1522.01 and 1596.871 of the Health and Safety Code, and Section
21 432.7 of the Labor Code.

22 (4) (A) Any use of information disclosed pursuant to this section
23 for purposes other than those provided by paragraph (1) or in
24 violation of paragraph (2) shall make the user liable for the actual
25 damages, and any amount that may be determined by a jury or a
26 court sitting without a jury, not exceeding three times the amount
27 of actual damage, and not less than two hundred fifty dollars
28 (\$250), and attorney's fees, exemplary damages, or a civil penalty
29 not exceeding twenty-five thousand dollars (\$25,000).

30 (B) Whenever there is reasonable cause to believe that any
31 person or group of persons is engaged in a pattern or practice of
32 misuse of the information available via an Internet Web site
33 established pursuant to this section in violation of paragraph (2),
34 the Attorney General, any district attorney, or city attorney, or
35 any person aggrieved by the misuse is authorized to bring a civil
36 action in the appropriate court requesting preventive relief,
37 including an application for a permanent or temporary injunction,
38 restraining order, or other order against the person or group of
39 persons responsible for the pattern or practice of misuse. The
40 foregoing remedies shall be independent of any other remedies or

1 *procedures that may be available to an aggrieved party under*
2 *other provisions of law, including Part 2 (commencing with Section*
3 *43) of Division 1 of the Civil Code.*

4 *(k) The public notification provisions of this section are*
5 *applicable to every person described in this section, without regard*
6 *to when his or her crimes were committed or his or her duty to*
7 *register pursuant to Section 290 arose, and to every offense*
8 *described in this section, regardless of when it was committed.*

9 *(l) A designated law enforcement entity and its employees shall*
10 *be immune from liability for good faith conduct under this section.*

11 *(m) The Attorney General, in collaboration with local law*
12 *enforcement and others knowledgeable about sex offenders, shall*
13 *develop strategies to assist members of the public in understanding*
14 *and using publicly available information about registered sex*
15 *offenders to further public safety. These strategies may include,*
16 *but are not limited to, a hotline for community inquiries,*
17 *neighborhood and business guidelines for how to respond to*
18 *information posted on this Internet Web site, and any other*
19 *resource that promotes public education about these offenders.*

20 *(n) This section shall become operative on January 1, 2022.*

21 *SEC. 11. Section 290.5 of the Penal Code is amended to read:*

22 290.5. (a) (1) A person required to register under Section 290
23 for an offense not listed in paragraph (2), upon obtaining a
24 certificate of rehabilitation under Chapter 3.5 (commencing with
25 Section 4852.01) of Title 6 of Part 3, shall be relieved of any
26 further duty to register under Section 290 if he or she is not in
27 custody, on parole, or on probation.

28 (2) A person required to register under Section 290, upon
29 obtaining a certificate of rehabilitation under Chapter 3.5
30 (commencing with Section 4852.01) of Title 6 of Part 3, shall not
31 be relieved of the duty to register under Section 290, or of the duty
32 to register under Section 290 for any offense subject to that section
33 of which he or she is convicted in the future, if his or her conviction
34 is for one of the following offenses:

35 (A) Section 207 or 209 committed with the intent to violate
36 Section 261, 286, 288, 288a, or 289.

37 (B) Section 220, except assault to commit mayhem.

38 (C) Section 243.4, provided that the offense is a felony.

39 (D) Paragraph (1), (2), (3), (4), or (6) of subdivision (a) of
40 Section 261.

- 1 (E) Section 264.1.
- 2 (F) Section 266, provided that the offense is a felony.
- 3 (G) Section 266c, provided that the offense is a felony.
- 4 (H) Section 266j.
- 5 (I) Section 267.
- 6 (J) Section 269.
- 7 (K) Paragraph (1) of subdivision (b) of Section 286, provided
- 8 that the offense is a felony.
- 9 (L) Paragraph (2) of subdivision (b) of, or subdivision (c), (d),
- 10 (f), (g), (i), (j), or (k) of, Section 286.
- 11 (M) Section 288.
- 12 (N) Paragraph (1) of subdivision (b) of Section 288a, provided
- 13 that the offense is a felony.
- 14 (O) Paragraph (2) of subdivision (b) of, or subdivision (c), (d),
- 15 (f), (g), (i), (j), or (k) of, Section 288a.
- 16 (P) Section 288.5.
- 17 (Q) Section 288.7.
- 18 (R) Subdivision (a), (b), (d), (e), (f), (g), or (h) of Section 289,
- 19 provided that the offense is a felony.
- 20 (S) Subdivision (i) or (j) of Section 289.
- 21 (T) Section 647.6.
- 22 (U) The attempted commission of any of the offenses specified
- 23 in this paragraph.
- 24 (V) The statutory predecessor of any of the offenses specified
- 25 in this paragraph.
- 26 (W) Any offense which, if committed or attempted in this state,
- 27 would have been punishable as one or more of the offenses
- 28 specified in this paragraph.
- 29 (b) (1) Except as provided in paragraphs (2) and (3), a person
- 30 described in paragraph (2) of subdivision (a) shall not be relieved
- 31 of the duty to register until that person has obtained a full pardon
- 32 as provided in Chapter 1 (commencing with Section 4800) or
- 33 Chapter 3 (commencing with Section 4850) of Title 6 of Part 3.
- 34 (2) This subdivision does not apply to misdemeanor violations
- 35 of Section 647.6.
- 36 (3) The court, upon granting a petition for a certificate of
- 37 rehabilitation pursuant to Chapter 3.5 (commencing with Section
- 38 4852.01) of Title 6 of Part 3, if the petition was granted prior to
- 39 January 1, 1998, may relieve a person of the duty to register under
- 40 Section 290 for a violation of Section 288 or 288.5, provided that

1 the person was granted probation pursuant to subdivision (d) of
2 Section 1203.066, has complied with the provisions of Section
3 290 for a continuous period of at least 10 years immediately
4 preceding the filing of the petition, and has not been convicted of
5 a felony during that period.

6 *(c) This section shall remain in effect only until July 1, 2021,*
7 *and as of that date is repealed.*

8 *SEC. 12. Section 290.5 is added to the Penal Code, to read:*

9 *290.5. (a) (1) A person who is required to register pursuant*
10 *to Section 290 and who is a tier one or tier two offender may file*
11 *a petition in the superior court in the county in which he or she is*
12 *registered for termination from the sex offender registry at the*
13 *expiration of his or her mandated minimum registration period,*
14 *or if the person is required to register pursuant to Section 290.008,*
15 *he or she may file the petition in juvenile court on or after his or*
16 *her birthday following the expiration of the mandated minimum*
17 *registration period. The petition shall contain proof of the person's*
18 *current registration as a sex offender.*

19 *(2) The petition shall be served on the registering law*
20 *enforcement agency and the district attorney in the county where*
21 *the petition is filed and on the law enforcement agency and the*
22 *district attorney of the county of conviction of a registerable offense*
23 *if different than the county where the petition is filed. The*
24 *registering law enforcement agency and the law enforcement*
25 *agency of the county of conviction of a registerable offense if*
26 *different than the county where the petition is filed shall, within*
27 *60 days of receipt of the petition, report to the district attorney*
28 *and the superior or juvenile court in which the petition is filed*
29 *regarding whether the person has met the requirements for*
30 *termination pursuant to subdivision (e) of Section 290. If an offense*
31 *which may require registration pursuant to Section 290.005 is*
32 *identified by the registering law enforcement agency which has*
33 *not previously been assessed by the Department of Justice, the*
34 *registering law enforcement agency shall refer that conviction to*
35 *the department for assessment and determination of whether the*
36 *conviction changes the tier designation assigned by the department*
37 *to the offender. If the newly discovered offense changes the tier*
38 *designation for that person, the department shall change the tier*
39 *designation pursuant to subdivision (d) of Section 290 within three*
40 *months of receipt of the request by the registering law enforcement*

1 agency and notify the registering law enforcement agency. If more
2 time is required to obtain the documents needed to make the
3 assessment, the department shall notify the registering law
4 enforcement agency of the reason that an extension of time is
5 necessary to complete the tier designation. The registering law
6 enforcement agency shall report to the district attorney and the
7 court that the department has requested an extension of time to
8 determine the person's tier designation based on the newly
9 discovered offense, the reason for the request, and the estimated
10 time needed to complete the tier designation. The district attorney
11 in the county where the petition is filed may, within 60 days of
12 receipt of the report from either the registering law enforcement
13 agency, the law enforcement agency of the county of conviction
14 of a registerable offense if different than the county where the
15 petition is filed, or the district attorney of the county of conviction
16 of a registerable offense, request a hearing on the petition if the
17 petitioner has not fulfilled the requirement described in subdivision
18 (e) of Section 290, or if community safety would be significantly
19 enhanced by the person's continued registration. If no hearing is
20 requested, the petition for termination shall be granted if the court
21 finds the required proof of current registration is presented in the
22 petition, provided that the registering agency reported that the
23 person met the requirement for termination pursuant to subdivision
24 (e) of Section 290, there are no pending charges against the person
25 which could extend the time to complete the registration
26 requirements of the tier or change the person's tier status, and the
27 person is not in custody or on parole, probation, or supervised
28 release.

29 (3) If the district attorney requests a hearing, he or she shall
30 be entitled to present evidence regarding whether community safety
31 would be significantly enhanced by requiring continued
32 registration. In determining whether to order continued
33 registration, the court shall consider: the nature and facts of the
34 registerable offense; the age and number of victims; whether any
35 victim was a stranger at the time of the offense (known to the
36 offender for less than 24 hours); criminal and relevant noncriminal
37 behavior before and after conviction for the registerable offense;
38 the time period during which the person has not reoffended;
39 successful completion, if any, of a Sex Offender Management
40 Board-certified sex offender treatment program; and the person's

1 *current risk of sexual or violent reoffense, including the person's*
2 *risk levels on SARATSO static, dynamic, and violence risk*
3 *assessment instruments, if available. Any judicial determination*
4 *made pursuant to this section may be heard and determined upon*
5 *declarations, affidavits, police reports, or any other evidence*
6 *submitted by the parties which is reliable, material, and relevant.*

7 (4) *If termination from the registry is denied, the court shall set*
8 *the time period after which the person can repetition for*
9 *termination, which shall be at least one year from the date of the*
10 *denial, but not to exceed five years, based on facts presented at*
11 *the hearing. The court shall state on the record the reason for its*
12 *determination setting the time period after which the person may*
13 *repetition.*

14 (5) *The court shall notify the Department of Justice, California*
15 *Sex Offender Registry, when a petition for termination from the*
16 *registry is granted or denied. If the petition is denied, the court*
17 *shall also notify the Department of Justice, California Sex Offender*
18 *Registry, of the time period after which the person can file a new*
19 *petition for termination.*

20 (b) (1) *A person required to register as a tier two offender,*
21 *pursuant to paragraph (2) of subdivision (d) of Section 290, may*
22 *petition the superior court for termination from the registry after*
23 *10 years from release from custody on the registerable offense if*
24 *all of the following apply: (A) the registerable offense involved no*
25 *more than one victim 14 to 17 years of age, inclusive; (B) the*
26 *offender was under 21 years of age at the time of the offense; (C)*
27 *the registerable offense is not specified in subdivision (c) of Section*
28 *667.5, except subdivision (a) of Section 288; and (D) the*
29 *registerable offense is not specified in Section 236.1.*

30 (2) *A tier two offender described in paragraph (1) of subdivision*
31 *(b) may file a petition with the superior court for termination from*
32 *the registry only if he or she has not been convicted of a new*
33 *offense requiring sex offender registration or an offense described*
34 *in subdivision (c) of Section 667.5 since the person was released*
35 *from custody on the offense requiring registration pursuant to*
36 *Section 290, and has registered for 10 years pursuant to*
37 *subdivision (e) of Section 290. The court shall determine whether*
38 *community safety would be significantly enhanced by requiring*
39 *continued registration and may consider the following factors:*
40 *whether the victim was a stranger (known less than 24 hours) at*

1 *the time of the offense; the nature of the registerable offense,*
2 *including whether the offender took advantage of a position of*
3 *trust; criminal and relevant noncriminal behavior before and after*
4 *the conviction for the registerable offense; whether the offender*
5 *has successfully completed a Sex Offender Management*
6 *Board-certified sex offender treatment program; whether the*
7 *offender initiated a relationship for the purpose of facilitating the*
8 *offense; and the person’s current risk of sexual or violent reoffense,*
9 *including the person’s risk levels on SARATSO static, dynamic,*
10 *and violence risk assessment instruments, if known. If the petition*
11 *is denied, the person may not repetition for termination for at least*
12 *one year.*

13 (3) *A person required to register as a tier three offender based*
14 *solely on his or her risk level, pursuant to subparagraph (D) of*
15 *paragraph (3) of subdivision (d) of Section 290, may petition the*
16 *court for termination from the registry after 20 years from release*
17 *from custody on the registerable offense, if the person (A) has not*
18 *been convicted of a new offense requiring sex offender registration*
19 *or an offense described in subdivision (c) of Section 667.5 since*
20 *the person was released from custody on the offense requiring*
21 *registration pursuant to Section 290, and (B) has registered for*
22 *20 years pursuant to subdivision (e) of Section 290; except that a*
23 *person required to register for a conviction pursuant to Section*
24 *288 or an offense listed in subdivision (c) of Section 1192.7 who*
25 *is a tier three offender based on his or her risk level, pursuant to*
26 *subparagraph (D) of paragraph (3) of subdivision (d) of Section*
27 *290, shall not be permitted to petition for removal from the registry.*
28 *The court shall determine whether community safety would be*
29 *significantly enhanced by requiring continued registration and*
30 *may consider the following factors: whether the victim was a*
31 *stranger (known less than 24 hours) at the time of the offense; the*
32 *nature of the registerable offense, including whether the offender*
33 *took advantage of a position of trust; criminal and relevant*
34 *noncriminal behavior before and after the conviction for the*
35 *registerable offense; whether the offender has successfully*
36 *completed a Sex Offender Management Board-certified sex*
37 *offender treatment program; whether the offender initiated a*
38 *relationship for the purpose of facilitating the offense; and the*
39 *person’s current risk of sexual or violent reoffense, including the*
40 *person’s risk levels on SARATSO static, dynamic, and violence*

1 *risk assessment instruments, if known. If the petition is denied, the*
2 *person may not re-petition for termination for at least three years.*

3 *(c) This section shall become operative on July 1, 2021.*

4 *SEC. 13. Section 4852.03 of the Penal Code is amended to*
5 *read:*

6 4852.03. (a) The period of rehabilitation commences upon the
7 discharge of the petitioner from custody due to his or her
8 completion of the term to which he or she was sentenced or upon
9 his or her release on parole, postrelease community supervision,
10 mandatory supervision, or probation, whichever is sooner. For
11 purposes of this chapter, the period of rehabilitation shall constitute
12 five years' residence in this state, plus a period of time determined
13 by the following rules:

14 (1) An additional four years in the case of a person convicted
15 of violating Section 187, 209, 219, 4500, or 18755 of this code,
16 or subdivision (a) of Section 1672 of the Military and Veterans
17 Code, or of committing any other offense which carries a life
18 sentence.

19 (2) An additional five years in the case of a person convicted
20 of committing an offense or attempted offense for which sex
21 offender registration is required pursuant to Section 290, except
22 that in the case of a person convicted of a violation of subdivision
23 (b), (c), or (d) of Section 311.2, or of Section 311.3, 311.10, or
24 314, an additional two years.

25 (3) An additional two years in the case of a person convicted
26 of committing an offense that is not listed in paragraph (1) or
27 paragraph (2) and that does not carry a life sentence.

28 (4) The trial court hearing the application for the certificate of
29 rehabilitation may, if the defendant was ordered to serve
30 consecutive sentences, order that the statutory period of
31 rehabilitation be extended for an additional period of time which
32 when combined with the time already served will not exceed the
33 period prescribed by statute for the sum of the maximum penalties
34 for all the crimes.

35 (b) Unless and until the period of rehabilitation required by
36 subdivision (a) has passed, the petitioner shall be ineligible to file
37 his or her petition for a certificate of rehabilitation with the court.
38 A certificate of rehabilitation that is issued and under which the
39 petitioner has not fulfilled the requirements of this chapter shall
40 be void.

1 (c) A change of residence within this state does not interrupt
2 the period of rehabilitation prescribed by this section.

3 (d) *This section shall remain in effect only until January 1, 2021,*
4 *and as of that date is repealed.*

5 *SEC. 14. Section 4852.03 is added to the Penal Code, to read:*

6 *4852.03. (a) The period of rehabilitation commences upon the*
7 *discharge of the petitioner from custody due to his or her*
8 *completion of the term to which he or she was sentenced or upon*
9 *his or her release on parole, postrelease community supervision,*
10 *mandatory supervision, or probation, whichever is sooner. For*
11 *purposes of this chapter, the period of rehabilitation shall*
12 *constitute five years' residence in this state, plus a period of time*
13 *determined by the following rules:*

14 *(1) An additional four years in the case of a person convicted*
15 *of violating Section 187, 209, 219, 4500, or 18755 of this code, or*
16 *subdivision (a) of Section 1672 of the Military and Veterans Code,*
17 *or of committing any other offense which carries a life sentence.*

18 *(2) (A) An additional five years in the case of a person convicted*
19 *of committing an offense or attempted offense for which sex*
20 *offender registration is required pursuant to Sections 290 to*
21 *290.024, inclusive.*

22 *(B) A certificate of rehabilitation issued on or after January 1,*
23 *2021, does not relieve a person of the obligation to register as a*
24 *sex offender unless the person obtains relief granted under Section*
25 *290.5.*

26 *(3) An additional two years in the case of a person convicted*
27 *of committing an offense that is not listed in paragraph (1) or (2)*
28 *and that does not carry a life sentence.*

29 *(4) The trial court hearing the application for the certificate of*
30 *rehabilitation may, if the defendant was ordered to serve*
31 *consecutive sentences, order that the statutory period of*
32 *rehabilitation be extended for an additional period of time which*
33 *when combined with the time already served will not exceed the*
34 *period prescribed by statute for the sum of the maximum penalties*
35 *for all the crimes.*

36 *(b) Unless and until the period of rehabilitation required by*
37 *subdivision (a) has passed, the petitioner shall be ineligible to file*
38 *his or her petition for a certificate of rehabilitation with the court.*
39 *A certificate of rehabilitation that is issued and under which the*

1 *petitioner has not fulfilled the requirements of this chapter shall*
2 *be void.*

3 *(c) A change of residence within this state does not interrupt*
4 *the period of rehabilitation prescribed by this section.*

5 *(d) This section shall become operative on January 1, 2021.*

6 *SEC. 15. Section 9002 of the Penal Code is amended to read:*

7 9002. (a) The board shall address any issues, concerns, and
8 problems related to the community management of ~~adult~~ sex
9 offenders. The main objective of the board, which shall be used
10 to guide the board in prioritizing resources and use of time, is to
11 achieve safer communities by reducing victimization.

12 (b) The board shall conduct public hearings, as it deems
13 necessary, to provide opportunities for gathering information and
14 receiving input regarding the work of the board from concerned
15 stakeholders and the public.

16 (c) The members of the board shall be immune from liability
17 for good faith conduct under this chapter.

18 *SEC. 16. Section 13125 of the Penal Code is amended to read:*

19 13125. All basic information stored in state or local criminal
20 offender record information systems shall be recorded, when
21 applicable and available, in the form of the following standard
22 data elements:

23
24 The following personal identification data:

- 25 Name—(full name)
- 26 Aliases
- 27 Monikers
- 28 Race
- 29 Sex
- 30 Date of birth
- 31 Place of birth (state or country)
- 32 Height
- 33 Weight
- 34 Hair color
- 35 Eye color
- 36 CII number
- 37 FBI number
- 38 Social security number
- 39 California ~~operators~~ operator's license number
- 40 Fingerprint classification number

1 Henry
2 NCIC
3 Address
4 The following arrest data:
5 Arresting agency
6 Booking number
7 Date of arrest
8 Offenses charged
9 Statute citations
10 Literal descriptions
11 Police disposition
12 Released
13 Cited and released
14 Turned over to
15 Complaint filed
16 The following misdemeanor or infraction data or preliminary
17 hearing data:
18 County and court name
19 Date complaint filed
20 Original offenses charged in a complaint
21 or citation
22 Held to answer
23 Certified plea
24 Disposition
25 Not convicted
26 Dismissed
27 Acquitted
28 Court trial
29 Jury trial
30 Convicted
31 Plea
32 Court trial
33 Jury trial
34 Date of disposition
35 Convicted offenses
36 Sentence
37 *Sentence enhancement data elements*
38 Proceedings suspended
39 Reason suspended
40 The following superior court data:

1 County
2 Date complaint filed
3 Type of proceeding
4 Indictment
5 Information
6 Certification
7 Original offenses charged in indictment or
8 information
9 Disposition
10 Not convicted
11 Dismissed
12 Acquitted
13 Court trial
14 Jury trial
15 On transcript
16 Convicted—felony, misdemeanor
17 Plea
18 Court trial
19 Jury trial
20 On transcript
21 Date of disposition
22 Convicted offenses
23 Sentence
24 *Sentence enhancement data elements*
25 Proceedings suspended
26 Reason suspended
27 Source of reopened cases
28 The following corrections data:
29 Adult probation
30 County
31 Type of court
32 Court number
33 Offense
34 Date on probation
35 Date removed
36 Reason for removal
37 Jail (unsentenced prisoners only)
38 Offenses charged
39 Name of jail or institution
40 Date received

- 1 Date released
- 2 Reason for release
- 3 Bail on own recognizance
- 4 Bail
- 5 Other
- 6 Committing agency
- 7 County jail (sentenced prisoners only)
- 8 Name of jail, camp, or other
- 9 Convicted offense
- 10 Sentence
- 11 *Sentence enhancement data elements*
- 12 Date received
- 13 Date released
- 14 Reason for release
- 15 Committing agency
- 16 ~~Youth Authority~~
- 17 *Division of Juvenile Justice*
- 18 County
- 19 Type of court
- 20 Court number
- 21 ~~Youth Authority~~ *Division of Juvenile Justice* number
- 22 Date received
- 23 Convicted offense
- 24 Type of receipt
- 25 Original commitment
- 26 Parole violator
- 27 Date released
- 28 Type of release
- 29 Custody
- 30 Supervision
- 31 Date terminated
- 32 *Department of Corrections and Rehabilitation*
- 33 County
- 34 Type of court
- 35 Court number
- 36 *Department of Corrections and Rehabilitation* number
- 37 Date received
- 38 Convicted offense
- 39 Type of receipt
- 40 Original commitment

- 1 Parole violator
- 2 Date released
- 3 Type of release
- 4 Custody
- 5 Supervision
- 6 Date terminated
- 7 Mentally disordered sex offenders
- 8 County
- 9 Hospital number
- 10 Date received
- 11 Date discharged
- 12 Recommendation

13
 14 ~~SECTION 1. Section 23059 is added to the Business and~~
 15 ~~Professions Code, to read:~~

16 ~~23059. (a) On or before April 1, 2018, the department shall~~
 17 ~~convene and appoint members to an Extended Hours for Alcohol~~
 18 ~~Sales Task Force to review and advise the Legislature, as provided~~
 19 ~~in subdivision (d), regarding the community, fiscal, and health~~
 20 ~~impact of extending the hours of alcohol sales to 4 a.m.~~

21 ~~(b) The membership of the Extended Hours for Alcohol Sales~~
 22 ~~Task Force shall be as follows:~~

23 ~~(1) Three members from law enforcement, including one~~
 24 ~~representative from the Department of the California Highway~~
 25 ~~Patrol, one representative from the chiefs of police, and one~~
 26 ~~representative from county sheriffs:~~

27 ~~(2) One representative from the State Department of Public~~
 28 ~~Health and one local health officer.~~

29 ~~(3) One representative from the restaurant, bar, or tourism~~
 30 ~~industry.~~

31 ~~(4) One representative from an organization that aims to reduce~~
 32 ~~alcohol abuse or reduce the prevalence of drunk driving.~~

33 ~~(5) One representative from a college or university who has~~
 34 ~~been determined by the director to understand the impact of~~
 35 ~~extended hours of alcohol sales on campus life or on the student~~
 36 ~~population.~~

37 ~~(6) One representative from a neighborhood association or~~
 38 ~~community planning group.~~

39 ~~(7) One representative from an employee organization that~~
 40 ~~represents employees in the restaurant, bar, or tourism industry~~

1 and one representative from an employee organization that
2 represents the department's enforcement employees.

3 ~~(8) One representative from an organization that represents~~
4 ~~California cities and one representative from an organization that~~
5 ~~represents California counties.~~

6 ~~(9) One representative from a local transit agency and one~~
7 ~~representative from the Department of Transportation.~~

8 ~~(e) The director shall consider geographic diversity when~~
9 ~~appointing members to the Extended Hours for Alcohol Sales Task~~
10 ~~Force.~~

11 ~~(d) (1) Until December 1, 2019, the Extended Hours for Alcohol~~
12 ~~Sales Task Force shall meet at least once per quarter and, on or~~
13 ~~before that date, shall release a report to the Legislature that makes~~
14 ~~recommendations on how to mitigate any potential adverse~~
15 ~~community, fiscal, health, or safety impacts associated with~~
16 ~~extending the sale of alcohol to 4 a.m. The report to the Legislature~~
17 ~~shall include all of the following:~~

18 ~~(A) A discussion of the potential public health and public safety~~
19 ~~effects of extended hours and recommendations for state and local~~
20 ~~policies that may help mitigate any harmful public health or public~~
21 ~~safety impacts identified, if applicable.~~

22 ~~(B) A discussion of the potential direct and indirect fiscal costs~~
23 ~~for state and local governments, including on state and local~~
24 ~~enforcement costs, public transportation costs, and any other~~
25 ~~identified costs associated with accommodating extended hours~~
26 ~~of sale, and recommendations on state and local policies that may~~
27 ~~mitigate these direct and indirect fiscal costs, if applicable.~~

28 ~~(C) A discussion of the potential impacts identified in~~
29 ~~subparagraphs (A) and (B) for local jurisdictions that do not allow~~
30 ~~extended hours of sale but are located near local jurisdictions that~~
31 ~~have approved extended hours of sale.~~

32 ~~(2) The report shall be submitted in compliance with Section~~
33 ~~9795 of the Government Code.~~