

Introduced by Senator Wiener
(Coauthor: Assembly Member Eggman)

January 18, 2019

An act to add Section 290.55 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 145, as introduced, Wiener. Sex offenders: relief from registration.

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

This bill would authorize a person convicted of certain offenses involving minors to seek discretionary relief from the duty to register if the person is not more than 10 years older than the minor.

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 290.55 is added to the Penal Code,
- 2 immediately following Section 290.5, to read:
- 3 290.55. (a) A person convicted of an offense specified in
- 4 subdivision (b) may, by writ of mandate, seek discretionary relief
- 5 from the duty, imposed as a result of that conviction, to register
- 6 pursuant to the act if, at the time of the offense, the person is not

- 1 more than 10 years older than the minor, as measured from the
- 2 minor's date of birth to the person's date of birth.
- 3 (b) This section applies to the offenses described in subdivision
- 4 (b) of Section 286, subdivision (b) of Section 287, Section 288.3,
- 5 and subdivisions (h) and (i) of Section 289.

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