

**A bill to amend the Sex Offender Punishment, Control and Containment Act of 2006
Protecting children and families by focusing resources on containing and monitoring high
risk and dangerous sex offenders**

Penal Code section **290** is amended to read:

(a) Sections **290** to **290.023**, inclusive, shall be known and may be cited as the Sex Offender Registration Act. All references to "the Act" in those sections are to the Sex Offender Registration Act.

(b) Every person described in subdivision (c), for the period specified in subdivision (d), ~~rest of his or her life~~ while residing in California, or while attending school or working in California, as described in Sections **290.002** and **290.01**, shall be required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall be required to register thereafter in accordance with the Act.

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

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

(d) Persons described in subdivision (c), or who are otherwise required to register pursuant to the Act shall be required to register for 10 years, 20 years, or life, following conviction and release from prison or jail, or following conviction for persons not sentenced to serve time in jail or prison, as follows:

(1) Tier One offenders must register for 10 years. Persons shall register for 10 years if the person is required to register for conviction of a misdemeanor described in subdivision (c), or for conviction of a felony described in subdivision (c) that was not a serious or violent offense as described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, except subdivisions (a) or (d) of Section 243.4, a felony offense described in subdivision (b) or (c) of section 236.1, Section 285, subdivision (c) of Section 288, subdivisions (b, (d) and (e) of Section 289, subdivision (c) of Section 653f, or Sections 269 or 288.7.

(2) Tier Two offenders must register for 20 years. Persons shall register for 20 years if the person was convicted of an offense described in subdivision (c) which is also described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7. Persons required to register for conviction of a offense described in subdivisions (a) or (d) of Section 243.4, a felony offense described in subdivision (b) or (c) of section 236.1, Section 285, subdivision (c) of Section 288, subdivisions (b, (d) and (e) of Section 289, subdivision (c) of Section 653f, or Sections 269 or 288.7 shall register for 20 years unless the person is subject to lifetime registration as required in subsection (3).

(3) Tier Three offenders must register for life. Persons shall register for life if:

(i) Following conviction of the registerable offense, the person was subsequently convicted in a separate proceeding of an offense described in subdivision (c) and the subsequent conviction is a violent offense described in Section 667.5, or was subsequently convicted of any offense for which the person was ordered to register pursuant to Section 290.006, and the subsequent conviction is a violent offense described in Section 667.5; or

(ii) The person was ever committed to a state mental hospital as a sexually violent predator pursuant to Welfare and Institutions Code sections 6600, et seq.; or

(iii) The person was convicted of Section 187 with intent to commit an act punishable under Sections 261, 286, 288, 288a, or 289; Section 207 or 209 with intent to violate Section 261, 286, 288, 288a, or 289; subdivision (b) of Section 220; Section 269; subdivision (b) of Section 288; Section 288.7; any offense for which the person is sentenced to a life term pursuant to Section 667.61; or

(iv) The person's risk level on the static risk assessment instrument for sex offenders (SARATSO), pursuant to Section 290.04, is well above average risk, as defined in the Coding Rules for that instrument; or

(v) The person is a habitual sex offender pursuant to Section 667.71, or

(vi) The person was convicted of subdivisions (a) of Sections 288 in two proceedings brought and tried separately, or

(vii) The person was sentenced to 15 or 25 years to life for an offense listed in Section 667.61.

(4)(a) Persons required to register pursuant to Section 290.005 shall be placed in the appropriate tier if the offense is assessed as equivalent to a California registrable offense described in subdivision (c).

(b) If the person's duty to register pursuant to Section 290.005 is solely based on the requirement of registration in another jurisdiction, and there is no equivalent California registrable offense, the person shall be placed in Tier Two, except that the person shall be placed in Tier Three if one of the following applies:

(i) the person's risk level on the static risk assessment instrument (SARATSO), pursuant to Section 290.06, is well above average risk, as defined in the Coding Rules for that instrument;

or

(ii) the person was subsequently convicted in a separate proceeding of an offense equivalent to an offense listed in subdivision (c) which is also equivalent to an offense described in Sections 667.5, or is equivalent to Sections 269 or 288.7, or

(iii) the person was ever committed to a state mental hospital or mental health facility in a proceeding similar to civil commitment as a sexually violent predator pursuant to Welfare and Institutions Code sections 6600, et seq.

(e) Time for completion of the designated tier runs from the date of release from custody on the registrable offense. If a person is convicted of a subsequent offense described in subdivision (c), or in Sections 290.018, 667.5 or 1192.7, the time for completion of the designated tier begins to run again from the date of release from custody on that conviction. Re-incarceration tolls the period required for completion of the person's tier during the period(s) of incarceration which are recorded on the person's criminal offender record information at the Department of Justice.

Penal Code section 290.004 is amended to read:

Any person who, since July 1, 1944, has been or hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required by this section but who has been found not guilty by reason of insanity in the sanity phase of the trial shall register as a Tier Three offender in accordance with paragraph (3) of subdivision (d) of Section 290. ~~the Act.~~

Penal Code section 290.006 is amended to read:

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

(a) The person shall register as a Tier One offender in accordance with paragraph 1 of subdivision (d) of section 290, unless the court states on the record reasons for requiring the person to register as a Tier Two or Tier Three offender.

(b) In determining whether to require the person to register as a Tier Two or Tier Three offender, the court shall consider: the nature of the registrable sex offense(s); the age and number of victims, and whether any victim was a stranger at the time of the offense (known to the offender for less than 24 hours); criminal and relevant noncriminal behavior before and after conviction for the registrable offense(s); whether the person has previously been arrested or

convicted of a sexually motivated offense; the person's current risk of sexual or violent re-offense, including the person's risk level on the SARATSO static risk assessment instrument, and, if available from past supervision for a sexual offense, the person's risk level on the SARATSO dynamic and violence risk assessment instruments.

Penal Code section 290.45 is amended as follows:

(a) (1) Notwithstanding any other provision of law, and except as provided in paragraph (2), any designated law enforcement entity may provide information to the public about a person required to register as a sex offender pursuant to Section 290, by whatever means the entity deems appropriate, when necessary to ensure the public safety based upon information available to the entity concerning that specific person's current risk of sexual or violent re-offense, including but not limited to the person's static, dynamic and violence risk levels on the SARATSO risk tools described in subdivision (f) of Section 290.04.

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

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

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

(c) (1) The designated law enforcement entity may authorize persons and entities who receive the information pursuant to this section to disclose information to additional persons only if the entity determines that disclosure to the additional persons will enhance the public safety and identifies the appropriate scope of further disclosure. A law enforcement entity may not authorize any disclosure of this information by its placement on an Internet Web site.

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

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

(2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to subdivision (c) shall be immune from civil liability.

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

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

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

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

Penal Code section 290.46 is amended as follows:

(a) (1) On or before the dates specified in this section, the Department of Justice shall make available information concerning persons who are required to register pursuant to Sections 290-290.006 to the public via an Internet Web site as specified in this section. The department shall update the Internet Web site on an ongoing basis. All information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Internet Web site. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register shall not be included on the Internet Web site. The Internet Web site shall be translated into languages other than English as determined by the department.

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

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

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

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

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

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

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

(iii) Any state facility that, prior to January 1, 2007, released from incarceration a person who was incarcerated because of a crime for which he or she is required to register as a sex offender

pursuant to Section 290 shall provide the year of release for his or her most recent offense requiring registration to the Department of Justice in a manner and format approved by the department. The information provided by the Department of Corrections and Rehabilitation shall be limited to information that is currently maintained in an electronic format.

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

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

(b) ~~(1) On or before July 1, 2005,~~ On or before January 1, 2017, with respect to a person who is a Tier Three offender, as described in subdivision (d)(3) of Section 290, ~~has been convicted of the commission or the attempted commission of any of the offenses listed in, or who is described in, paragraph (2);~~ the Department of Justice shall make available to the public via the Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, prior adjudication as a sexually violent predator, the address at which the person resides, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a). ~~On or before January 1, 2013, the~~ The department shall also make available to the public via the Internet Web site the person's static SARATSO risk score, if any.

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

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

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

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

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

(E) Section 264.1.

(F) Section 269.

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

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

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

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

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

(L) Section 288.5.

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

(N) Section 288.7.

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

(P) A felony violation of Section 311.1.

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

(R) A felony violation of Section 311.3.

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

(T) Section 311.10.

(U) A felony violation of Section 311.11.

(e) (1) On or before July 1, 2005, with respect to a person who has been convicted of the commission or the attempted commission of any of the offenses listed in paragraph (2), the Department of Justice shall make available to the public via the Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a). On or before July 1, 2006, the Department of Justice shall determine whether any person convicted of an offense listed in paragraph (2) also has one or more prior or subsequent convictions of an offense listed in subdivision (c) of Section 290, and, for those persons, the Department of Justice shall make available to the public via the Internet Web site the address at which the person resides. However, the address at which the person resides shall not be disclosed until a determination is made that the person is, by virtue of his or her additional prior or subsequent conviction of an offense listed in subdivision (c) of Section 290, subject to this subdivision.

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

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

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

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

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

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

(c) On or before January 1, 2017, with respect to a person who is a Tier Two offender as described in subdivision (d)(2) of Section 290, the Department of Justice shall make available to the public via the Internet Web site his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the community of residence and ZIP Code in which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant, but not the information excluded pursuant to subdivision (a) or the address at which the person resides.

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

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

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

(C) Section 266e, provided that the offense is a felony.

(D) Section 266j.

(E) Section 267.

(F) Subdivision (c) of Section 288, provided that the offense is a misdemeanor.

(G) Section 288.3, provided that the offense is a misdemeanor.

(H) Section 288.4, provided that the offense is a misdemeanor.

(I) Section 626.81.

(J) Section 647.6.

(K) Section 653e.

(L) Any person required to register pursuant to Section 290 based upon an out-of-state conviction, unless that person is excluded from the Internet Web site pursuant to subdivision (e).

However, if the Department of Justice has determined that the out-of-state crime, if committed or attempted in this state, would have been punishable in this state as a crime described in subdivision (c) of Section 290, the person shall be placed on the Internet Web site as provided in subdivision (b) or (c), as applicable to the crime.

(d)(1) If a Tier Two offender successfully completes the first 10 years of Tier Two following release from custody on the registrable offense, pursuant to subdivision (e) of Section 290, and he or she has not, subsequent to conviction on the registrable offense, been convicted of an offense described in the Sex Offender Registration Act, or of an offense described in Section 667.6 or 1192.7, (1) If a person has been convicted of the commission or the attempted

commission of any of the offenses listed in this subdivision, and he or she has been convicted of no other offense listed in subdivision (b), (c), or (d) other than those listed in this subdivision, that person may file an application with the Department of Justice, on a form approved by the department, for exclusion from the Internet Web site. If the department determines that the person meets the requirements of this subdivision, the department shall grant the exclusion and no information concerning the person shall be made available via the Internet Web site described in this section. He or she bears the burden of proving the facts that make him or her eligible for exclusion from the Internet Web site. However, a person who has filed for or been granted an exclusion from the Internet Web site is not relieved of his or her duty to register as a sex offender pursuant to Section 290 nor from any otherwise applicable provision of law.

(2) ~~This subdivision shall apply to the following offenses~~ *Other offenders required to register pursuant to the Sex Offender Registration Act may apply for exclusion from the Internet Web site if they demonstrate that they meet the following criteria:*

(A) ~~A felony violation of subdivision (a) of Section 243.4.~~

(B) ~~Section 647.6, if the offense is a misdemeanor.~~

(C) ~~A felony violation of Section 311.1, subdivision (b), (c), or (d) of Section 311.2, or Section 311.3, 311.4, 311.10, or 311.11 if the person submits to the department a certified copy of a probation report filed in court that clearly states that all victims involved in the commission of the offense were at least 16 years of age or older at the time of the commission of the offense.~~

(D) (i) ~~(A)(i) The person's only registrable offense is~~ Aan offense for which the offender successfully completed probation, provided that the offender submits to the department a certified copy of a probation report, presentencing report, report prepared pursuant to Section 288.1, or other official court document that clearly demonstrates that the offender was the victim's parent, stepparent, sibling, or grandparent and that the crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object.

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

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

(iv) For the purposes of this subparagraph, "successfully completed probation" means that during the period of probation the offender neither received additional county jail or state prison time

for a violation of probation nor was convicted of another offense resulting in a sentence to county jail or state prison.

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

(4) Effective January 1, 2012, no person shall be excluded pursuant to this subdivision unless the offender has submitted to the department documentation sufficient for the department to determine that he or she has a SARATSO *static* risk level of below average risk or very low risk.

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

~~(g)~~ (e)(1) A designated law enforcement entity, as defined in subdivision (f) of Section 290.45, may make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified in paragraph (2), *provided that the information about that person is also displayed on the Department of Justice Megan's Law web site.* (2) The law enforcement entity may make available by way of an Internet Web site the information described in subdivision (c) if it determines that the public disclosure of the information about a specific offender by way of the entity's Internet Web site is necessary to ensure the public safety based upon information available to the entity concerning that current risk posed by a specific offender, including his or her risk of sexual or violent reoffense as indicated by the person's SARATSO static, dynamic and violence risk scores, as described in Section 290.04, if available.

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

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

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

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

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

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

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

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

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

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

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

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

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

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

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

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

Penal Code section 290.5 is amended as follows:

(a) (1) A person required to register under Section 290 who is a Tier One or Tier Two offender may file a petition in the superior court in the county in which he or she is registered for termination from the sex offender registry at the expiration of his or her mandated registration Tier, pursuant to subdivisions (d) and (e) of Section 290. The petition must contain proof of the person's current registration as a sex offender. for an offense not listed in paragraph (2), upon obtaining a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, shall be relieved of any further duty to register under Section 290 if he or she is not in custody, on parole, or on probation.

(2) The petition shall be served on the registering law enforcement agency and the district attorney in the county where the petition is filed. The registering law enforcement agency shall report to the district attorney regarding whether the person has met the requirements for termination pursuant to subdivision (e) of Section 290. The district attorney shall have the right to request a hearing on the petition if the petitioner has not fulfilled the requirement of successful Tier completion described in subdivision (e) of Section 290, or if community safety would be significantly enhanced by the person's continued registration. If no hearing is requested, the petition for termination shall be granted if the court finds the required proof of current registration is presented in the petition, providing that the registering agency reported that the person met the requirement for termination pursuant to subdivision (e) of Section 290, there are no pending charges against the person identified by the registering agency which could extend the time to complete the Tier or change the person's Tier status, and the person is not in custody or on parole, probation or supervised release.

(3) If the district attorney requests a hearing, he or she shall be entitled to present evidence regarding whether community safety would be significantly enhanced by requiring continued registration. In determining whether to order continued registration, the court shall consider: the nature of the registrable sex offense(s); the age and number of victims; whether any victim was a stranger at the time of the offense (known to the offender for less than 24 hours); criminal and relevant noncriminal behavior before and after conviction for the registrable offense(s); the time period during which the person has not reoffended; successful completion, if any, of a CASOMB-certified sex offender treatment program; and the person's current risk of sexual or violent re-offense, including the person's risk scores on SARATSO static, dynamic and violence risk assessment instruments, if available.

(4) If termination from the registry is denied, the court shall set the time period after which the person can re-petition for termination, not to exceed five years, based on facts presented at the hearing.

(5) The court shall notify the Department of Justice, California Sex Offender Registry, when a petition for termination from the registry is granted or denied. If the petition is denied, the court

shall also notify the Department of Justice, California Sex Offender Registry, of the time period after which the person can file a new petition for termination.

(b)(1) A person required to register as a Tier Two offender, pursuant to subdivision (d), paragraph (2), of Section 290, may petition the superior court for termination from the registry after 10 years from release from custody on the registrable sex offense if all of the following apply: (i) the registrable sex offense(s) involved no more than one victim age 13-17; (ii) the offender was under age 21 at the time of the offense; (iii) the registrable offense is not specified in subdivision (c) of Section 667.5, except subdivision (a) of Section 288; and (iv) the registrable offense is not specified in Section 236.1.

(2) A Tier Two offender described in subdivision (b)(1) may file a petition with the superior court for termination from the registry only if he or she has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667.5 since the person was released from custody on the offense requiring registration pursuant to Section 290, and has registered for 10 years pursuant to subdivision (e) of Section 290. The court shall determine whether continued registration is necessary, based on the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; nature of the registrable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registrable offense; time period during which the person has not reoffended; whether the offender has successfully completed a CASOMB-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent reoffense, including the person's risk scores on SARATSO static, dynamic and violence risk assessment instruments, if known.

(c) A Tier Three offender who obtains early release on a conviction for which registration pursuant to the Sex Offender Registration Act is required and for which he or she was sentenced to a life term may file a petition with the superior court for placement in Tier Two if the person has registered for 10 years pursuant to subdivision (e) of Section 290 and the person has not been convicted of a new offense requiring sex offender registration or an offense described in subdivision (c) of Section 667. The court shall determine whether placement in Tier Two is appropriate, based on the following factors: whether the victim was a stranger (known less than 24 hours) at the time of the offense; nature of the registrable offense, including whether the offender took advantage of a position of trust; criminal and relevant noncriminal behavior before and after the conviction for the registrable offense; time period during which the person has not reoffended; whether the offender has successfully completed a CASOMB-certified sex offender treatment program; whether the offender initiated a relationship for the purpose of facilitating the offense; and the person's current risk of sexual or violent re-offense, including the person's risk scores on SARATSO static, dynamic and violence risk assessment instruments, if known. The Tier Two registration period shall commence on the date the court grants the petition.

(d) A person was convicted prior to 1987 of an offense requiring registration pursuant to the Sex Offender Registration Act, and who (i) has not subsequently been convicted of an offense requiring registration as a sex offender which is described in Sections 290-290.006, (ii) has registered for 10 years pursuant to subdivision (e) of Section 290, and (iii) has never been

adjudicated as a sexually violent predator pursuant to section 6600 of the Welfare & Institutions Code, shall not be required to file a petition for termination from the registry pursuant to subdivision (a). Within three months of receipt of the person's annual update of registration in 2017, the Department of Justice shall determine if the person is eligible for termination pursuant to subdivision (d) of Section 290, based on information in the person's criminal history record maintained at the department. The Department of Justice shall notify the eligible offender at his or her last registered address of the termination and shall notify the registering law enforcement agency.

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

- (A) Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289.
 - (B) Section 220, except assault to commit mayhem.
 - (C) Section 243.4, provided that the offense is a felony.
 - (D) Paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261.
 - (E) Section 264.1.
 - (F) Section 266, provided that the offense is a felony.
 - (G) Section 266e, provided that the offense is a felony.
 - (H) Section 266j.
 - (I) Section 267.
 - (J) Section 269.
 - (K) Paragraph (1) of subdivision (b) of Section 286, provided that the offense is a felony.
 - (L) Paragraph (2) of subdivision (b) of, or subdivision (c), (d), (f), (g), (i), (j), or (k) of, Section 286.
 - (M) Section 288.
 - (N) Paragraph (1) of subdivision (b) of Section 288a, provided that the offense is a felony.
 - (O) Paragraph (2) of subdivision (b) of, or subdivision (c), (d), (f), (g), (i), (j), or (k) of, Section 288a.
 - (P) Section 288.5.
 - (Q) Subdivision (a), (b), (d), (e), (f), (g), or (h) of Section 289, provided that the offense is a felony.
 - (R) Subdivision (i) or (j) of Section 289.
 - (S) Section 647.6.
 - (T) The attempted commission of any of the offenses specified in this paragraph.
 - (U) The statutory predecessor of any of the offenses specified in this paragraph.
 - (V) Any offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this paragraph.
- (b) (1) Except as provided in paragraphs (2) and (3), a person described in paragraph (2) of subdivision (a) shall not be relieved of the duty to register until that person has obtained a full pardon as provided in Chapter 1 (commencing with Section 4800) or Chapter 3 (commencing with Section 4850) of Title 6 of Part 3.
- (2) This subdivision does not apply to misdemeanor violations of Section 647.6.

~~(3) The court, upon granting a petition for a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, if the petition was granted prior to January 1, 1998, may relieve a person of the duty to register under Section 290 for a violation of Section 288 or 288.5, provided that the person was granted probation pursuant to subdivision (c) of Section 1203.066, has complied with the provisions of Section 290 for a continuous period of at least 10 years immediately preceding the filing of the petition, and has not been convicted of a felony during that period.~~

Penal Code section 1203e is amended as follows:

- (a) Commencing June 1, 2010, the probation department shall compile a Facts of Offense/Modus Operandi Sheet for every person convicted of an offense that requires him or her to register as a sex offender pursuant to Section 290 who is referred to the department pursuant to Section 1203. The Facts of Offense Sheet shall contain the following information concerning the offender: name; CII number; criminal history, including all arrests and convictions for any registerable sex offenses or any violent offense; circumstances of the offense for which registration is required, including, but not limited to, weapons used and victim pattern; and results of the static State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO), as set forth in Section 290.04, if the person is eligible for scoring on the tool pursuant to subdivision (c) of Section 290.06. ~~required.~~ The static risk score shall be submitted to the court and parties prior to sentencing on a form approved by the SARATSO Committee. (b) The defendant may move the court to correct the static risk score based on scoring accuracy. Any corrections to the submitted score shall be made consistent with procedures set forth in Section 1204.
- (c) The probation officer shall send a copy of the Facts of Offense Sheet/Modus Operandi Sheet to the Department of Justice, California Sex Offender Registry, Risk Assessment Unit, within 30 days of the person's sex offense conviction, and it shall be made part of the registered sex offender's file maintained by the Sex Offender Tracking Program. The Facts of Offense/Modus Operandi Sheet shall thereafter be made available to law enforcement by the Department of Justice, which shall post it with the offender's record on the Department of Justice Internet Web site maintained pursuant to Section 290.46, and shall be accessible only to law enforcement.
- (d) If the registered sex offender is sentenced to a period of incarceration, at either the state prison or a county jail, the Facts of Offense/Modus Operandi Sheet shall be sent by the Department of Corrections and Rehabilitation or the county sheriff to the registering law enforcement agency in the jurisdiction where the registered sex offender will be paroled or will live on release, within three days of the person's release. If the registered sex offender is committed to the State Department of State Hospitals, the Facts of Offense/Modus Operandi Sheet shall be sent by the State Department of State Hospitals to the registering law enforcement agency in the jurisdiction where the person will live on release, within three days of release.

Penal Code section 4852.01 is amended as follows:

- (a) Any person convicted of a felony who has been released from a state prison or other state penal institution or agency in California, whether discharged on completion of the term for which he or she was sentenced or released on parole prior to May 13, 1943, who has not been incarcerated in a state prison or other state penal institution or agency since his or her release and who presents satisfactory evidence of a three-year residence in this state immediately prior to the

filing of the petition for a certificate of rehabilitation and pardon provided for by this chapter, may file the petition pursuant to the provisions of this chapter.

(b) Any person convicted of a felony who, on May 13, 1943, was confined in a state prison or other institution or agency to which he or she was committed and any person convicted of a felony after that date who is committed to a state prison or other institution or agency may file a petition for a certificate of rehabilitation and pardon pursuant to the provisions of this chapter.

(c) Any person convicted of a felony or any person who is convicted of a misdemeanor violation of any sex offense specified in Section 290, the accusatory pleading of which has been dismissed pursuant to Section 1203.4, may file a petition for certificate of rehabilitation and pardon pursuant to the provisions of this chapter if the petitioner has not been incarcerated in any prison, jail, detention facility, or other penal institution or agency since the dismissal of the accusatory pleading and is not on probation for the commission of any other felony, and the petitioner presents satisfactory evidence of five years residence in this state prior to the filing of the petition.

(d) This chapter shall not apply to persons serving a mandatory life parole, persons committed under death sentences, ~~persons convicted of a violation of subdivision (c) of Section 286, Section 288, subdivision (c) of Section 288a, Section 288.5, or subdivision (j) of Section 289,~~ or persons in the military service.

~~(e) Notwithstanding the above provisions or any other provision of law, the Governor shall have the right to pardon a person convicted of a violation of subdivision (c) of Section 286, Section 288, subdivision (c) of Section 288a, Section 288.5, or subdivision (j) of Section 289, if there are extraordinary circumstances.~~

Penal Code section 4852.03 is amended as follows:

(a) The period of rehabilitation shall begin to run upon the discharge of the petitioner from custody due to his or her completion of the term to which he or she was sentenced or upon his or her release on parole or probation, whichever is sooner. For purposes of this chapter, the period of rehabilitation shall constitute five years' residence in this state, plus a period of time determined by the following rules:

(1) To the five years there shall be added four years in the case of any person convicted of violating Section 187, 209, 219, 4500, or 18755 of this code, or subdivision (a) of Section 1672 of the Military and Veterans Code, or of committing any other offense which carries a life sentence.

(2) To the five years there shall be added five years in the case of any person convicted of committing any offense or attempted offense for which sex offender registration is required pursuant to Sections ~~290-290.024,~~ ~~except for convictions for violations of subdivision (b), (c), or (d) of Section 311.2, or of Section 311.3, 311.10, or 314. For those convictions, two years shall be added to the five years imposed by this section.~~

(3) To the five years there shall be added two years in the case of any person convicted of committing any offense that is not listed in paragraph (1) or paragraph (2) and that does not carry a life sentence.

(4) The trial court hearing the application for the certificate of rehabilitation may, if the defendant was ordered to serve consecutive sentences, order that his or her statutory period of rehabilitation be extended for an additional period of time which when combined with the time

already served will not exceed the period prescribed by statute for the sum of the maximum penalties for all the crimes.

(5) Any person who was discharged after completion of his or her term or was released on parole before May 13, 1943, is not subject to the periods of rehabilitation set forth in these rules.

(b) Unless and until the period of rehabilitation, as stipulated in this section, has passed, the petitioner shall be ineligible to file his or her petition for a certificate of rehabilitation with the court. Any certificate of rehabilitation that is issued and under which the petitioner has not fulfilled the requirements of this chapter shall be void.

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

Penal Code section 13125 is amended as follows:

All basic information stored in state or local criminal offender record information systems shall be recorded, when applicable and available, in the form of the following standard data elements: [insert in table of data elements an added data element: Sentence enhancements].

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