

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

ALLIANCE FOR CONSTITUTIONAL
SEX OFFENSE LAWS, INC.,
a California non-profit corporation;
JANE ROE, an individual;
JOHN DOE #1, an individual;
JOHN DOE #2, an individual;
JOHN DOE #3, an individual; and
JOHN DOE #4, an individual;

Petitioners,

vs.

CALIFORNIA DEPARTMENT OF
JUSTICE; XAVIER BECERRA, in his
official capacity as Attorney General of the
State of California

Respondents.

Case No.

**ORIGINAL VERIFIED
PETITION FOR WRIT OF
MANDATE/PROHIBITION;
MEMORANDUM OF POINTS
AND AUTHORITIES;
EXHIBITS A THROUGH C;
PROOF OF SERVICE**

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Petitioners hereby certify that they are not aware of any entity or person that must be listed pursuant to California Rule of Court 8.208.

Date: April 1, 2020

Respectfully submitted,

/s/ Janice M. Bellucci
Janice M. Bellucci
Attorney for Petitioners

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ORIGINAL VERIFIED PETITION FOR WRIT OF MANDATE

INTRODUCTION

This petition for writ of mandate raises issues of great public importance to the entire State of California that need to be resolved promptly and uniformly throughout the State, but that cannot currently be resolved in any Superior Court in which Petitioners have standing because those courts are indefinitely closed to mandamus petitions due to the COVID-19 threat. For these reasons, Petitioners invoke this Court's original jurisdiction over extraordinary writ actions. (Cal. Const. art. VI § 10.)

1. This action challenges the discretionary, unnecessary, and injurious decision by Respondents California Department of Justice and Attorney General Xavier Becerra ("Cal. DOJ") to require persons required to register as a sex offender ("Registrants") who are vulnerable to COVID-19 to leave their homes and to appear in person at local registering agencies for their 30-day, 90-day, or annual registration updates pursuant to California Penal Code section 290.012 (hereinafter, "periodic updates"). Consistent with the Sex Offender Registration Act, periodic updates can be completed through means that do not require vulnerable persons to subject themselves, during in-person registration, to a risk of harm that is universally recognized by national, state, and local government – in violation of orders issued by those same governments

2. This issue warrants the Court's attention at this time because the extraordinary measures now being taken to slow the spread of the COVID-19 pandemic are undermined by requiring Registrants to continue to appear in person for periodic updates. Specifically, as of March 19, 2020, the Governor of California has ordered as follows: "Everyone is required to stay home except to get food, care for a relative or friend, get

necessary health care, or go to an essential job.”¹ The Order contains no exception for Registrants, as a whole, or for their required registration updates.

3. Nor is such an exception mandated by law. Sex offender registration is governed by the California Sex Offender Registration Act, codified at Penal Code section 290, et seq. (hereinafter, “Section 290” or “Act”). Critically, the text of the Act does not require Registrants to appear in person for periodic updates. (See Cal. Penal Code § 290.012, subds. (a)-(c).) Instead, the Act merely requires that Registrants be “Registered.” (*Ibid.*)

4. In addition, there is no practical reason why Registrants must appear in person for periodic updates because periodic updates are for the purpose of confirming information that registering agencies already possess (e.g., current residence addresses), or for the purpose of providing information that can be transmitted through alternative means which eliminate the risk of exposure of COVID-19, such as the telephone or video conferencing apps and programs. Use of these widely available technologies provides law enforcement with effective methods to obtain the information necessary to complete periodic updates without subjecting the public, law enforcement personnel, and Registrants to potentially harmful in-person visits to locations where they could either contract or spread COVID-19.

5. Requiring in-person registration at local police and sheriff’s stations during a global pandemic, in contravention of state and local orders, is an abuse of discretion as pled herein.

6. The continued insistence by registering agencies in counties and cities that Registrants appear in person for periodic updates is, in part,

¹ <https://covid19.ca.gov/>, last visited March 23, 2020.

the result of paperwork requirements that Respondents impose upon registering agencies. Specifically, Department of Justice form CJIS 8102S (rev. 01/2020) purports to summarize the information that must be provided by Registrants and collected by individual registering agencies during periodic updates. Form CJIS 8102S erroneously states that periodic updates must be done “in person.” (Exh. A, at pp. 3-4 ¶¶ 4, 6-7, 9, 12.)

7. Despite the in-person mandate on DOJ Form CJIS 8102S, a few registering agencies throughout California, including the Los Angeles Police Department (“LAPD”), the agency with the largest population of Registrants in the state, have decided to suspend in-person registration and are now processing periodic updates over the telephone. That is, the LAPD does not require Registrants to appear in person while the COVID-19 emergency measures are in place. Instead, the LAPD has placed signs, including those attached hereto as Exhibit B, on the exterior of its police stations confirming that the LAPD’s registration policy is currently “modified” to accommodate the COVID-19 emergency measures. (Exh. B.)

8. In addition, there are other states, including Oregon² and Pennsylvania,³ that have suspended their in-person registration requirements entirely during the COVID-19 pandemic.

9. Despite the example of the LAPD and these two states, many registering agencies in California are continuing to require Registrants to appear in person, including but not limited to the Los Angeles County Sheriff’s Department, the Sacramento County Sheriff’s Department, the San Diego County Sheriff’s Department, and the San Diego Police Department. These jurisdictions supervise over 20,000 registrants

² www.oregon.gov/osp/programs/SOR/Pages/offenderinformation.aspx

³ www.pameganslaw.state.pa.us

combined, many of whom are transient and who must appear for periodic updates every 30 days, despite being among the persons most vulnerable to COVID-19.

10. Respondents' mandate that all Registrants, including those with high risk factors for COVID-19, appear in person to register puts Registrants into a Catch-22. That is, they must either subject themselves to possible COVID-19 infection in violation of a state order, or violate Section 290 by failing to appear in person, thereby inviting arrest and custody in jail or prison – where the risk of COVID-19 infection is much greater. Section 290 does not require Registrants to play Russian Roulette with their lives, and with the lives of their families and members and the public, in order to provide the information required for their periodic updates.

11. Therefore, Petitioners are forced to file this original petition in this Court in order to prevent: (1) Respondents and local government registering agencies from exposing Registrants, law enforcement personnel, and the general public to risks of COVID-19 infection; and (2) a patchwork of inconsistent registration requirements throughout the state during the COVID-19 pandemic. To that end, Petitioners seek a writ of mandate directing Respondent to cease requiring in-person registration for 30-day, 90-day, and annual updates pursuant to Section 290.012 until the threat of COVID-19 ends.

**JURISDICTION AND THE NEED FOR IMMEDIATE REVIEW BY
THE SUPREME COURT OF CALIFORNIA**

12. This Court has original jurisdiction over petitions for writs of mandate/prohibition in cases such as this one that involve “issues of sufficient public importance.” (*Legislature v. Eu* (1991) 54 Cal.3d 492, 500; *see also Raven v. Deukmejian* (1990) 52 Cal.3d 336, 340 [the exercise of original jurisdiction is appropriate where “the issues are of great public

importance and should be resolved promptly.” (quoting *Brosnahan v. Brown* (1982) 32 Cal.3d 236, 241].) In addition, this Court’s original jurisdiction is available in mandamus actions where there is no effective alternative remedy. (*See Farley v. Healey* (1967) 67 Cal. 2d 325, 326.)

13. As pled more fully below, the issues raised in the instant Petition are of great public importance and should be resolved promptly and on a uniform basis for all individual registering agencies throughout the state. In addition, these issues cannot be resolved in the Superior Courts in which Petitioners have, or could have, standing because those courts are indefinitely closed and are therefore unable to provide relief.

14. During the week of March 23-27, 2020, Petitioners attempted to file five separate actions against five local registering agencies in four separate Superior Courts (*i.e.*, Los Angeles County, Riverside County, Sacramento County, and San Diego County). In three of those courts, the petitions remain in a queue and will not be reviewed or accepted as filed until the courts reopen. Only the Los Angeles County Superior Court accepted the filing of the petition and assigned a case number, 20STCV12138. However, all four courts, including Los Angeles County, remain indefinitely closed to writ petitions of this type, thereby precluding mandamus relief.⁴ The closure of Superior Courts throughout California presents an extraordinary situation which prevents Petitioner from obtaining meaningful relief anywhere but this Court.

15. Further, a single petition in this Court would clarify the law for thousands of affected persons, while serve judicial economy and prevent inconsistency in the law during this critical time. Conservatively estimated, there are at least 100 separate local agencies responsible for the

⁴ As confirmed in the email from the clerk of the San Diego Superior Court attached hereto as Exhibit C, the limited matters for which that and other courts remain open

registration of sex offenders pursuant to the Act (*i.e.*, 58 individual county sheriffs' departments, plus numerous city police departments). As of February 20, 2020, the California Sex Offender Management Board reported during its public meeting that there were 109,627 Registrants currently residing in the state of California, of whom 6,772 are transients. Therefore, during any given 30-day period, approximately 15,343 Registrants (all transients plus 1/12 of the remainder) can be expected to appear for periodic updates during any given 30-day period.

16. As of the date of this Petition, the Department of Justice has provided no guidance to local registering agencies to whom these thousands of Registrants may have to report in person during the COVID-19 pandemic. The result is an inconsistent patchwork of requirements as well as the continued threat of harm to Registrants, their families, and the public by registering agencies that continue to require in-person periodic updates. (*Industrial Welfare Com. v. Superior Court* (1980) 27 Cal. 3d 690, 699 [original jurisdiction in the California Supreme Court warranted when “a large number of [persons] are affected by the challenged orders,” and differing interpretations among the lower courts resulted in unequal treatment of the parties subject to the orders].) Absent review and instruction by this Court, this untenable situation will continue, to the detriment of public health.

PARTIES

17. Petitioner Alliance for Constitutional Sex Offense Laws, Inc. (“ACSOL”) is a non-profit corporation incorporated and headquartered in Los Angeles County, California. ACSOL is dedicated to protecting the Constitution by restoring the civil rights of more than 109,000 Registrants in the State of California through advocacy, education, and litigation on behalf of them and their families. ACSOL is beneficially interested in the

outcome of these proceedings, as well as in Respondents' performance of their legal duties, and therefore seeks by this Petition to procure enforcement of a public duty on a question of public right. (Cal. Civ. Proc. Code § 1086.) In addition, ACSOL's membership includes Registrants who reside within the jurisdiction of every individual registering agency in the state, who are injured by the discretionary decision challenged in this action, and who are beneficially interested in the outcome of this proceeding.

18. Petitioner Jane Roe is a Registrant who currently resides in the City of San Diego. Petitioner Jane Roe is required to update her registration with the San Diego Police Department within five working days of her birthday in May 2020. Petitioner Jane Roe is nearly 60 years old and is vulnerable to COVID-19 because she suffers from chronic medical conditions such as asthma, a respiratory disease, and hypertension, as determined by national and state health care agencies.

19. Petitioner John Doe #1 is a 64-year-old homeless Registrant who currently resides in the City of Santa Clarita, within the jurisdiction of the Los Angeles County Sheriff's Department (LASD). Because he is homeless, Petitioner John Doe #1 is designated "transient" by the Act and is required to update his registration in person at an LASD station every 30 days, in addition to his annual update. Petitioner John Doe #1 is vulnerable to COVID-19 because of his age (64), as well as chronic medical conditions that include asthma, a respiratory disease, and his homeless status.

20. Petitioner John Doe #2 is a 72-year-old Registrant who currently resides in the County of San Diego within the jurisdiction of the San Diego County Sheriff's Department. Petitioner John Doe #2 is required to update his registration within five working days of his birthday in July 2020 pursuant to Penal Code section 290.012. Petitioner John Doe

#2 is vulnerable to COVID-19 because of his age (72), as well as chronic medical conditions that include hypertension, as determined by national and state health care agencies. In addition, Petitioner John Doe #2 resides with his wife who is also vulnerable to COVID-19 because she is also over 65 years old.

21. Petitioner John Doe #3 is a 69-year-old Registrant who currently resides within the jurisdiction of the Alameda County Sheriff's Office. Petitioner John Doe #2 is vulnerable to COVID-19 because of his age (69), as well as chronic medical conditions that include diabetes, cardiovascular disease, and hypertension, as determined by national and state health care agencies. In addition, Petitioner John Doe #3 resides with his partner who is also vulnerable to COVID-19 because he is also over 65 years old.

22. Petitioner John Doe #4 is a 51-year-old Registrant who currently resides in the City of Fresno. Petitioner John Doe #4 is deaf, and is vulnerable to COVID-19 because of chronic medical conditions that include diabetes.

23. Respondent California Department of Justice ("Cal. DOJ") is a state agency with overall responsibility for interpreting and enforcing the Act, including implementation of the discretionary decision challenged in this action.

24. Respondent Xavier Becerra is the Attorney General for the State of California. In his official capacity, as set forth in Article 5, Section 13 of the California Constitution, he is the "chief law officer of the State," with a duty "to see that the laws of the state are uniformly and adequately enforced." He has "direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law." (Cal. Const. art. 5, § 13.) He "has charge, as attorney, of all legal matters in which the State is interested." (Cal. Gov't Code § 12511.) He is

obligated to enforce the laws of the State and to ensure that those laws are enforced in a manner that complies with the California and United States Constitutions.

FACTS

25. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and inclusively, paragraphs 1 through 24.

26. The COVID-19 pandemic is a global emergency that is unprecedented in modern history. Extraordinary measures have been implemented by governments at every level. Most notably, on March 19, 2020, the Governor of California issued an order calling upon all 40 million residents of the state to remain in their homes, with limited exceptions for essential travel (hereinafter, the “Order”).⁵ Specifically, the Order directs “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.”⁶ Sex offender registration is not listed among the exceptions to the Order, and violation of that Order can result in penalties and/or punishment.

27. The Order emphasizes that persons within specified vulnerable populations must self-isolate and remain in their homes. As reflected in the Order, the Center for Disease Control and the California

⁵ <https://covid19.ca.gov/stay-home-except-for-essential-needs/>

⁶ <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

Department of Health Care Services declare the following persons at “higher risk” for contracting COVID-19:^{7, 8, 9}

- a. Persons aged 65 and older;
- b. Persons with HIV/AIDS or compromised immune systems; and
- c. Persons with chronic serious medical conditions, including asthma, diabetes, lung diseases, and hypertension.

28. Virtually every city and county within the State has declared a local emergency in response to COVID-19, and many have issued stay-at-home orders consistent with, or more restrictive than, the Governor’s Order.

29. In California, all Registrants are currently required to register for life. (Cal. Penal Code § 290.) As a result, Registrants cannot be removed from the sex offender registry by virtue of their age or the length of time that has elapsed since their conviction. On information and belief, there are more than 30,000 Registrants aged 65 or older.

30. Furthermore, Registrants are afraid to leave their homes for threat of violating the Governor’s Order as well as the orders of health officials in their individual counties and cities of residence.

**The California Sex Offender Registration Act Does Not Require
In-person Periodic Updates**

31. In general, the Act requires persons convicted of an offense described in Section 290, subdivision (c), to complete their initial

⁷<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

⁹ <https://www.sandiegocounty.gov/coronavirus/>

registration with local law enforcement within specified time frames when they: (1) are released from custody or supervision, (2) establish residency in the state, (3) change their residence address, or (4) cease residing in California.

32. The Act further requires Registrants to periodically update their registration with local law enforcement at specified intervals. For example, all Registrants must update their registration within five working days of their birthday. (Penal Code § 290.012, subd. (a).) In addition, Registrants designated “sexually violent predators” must update their registration every 90 days. (*Id.*, subd. (b).) Finally, transient Registrants (i.e., those with no fixed residence address), must update their registration every 30 days. (*Id.*, subd. (c).)

33. Critically, the Act does not require initial registration, annual updates, 90-day updates, or 30-day updates (i.e., “periodic updates”) to be in person. Instead, the Act only requires that periodic updates occur, without specifying how the Registrant is to provide the required information to the registering agency. (E.g., Penal Code § 290.012, subds. (a)-(c).)

34. Notably, the Act specifies only three occasions on which in-person registration or in-person updates are required. Those occasions are limited to: [i] transient registrants “who move[] of out state” (Penal Code § 290.011, subd. (f)), [ii] Registrants who change their residence address, whether within the jurisdiction in which they are currently registered or to a new jurisdiction outside California (*id.*, subd. (a)); and [iii] Registrants who legally change their names (*id.*, subd. (a)).

35. The Legislature’s decision to expressly require in-person updates in certain limited situations but not other situations confirms that the Legislature did not intend to require personal appearance at initial

registration, annual updates, 90-day updates, or 30-day updates. (*See Wilson v. City of Laguna Beach* (1992) 6 Cal. App. 4th 543, 554.)

36. On information and belief, the Respondent Cal. DOJ and various local registering agencies are able to, and do in fact, process registrations when the Registrant does not appear in person, such as when a Registrant is hospitalized or otherwise incapacitated. Accordingly, Respondents have, but unlawfully refuse to exercise, discretion to process periodic updates without requiring Registrants to appear in person during the COVID-19 pandemic.

Respondents’ Discretionary In-person Registration Requirement Threatens Vulnerable Registrants and Forces Them to Violate State and Local COVID-19-Related Orders

37. Petitioners Jane Roe, John Doe #1, John Doe #2, John Doe #3, and John Doe #4, collectively, are vulnerable to COVID-19 by virtue of their age, as well as chronic medical conditions including diabetes, cardiovascular disease, hypertension and asthma, a respiratory disease. These Petitioners are representative of the tens of thousands of Registrants who will soon be required to appear in person to register while the risk of acquiring COVID-19 is acute, absent intervention by this Court.

38. Respondents Cal. DOJ and Becerra are responsible for the discretionary in-person registration requirements challenged in this action, in that they have directed local registering agencies to require in-person registration during periodic updates based upon an erroneous interpretation of the Sex Offender Registration Act. That is, Section 290.012, subdivision (a), of the Act only requires that local registering agencies collect the “information as required on the Department of Justice annual update form,” which is designated Department of Justice form CJIS 8102S (rev. 01/2020) and attached hereto as Exhibit A. Form CJIS 8102S erroneously states that annual updates and other periodic updates must be done “in person” when,

in fact, the Act contains no such requirement. (*Compare* Exh. A, at pp. 3-4 ¶¶ 4, 6-7, 9, 12 *with* Cal. Penal Code § 290.012, subs. (a)-(c). *See also* *Litmon v. Harris* (2014) 768 F.3d 1237, 1240, citing the State of California Form CJIS 8102S, entitled “Sex Registration / Change of Address / Annual or Other Update.”)

39. In addition to being discretionary and not required by Section 290, Respondents’ ongoing decision to require in-person registration for periodic updates forces Registrants to contravene the public safety measures recently imposed by state and local government upon all residents of California, including Registrants, including the Governor’s Order. (*Helling v. McKinney* (1994) 509 U.S. 25, 33 [“It would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them.”].) Respondents’ decision to require in-person registration therefore threatens both vulnerable Registrants and the larger population with which those Registrants interact, including the public, law enforcement personnel, and their families.

40. The registration process at most registering agencies takes at least two hours to complete, and can take as long as four hours depending upon the number of Registrants who appear to register on that day. During this lengthy process, Registrants are often forced to sit in lobbies that are open to the public where the risk of infection from COVID-19 is greater than in their private homes. On information and belief, some registering agencies require Registrants to complete some or all of the registration process inside jail facilities.

41. During the registration process, Registrants are exposed to premises that are unsanitary, crowded, and do not allow for “social distancing” or other preventative measures mandated by state and local government. Many police and sheriff’s stations are located in areas with

large homeless populations. In addition, Registrants are forced to enter, sit in, touch, and otherwise interact with unsanitary, and often narrow and cramped, physical environments while registering. Those environments, as well as, the registration procedures employed by Respondents, require repeated and prolonged physical contact with potentially virus-ridden surfaces and objects such as countertops, clip boards, various papers, pens, pen chains, ink pads, chairs, door handles, water fountains, and Livescan and other fingerprinting machine. These unsanitary surfaces are touched by many other Registrants, as well as other visitors to the station and employees of the registering agencies.

42. Because the Act requires transient Registrants to update their registration every 30 days, Respondents' requirement that such updates occur in person has the greatest impact on the Registrants most vulnerable to infection by COVID-19: Registrants who are homeless, or who otherwise lack permanent residences in which they can shelter. That is, transient Registrants are already among the persons most vulnerable to COVID-19 in our communities. Requiring transient Registrants to further expose themselves by traveling to and occupying police and sheriff's stations every 30 days increases the risk of infection among this population. By extension, the threat of COVID-19 infection includes members of law enforcement and the public who are subsequently forced to encounter transient Registrants more often.

43. The risk of COVID-19 infection imposed upon the public, law enforcement personnel, Registrants, and their families by the in-person registration requirement is rendered even greater within certain jurisdictions that have severely restricted the hours available for registration. For example, on or about March 26, 2020, counsel for Petitioners confirmed that Sheriff's stations within San Diego County are have reduced registration hours to two days per week, and only four hours per day on

each day. There are no appointments available for registration, and registration is instead performed on a walk-in basis. As a result of these restricted days and hours for registration, a larger number of Registrants will be forced to congregate together in Sheriff's stations during longer-than-normal wait times while their periodic updates are processed. By restricting the opportunities for Registrants to register in person, the San Diego County Sheriff's Department has increased the risk of COVID-19 infection and harm not only to the Registrants, but also to their families, law enforcement, and the general public by ensuring that Registrants will appear in larger and more concentrated numbers at SDCSD stations.

44. On information and belief, there are registering agencies throughout California, including the Los Angeles Police Department (LAPD), a law enforcement agency with more than 3,900 Registrants, that are processing periodic updates over the telephone. That is, the LAPD has stopped requiring Registrants to register in person while the COVID-19 emergency measures are in place. Instead, the LAPD has placed signs, including those attached hereto as Exhibit A, on the exterior of its police stations confirming that the LAPD's registration policy is currently "modified" to accommodate the COVID-19 emergency measures. (Exh. B.) Pursuant to the LAPD's modified policy, Registrants "are not [] allowed in the station," and "[the LAPD] will register [them] over the phone." (Exh. B.).

INADEQUACY OF LEGAL REMEDY AND EXHAUSTION OF REMEDIES

45. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and inclusively, paragraphs 1 through 44.

46. Risk of infection and death are irreparable injuries. (*E.g.*, *Harris v. Bd. of Supervisors* (9th Cir. 2004) 366 F.3d 754, 759, 766.)

47. Respondents' discretionary decision to require that periodic updates occur in-person, rather than through telephone or videoconferencing or other means, subjects Registrants and the general public to an unreasonable and untenable risk of harm, as confirmed by state and local authorities who have ordered such Registrants to remain at home in order to reduce the risk of COVID-19 transmission. There are alternative effective means to achieve the purposes of Section 290, such as providing the necessary information by telephone or through video conference, or by delaying the collection of certain information until the COVID-19 pandemic has ended. On information and belief, certain state and federal agencies, including but not limited to the California courts and the California Department of Motor Vehicle, have suspended numerous statutory or regulatory requirements to appear in person, and/or have tolled deadlines associated with appearing in person, during the COVID-19 pandemic. In addition, on information and belief, some registering agencies within the State of California, such as the Los Angeles Police Department ("LAPD"), have suspended their requirement that Registrants appear in person for periodic updates. (See Exh. B.) The equities in this case demand that Respondents extend similar accommodation to Petitioners and other Registrants throughout California due to the extraordinary needs and measures required by the current pandemic.

48. Mandamus relief is warranted in this action because Respondents' unlawful activity has caused, is causing, and will continue to cause immediate and irreparable harm to Petitioners, other Registrants, as well as the to public at large by exposing Petitioner and other Registrants to increased risk of infection by the COVID-19 virus. In fact, the purpose of the stay-at-home order issued by the Governor of California is to prevent precisely the risks imposed by Respondents upon Registrants when Registrants are needlessly forced to appear in person at Sheriff's stations.

Yet, Respondents persist in requiring that Registrants appear in person for periodic updates.

49. There are no plain, adequate, complete, or speedy alternative remedies available to redress the violations of law committed by Respondents in this action, nor are there any available and non-futile administrative remedies available to redress the violations of law committed by Respondents. Damages are not adequate to protect Petitioners from the continuing effects of Respondents' violations of the law and from Respondents' failure to carry out their duty under the law in compliance with the law. (Cal. Civ. Proc. Code § 1086.)

CLAIM FOR RELIEF

(Mandamus – Cal. Civ. Proc. Code § 1085)

50. Petitioners reallege and incorporate herein, as though fully set forth, each and every, all and inclusively, paragraphs 1 through 49.

51. As recognized by state and local government, COVID-19 is transmittable in the community through person-to-person contact, or by contact with surfaces that host the virus. In order to minimize the risk to individuals as well as to society at large from COVID-19 transmission and infection, the Governor of California has ordered all persons to stay at home unless departing for or returning from "essential" trips. The Order does not exclude Registrants' periodic updates.

52. In addition, the California Sex Offender Registration Act does not require 30-day, 90-day, or annual registration updates to be completed in person. Yet, Respondents have forced, and continue to force, Registrants to appear in person, even during the COVID-19 pandemic, and despite the Governor's Order that such persons remain at home. Forcing Registrants to appear at police and sheriff's stations, which poses risk of COVID-19 infection, for the purpose of periodic updates exposes Petitioners, other

Registrants, law enforcement personnel, and the public at large, to increased risk of infection.

53. The state violates the rights of individuals when it subjects them to risk of physical harm and disease during required interactions with law enforcement. (*See Helling v. McKinney* (1994) 509 U.S. 25, 33.)

54. The information required for 30-day, 90-day, and annual updates can be effectively obtained by Respondents without requiring Registrants to appear in person. In the alternative, Respondents have the discretion to stop in-person registration and/or to permit and process periodic updates through alternative methods, including but not limited to the telephone. Despite widespread availability of effective alternative methods of registration, Respondents refuse to use those methods, thereby unlawfully refusing to exercise that discretion.

55. By requiring Registrants to appear in person for periodic updates pursuant to Penal Code section 290.012, Respondents have effectively added a requirement that is not contained in that statute or any other applicable statute, in violation of the law, thereby abusing their discretion.

56. Respondents have abused and continue to abuse their discretion by requiring Petitioners and other Registrants in vulnerable populations, as defined by state and national health care agencies, to violate the Governor's Order and to appear in person for periodic updates, thereby subjecting themselves and the public at large to increased risk of infection by COVID-19.

57. Petitioners are beneficially interested in the outcome of this mandamus action because Petitioners are adversely impacted by Respondents' failure to perform their duty in compliance with the law, as well as by Respondents' abuse of discretion. Further, Petitioners' rights are

infringed by Respondents' failure to perform their duty in compliance with the law, as well as by Respondents' abuse of discretion.

58. The injuries that Petitioners are suffering and will suffer as a result of the actions of Respondents, as well as their deputies, officials, officers, agents, and employees, are severe, irreparable, and ongoing, and there is no plain, adequate, complete, or speedy alternative remedies available to redress the violations of law committed by Respondents in this action, nor are there any available and non-futile administrative remedies available to redress the violations of law committed by Respondents. Damages are not adequate to protect Petitioners from the continuing effects of Respondents' violations of the law, from Respondents' abuse of their discretion under the law, and from Respondents' failure to carry out their duty as required by law. Therefore, immediate mandamus relief is necessary to halt and prevent further occurrence of these ongoing unlawful acts and the infliction of irreparable harm to Petitioners and all Registrants.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for judgment against Respondents Cal. DOJ and Becerra as follows:

1. That the Court issue a peremptory writ of mandate directing Respondents Cal. DOJ and Becerra to cease requiring persons required to register as a sex offender from appearing in person for 30-day, 90-day, and annual updates ("periodic updates") pursuant to California Penal Code sections 290.011 and 290.012 until the threat of COVID-19 has ended;
2. That Petitioners recover from Respondents all of the Petitioners' reasonable attorneys' fees, costs, and expenses of this litigation; and

3. For such other and further relief as the Court deems just and proper

Date: April 1, 2020

Respectfully submitted,

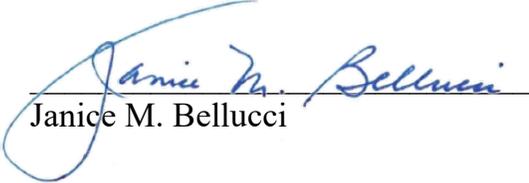
/s/ Janice M. Bellucci
Janice M. Bellucci
Attorney for Petitioners

VERIFICATION

I, Janice M. Bellucci, have read this ORIGINAL VERIFIED PETITION FOR WRIT OF MANDATE/PROHIBITION; MEMORANDUM OF POINTS AND AUTHORITIES; EXHIBITS A THROUGH C; [AND] PROOF OF SERVICE in the matter of *Alliance for Constitutional Sex Offense Laws, Inc., et al. v. California Department of Justice, et al.* I am the Executive Director of Petitioner Alliance for Constitutional Sex Offense Laws, Inc. and make this declaration on behalf of that entity. In addition, I am counsel of record for Petitioners Jane Roe, John Doe #1, John Doe #2, John Doe #3, and John Doe #4 in this action. Pursuant to Code of Civil Procedure section 446, I make this verification on behalf of Petitioners Jane Roe, John Doe #1, John Doe #2, John Doe #3, and John Doe #4 because they reside in San Diego County, Los Angeles County, the City of San Diego, Alameda County, and Fresno County, respectively, while my office is in the City of Sacramento. Unless otherwise noted, the facts alleged therein are within my personal knowledge and I know these facts to be true. As to the remainder of the Petition, I am informed, and do believe, that the matters therein are true, and on that ground allege that the matters stated therein are true.

Executed April 1, 2020, in Sacramento, California. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By:


Janice M. Bellucci

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF ORIGINAL VERIFIED PETITION FOR WRIT OF MANDATE**

**I. PETITIONERS SEEK TEMPORARY RELIEF
CONCERNING A LIMITED ASPECT OF THE
REGISTRATION PROCESS**

It is critical to note that Petitioners seek relief from a policy that implicates a limited and comparatively unimportant component of the Act, such that the relief, if granted, would not undermine the purpose or function of the Act. That is, Petitioners seek an order directing Respondent to cease requiring, during the COVID-19 pandemic, Registrants to appear in person for their periodic updates only, pursuant to Section 290.012. The Act distinguishes periodic updates from initial registration, changes of residence, and other aspects of the registration process that require immediate reporting to law enforcement. (See Cal. Penal Code § 209.011, subds. (a)-(b); § 290.013, subd. (a).) As described below, the information sought during periodic updates is not immediately required because it is not urgent and, in most cases, merely confirms information that law enforcement already possesses.

A. Periodic Updates are of Diminished Importance Under the Act.

The Act does not treat all information as equally important, and distinguishes urgent updates from periodic updates by the deadlines that are imposed upon Registrants to provide those updates to law enforcement. Specifically, under the Act, the most important pieces of information to be provided during the registration process are the establishment of a residence, the change of a residence, the act of moving out of the State, or a legal name change. That is why the Act mandates that such information be provided to registering agencies within five working days. (See Cal. Penal

Code § 290.011, subd. (a) [release from custody, or moving into the state]; *id.* subd. (b) [acquisition of residence by a transient]; *id.* subd. (f) [transient who moves out of the state]; § 290.013, subd. (a) [change of residence within the state]; *ibid.* [moving to a residence out of the state]; *id.* § 290.014, subd. (a) [legal name change].) Immediate notice of this information is necessary to fulfill the purpose of the Act, which is to permit the surveillance of Registrants “at all times.” (*People v. Hofsheier* (2006) 37 Cal. 4th 1185, 1196, rev’d on other grounds by *Johnson v. Department of Justice* (2015) 60 Cal. 4th 871, 874.)

In contrast, periodic updates ask Registrants to confirm or update information that they previously provided to law enforcement during the above-referenced initial registration or change-of-address appointments. Pursuant to the Act, Registrants appearing for their annual update “shall provide current information as required on the Department of Justice annual update form [*i.e.*, DOJ Form CJIS 8102S (rev. 01/2020), attached hereto as Exhibit A], including the information described in paragraphs (1) to (4), inclusive, of subdivision (a) of Section 290.015.” (Cal. Penal Code § 290.012, subd. (a).) The following is a comprehensive list of the 18 pieces of information that must be provided “in writing” during periodic updates:

1. Name
2. Residence addresses
3. Date of birth,
4. Aliases used
5. Place of birth
6. Phone number(s)
7. Physical description of the Registrant (including tattoos or distinguishing marks);
8. Name and address of the Registrants’ employer

9. Address of the Registrants' place of employment if that is different from the employer's main address
10. Drivers' license number,
11. The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the Registrant
12. VIN and description of vehicles owned or regularly driven by the Registrant
13. A list of all Internet identifiers used by the Registrant, as required by Section 290.024
14. Numbers by which law enforcement tracks the Registrant
15. Emergency contacts
16. Name and phone number of probation officer.
17. The Registrants' fingerprints
18. a current photograph of the Registrant taken by the registering official¹⁰

Furthermore, critically, when the information required during a periodic update changes, the Act does not require Registrants to advise law enforcement immediately. Rather, the Act allows Registrants to wait until their next periodic update to provide the information. For example, if a Registrant acquires a new car or changes employment, the Act deems that information of insufficient importance to warrant an immediate update. In fact, Registrants can wait as long as 11 months to provide that information if they have a permanent residence, (Cal. Penal Code § 290.012, subd. (a),

¹⁰ The information required at these 30-days update is identical to that required during the annual update, with the additional requirement that the transient Registrant describe "list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities." (Cal. Penal Code § 290.011, subd. (d)).

or can wait up to 90 days in the case of SVPs, or 30 days in the case of transients. (*Id.*, subds. (b)-(c).)

B. The Act Does Not Require that Periodic Updates Occur In Person

Critically, the Act also does not require that annual updates, 90-day updates, or 30-day updates occur in person. Instead, the Act merely requires that the Registrants “register” and “update” their registration during the annual update, without specifying how that should be done. (Cal. Penal Code § 290.012, subd. (a) [“Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290.” (emphasis added)]. Transient Registrants or Registrants designated as SVPs are likewise not required by the Act to register in person. (*Id.*, subd. (b) [An SVP “shall . . . verify his or her address no less than once every 90 days and place of employment . . . in the manner prescribed by the Department of Justice (emphasis added)]. *Id.* subd. (c) [A transient Registrant “shall update his or her registration at least every 30 days, in accordance with Section 290.011,” which contains no in-person requirement (emphasis added).])

When the Legislature intended for Registrants to appear in person, the Legislature expressed that requirement in the Act. It is therefore notable that the Act specifies only three occasions on which “in person” registration is required:

1. **Transient Registrants “who move[] of out state.”** (Penal Code § 290.011, subd. (f) [“A transient who moves out of state shall inform, in person, . . . within five working days, of his or her move out of state.”] (emphasis added).)

2. **Registrants who change their residence address**, whether within the jurisdiction in which they are currently registered or to a new jurisdiction outside California. (Penal Code § 290.013, subd. (a) [“A person who was last registered at a residence address pursuant to the Act who changes his or her residence address, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, shall, in person, within five working days of the move . . .”] (emphasis added).)
3. **Registrants who legally change their names**. (Penal Code § 290.014, subd. (a) [“If any person who is required to register pursuant to the Act changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days”] (emphasis added).)

Accordingly, the Act distinguishes between occasions on which in-person registration is required, and when it is not. In-person registration is not required for the periodic updates that are the subject of Petitioners’ claim in this action.

II. CONTINUING TO REQUIRE IN-PERSON PERIODIC UPDATES DURING THE COVID-19 PANDEMIC IS AN ABUSE OF DISCRETION

Petitioners do not allege that Respondents acted unreasonably in interpreting the Act to permit in-person registration for periodic updates. Rather, Petitioners’ claims are limited to the context of the current COVID-19 pandemic and the extreme measures being imposed to prevent the spread of that disease in order to protect the public. In this unique context, and in light of the minimal value of in-person periodic updates, as distinguished from periodic updates through alternative effective means, it

is an abuse of discretion to force Registrants to violate state and local orders by appearing in person for periodic updates.

A. Mandamus Relief Lies to Correct An Abuse of Discretion

The Legislature’s decision to expressly require in-person updates in certain limited situations, such as changes in residence, but not other situations, such as periodic updates, confirms that the Legislature did not intend to require personal appearance during periodic updates. (*See Wilson v. City of Laguna Beach* (1992) 6 Cal. App. 4th 543, 554.) Because in-person registration is not required for periodic updates, Respondents’ decision to require in-person periodic updates is a discretionary decision subject to mandamus review. (*Saleeby v. State Bar* (1985) 39 Cal. 3d 547, 562 [“[M]andamus will lie to correct an abuse of discretion or the actions of an administrative agency which exceed the agency’s legal powers” (emphasis in original)]; *Cal. Pub. Records Research, Inc. v. County of Alameda* (2019) 37 Cal. App. 5th 800, 806 [“Although mandate will not lie to control a public agency’s discretion, that is to say, force the exercise of discretion in a particular manner, it will lie to correct abuses of discretion.”].)

To establish an abuse of discretion, the petitioner “must show the official acted arbitrarily, beyond the bounds of reason or in derogation of the applicable legal standards.” (*Ochoa v Anaheim City Sch. Dist.* (2017) 11 Cal. App. 5th 209, 223 n3.) “[A]n agency can be ordered to exercise its discretion under a proper interpretation of the applicable law.” (*Common Cause v. Board of Supervisors* (1989) 49 Cal. 3d 432, 442.) “Where only one choice can be a reasonable exercise of discretion, a court may compel an official to make that choice.” (*Cal. Ass’n of Sanitation Agencies v. State Water Res. Control Board* (2012) 208 Cal. App. 4th 1438, 1462-63, citation omitted, emphasis added.)

B. Mandamus Relief is Warranted Because Temporarily Suspending In-person Registration for Periodic Updates is the Only Reasonable Decision During this Pandemic

The threat of the COVID-19 pandemic and the public safety measures imposed by state and local government to combat its spread are unprecedented. In this unique context, Respondents' continued demand for in-person periodic updates is an abuse of discretion.

First, because there is no statutory mandate for in-person periodic updates, Respondents' policy essentially adds a new requirement to the statutory scheme. Agencies that add new requirements above and beyond those required by statute have been found to abuse their discretion.

(See *Langsam v. City of Sausalito* (1987) 190 Cal. App. 3d 871, 877.)

Second, the relief sought by Petitioners does not concern the heart of the registration process, that is, a Registrant's duty to immediately register upon establishing or changing his or her residence in the state, or changing his or her legal name. Such information is and would remain available to law enforcement and accessible to the public, consistent with the intent of the Act. Instead, Petitioners seek only temporarily relief concerning the more peripheral requirement of periodic updates during the COVID-19 pandemic.

Third, as noted above, the vast majority of information called for in periodic updates is information that law enforcement already possesses because it was previously provided to law enforcement during a prior registration appointment. That is, in the course of most Registrants' lives, a periodic update consists merely of confirming that the information reported during previous updates remains the same. For example, a Registrant who has remained in the same residence, with the same employment status, and with the same car, would have nothing to report during his annual update. Furthermore, in cases where such information is new, the Act does not

deem that information significant enough to require immediate reporting. Thus, any delay that results from the suspension of in-person registration for periodic updates during the COVID-19 pandemic would not harm the registration system, since temporary delays in reporting such information are built into and tolerated by the system itself.

Fourth, the vast majority (16 of 18 items) of the information reported during periodic updates are facts that can be provided by telephone or through other means that do not require in-person visits. The two pieces of information that arguably cannot be provided in person – fingerprints and a current photograph – are among the least likely to change from the prior periodic update, with fingerprints being practically impossible to change. Although there is some possibility that a Registrant’s personal appearance may have changed since the last periodic update, the Act ascribes a low priority to that information, by virtue of the fact that it does not require changes in appearance to be immediately reported to law enforcement. In fact, the Act does not even require registering agencies to take a new photograph during each annual update. The Act merely requires that the photograph be “current,” which implies that an existing photograph can continue to be used consistent with the Act. (Cal. Penal Code § 290.015, subd. (a)(2).) Finally, fingerprints and photographs can also be obtained through means other than in-person registration, such as the mail, free video conferencing apps, or visits by law enforcement to the Registrant. Registering agencies frequently use one or more of these alternatives for Registrants who are homebound, hospitalized, or otherwise incapacitated during normal times – which is consistent with the Act.

During the unprecedented crisis wrought by the COVID-19 pandemic, the balance of equities between public health and the minimal benefit of in-person periodic updates leaves only “one choice [that] can be a reasonable exercise of discretion.” (*Cal. Ass’n of Sanitation Agencies*,

supra, 208 Cal. App. 4th at pp. 1462-63.) As stated above, the choice is to suspend in-person registration for periodic updates. Requiring Registrants to appear in person offers little if any additional benefit, particularly because the Act tolerates many months of delay in the reporting of such information. Furthermore, any theoretical benefit gained by in-person periodic updates is dwarfed by the real and potentially deadly risks of COVID-19 infection imposed upon Registrants, law enforcement, and the public by forcing Registrants from their homes and into unsafe environments. Indeed, requiring in-person registration for periodic updates undermines the public safety measures employed by state and local governments to protect public health, for no discernable public safety benefit. Local registering agencies are capable of processing periodic updates during the COVID-19 pandemic without in-person appearances, and some registering agencies, including the state's largest (the LAPD), are doing just that, with no deleterious effect upon public safety.

CONCLUSION

For all the reasons stated above, Petitioners respectfully request that the Court issue a writ of mandate directing Respondents California Department of Justice and Attorney General Becerra to cease requiring in-person registration for periodic updates pursuant to Penal Code section 290.012 until the threat of COVID-19 ends.

Date: April 1, 2020

Respectfully submitted,

/s/ Janice M. Bellucci
Janice M. Bellucci
Attorney for Petitioners

CERTIFICATE OF COMPLIANCE
(Cal. Rules of Court 8.204(c), 8.486(a)(6))

The undersigned hereby certifies that this Original Verified Petition for Writ of Mandate and accompanying Memorandum of Points and Authorities has been prepared using 13-point Times New Roman typeface. The Petition and Memorandum together consist of 7,934 words as counted by the Microsoft Word word processing program, up to the signature block that follows the Memorandum's conclusion.

I declare under penalty of perjury that this Certificate of Compliance is true and correct, and that this declaration was executed on April 1, 2020.

/s/ Janice M. Bellucci
Janice M. Bellucci

EXHIBIT A

EXHIBIT A



SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

PLEASE FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS:

- Print or type the required information and enter into the California Sex and Arson Registry (CSAR) application.
- Submit a current photograph of the registrant to the DOJ Image System: <https://calphoto.ext.doj.ca.gov/>.
- Have the registrant read and initial the registration requirements on pages 3, 4, and 5 of this form.
- Verify the registrant understands the requirements.
- Retain the original of this form.
- Provide a photocopy to the registrant as a receipt.

FACILITY TYPE (Enter alpha code in Facility Type field):

Day Care Center DC
 Family Child Care Home FCH
 Group Home GH
 Foster Home FH
 Adult Day Care AD
 Sober Living Home SLH
 Elderly Care Home ECH

REASON FOR REGISTRATION (More than one box can be checked):

ANNUAL 30 DAY (TRANSIENT) 90 DAY (SVP) CHANGE OF ADDRESS OTHER (e.g., Initial, Additional Address)

REGISTRATION EVENT (Check all that apply):

<input type="checkbox"/> INITIAL (1st 8102 in CSAR) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> Transient <input type="checkbox"/> ADDITIONAL ADDRESS (Concurrent) <input type="checkbox"/> Residence <input type="checkbox"/> Campus (Attending, Employed, Volunteer) <input type="checkbox"/> Employment (Out of state resident employed in CA) <input type="checkbox"/> UPDATE (No Change in Registration Status)	REGISTRANT HAS MOVED/CHANGE OF ADDRESS <input type="checkbox"/> INTO JURISDICTION <input type="checkbox"/> INTO JURISDICTION FROM OUT OF STATE <input type="checkbox"/> WITHIN JURISDICTION <input type="checkbox"/> OUT OF JURISDICTION <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> INACTIVATE ADDRESS - If registrant has more than one registered address, list the address registrant is vacating from in the space below: _____	<input type="checkbox"/> ABSCONDED (LEA has verified whereabouts unknown) <input type="checkbox"/> DEPORTATION <input type="checkbox"/> INCARCERATION <input type="checkbox"/> CDCR <input type="checkbox"/> LOCAL <input type="checkbox"/> FED INC DATE: _____ <input type="checkbox"/> DJJ <input type="checkbox"/> DSH/DDS <input type="checkbox"/> ICE
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If the registrant is **DECEASED**, do not complete this form. To update a registrant to **DECEASED** status, complete and submit form **CJIS 8086B**.

FULL NAME OF REGISTRANT		Last	First	Middle	Suffix
ALIASES	DATE OF BIRTH	CII NUMBER (SID)	DRIVER'S LICENSE/I.D. NUMBER	STATE	EXPIRATION DATE
FCN NUMBER	SOCIAL SECURITY NUMBER	INSTITUTION NUMBER (CDCR, DJJ, or DSH)	FBI NUMBER		
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
PLACE OF BIRTH		ORIGINATING AGENCY CASE NUMBER (OCA)			
TYPE OF CONVICTION IF NON-CALIFORNIA OFFENSE <input type="checkbox"/> OUT OF STATE <input type="checkbox"/> FEDERAL <input type="checkbox"/> MILITARY					
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 1		LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 2		LOCATION	DESCRIPTION	PICTURE	TEXT
NEW OR MODIFIED SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS NOT IN CSAR 3		LOCATION	DESCRIPTION	PICTURE	TEXT
HOME PHONE NUMBER		WORK PHONE NUMBER	CELLULAR PHONE NUMBER		
ADDRESS	Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other			LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO	FACILITY TYPE	
LOCATION(S) FREQUENTED BY TRANSIENT					
ADDITIONAL REGISTRATION ADDRESS	Street Number and Name	Apt./Unit Number	CITY	STATE	ZIP CODE
DWELLING TYPE <input type="checkbox"/> Single Family Residence <input type="checkbox"/> Apartment / Condominium <input type="checkbox"/> Hotel / Motel <input type="checkbox"/> Other			LICENSED FACILITY <input type="checkbox"/> YES <input type="checkbox"/> NO	FACILITY TYPE	
CAMPUS REGISTRATION <input type="checkbox"/> Attending <input type="checkbox"/> Employed <input type="checkbox"/> Volunteer	CAMPUS NAME/ADDRESS	STREET NUMBER AND NAME	CITY	STATE	ZIP CODE
_____ SIGNATURE OF REGISTRANT					_____ DATE
Registrant Rolled Right Thumbprint - If amputated, use next available finger					



SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT Last		First		Middle		CII NUMBER (SID)		DATE							
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number		City		State	Zip Code					
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location			NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)									
RELATED ADDRESS (e.g., Mailing, Emergency Contact)			Street Number and Name		Apt./Unit Number		City		State	Zip Code					
RELATED ADDRESS TYPE <input type="checkbox"/> Mailing <input type="checkbox"/> GPS Charging Location			NAME OF EMERGENCY CONTACT (If emergency contact is checked)			RELATIONSHIP TO EMERGENCY CONTACT (e.g., Mother, Father)									
OCCUPATION			EMPLOYER'S NAME					DATE CURRENT EMPLOYMENT BEGAN							
EMPLOYER'S ADDRESS			Street Number and Name		Suite/Unit Number		City		State	Zip Code					
WORK ADDRESS (If different than Employer's Address)			Street Number and Name		Suite/Unit Number		City		State	Zip Code					
REGISTERING AGENCY (Do Not Abbreviate)					REGISTERING OFFICER'S NAME AND TITLE										
REGISTERING AGENCY'S E-MAIL ADDRESS					PHONE NUMBER		ORI		MNEMONIC	DNA COLLECTED? <input type="checkbox"/> YES <input type="checkbox"/> NO					
PROBATION/PAROLE OFFICER								PHONE NUMBER							
COMMENTS (Include additional, new or modified Scars, Marks, Tattoos, and Other Characteristics)															
<p>ADDRESS/RESIDENCE DEFINITIONS:</p> <p>ADDRESS - Address at which I regularly reside, regardless of the number of days or nights spent there.</p> <p>ADDITIONAL ADDRESS - Additional address at which I regularly reside, regardless of the number of days or nights spent there.</p> <p>RELATED ADDRESS - Address of a relative or other person who is likely to know how to contact me.</p> <p>EMPLOYER'S NAME/ADDRESS - The name and address of my employer (e.g., company, individual, entity), and the address of that employer.</p> <p>WORK ADDRESS - The address at which I work.</p> <p>RESIDENCE - One or more addresses at which I regularly reside, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.</p>															
HAS YOUR VEHICLE INFORMATION CHANGED SINCE YOUR LAST REGISTRATION? IF SO, PLEASE PROVIDE THE UPDATED VEHICLE INFORMATION BELOW.															
HAVE YOU SOLD OR STOPPED REGULARLY DRIVING A VEHICLE SINCE YOUR LAST REGISTRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO															
VEHICLE #1 <input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven			VEHICLES OWNED, REGISTERED, OR REGULARLY DRIVEN					VEHICLE #2 <input type="checkbox"/> Registered Owner <input type="checkbox"/> Regularly Driven							
VEHICLE (#1) IDENTIFICATION NUMBER (VIN)					VEHICLE (#2) IDENTIFICATION NUMBER (VIN)										
LICENSE PLATE NUMBER #1		STATE	TYPE		YEAR OF EXPIRATION		LICENSE PLATE NUMBER #2		STATE	TYPE		YEAR OF EXPIRATION			
VEHICLE YEAR		MAKE		MODEL		STYLE/COLOR		VEHICLE YEAR		MAKE		MODEL		STYLE/COLOR	
END DATE			MAKE				MODEL								
										Registrant Rolled Right Thumbprint - If amputated, use next available finger					
SIGNATURE OF REGISTRANT						DATE									



SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
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REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS

1. _____ My responsibility to register as a sex offender in California is a lifetime requirement, except as provided in Pen. Code, § 290.005, Pen. Code, § 290.5, or by court order.
2. _____ I must register in person, if I have never registered, within five (5) working days of: 1) coming into California, or 2) release from incarceration, placement, commitment, or release on probation, with the law enforcement agency having jurisdiction over my place(s) of residence or where I am physically present as a transient. (Pen. Code, § 290)
3. _____ I must re-register in person, if I have previously registered, within five (5) working days, after release from incarceration, placement, or commitment that lasted 30 or more days, or within five (5) working days after release on probation. I do not have to re-register after release if I was incarcerated for less than 30 days, and I return to the last registered address, and the update of registration that is required to occur within five (5) working days before or after my birthday did not fall within that incarceration period. (Pen. Code, § 290.015)
4. _____ I must annually update my registration information in person, within five (5) working days before or after my birthday, at the law enforcement agency having jurisdiction over my residence address or where I am currently present as a transient. Annual updates begin with my first birthday following registration or change of address. (Pen. Code, § 290.012)
5. _____ Upon coming into, or when changing my residence address within a city and/or county in which I am residing, I must register or re-register in person, within five (5) working days, with the law enforcement agency having jurisdiction over my residence. (Pen. Code, §§ 290, 290.013)
6. _____ If I change my registered address to a new address, either within the same jurisdiction or anywhere inside or outside of the state, I must inform the last registering agency or agencies in person within five (5) working days before or after I leave. If I do not know my new residence address or transient location I must later notify, by registered or certified mail, the last registering agency or agencies of the new address or transient location with five (5) working days of moving to the new address or location. (Pen. Code, § 290.013)
7. _____ If I am registered at a residence address and become transient, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction where I am physically present as a transient. (Pen. Code, § 290.011)
8. _____ If I am registered as a transient and move to a residence, I have five (5) working days within which to register in person with the law enforcement agency having jurisdiction over the new address. (Pen. Code, § 290.011)
9. _____ If I have no residence address, I must register in person in the jurisdiction where I am physically present as a transient within five (5) working days of becoming transient. Thereafter, I must update my registration information in person no less than once every 30 days with the law enforcement agency having jurisdiction over the place where I am physically present as a transient on the day I re-register. I do not need to report changes of transient location within the 30-day period unless I move out of state. I must also comply with the annual requirement to update my registration. (Pen. Code, § 290.011)
10. _____ If I am registered as a transient and I am moving out of state, I must inform the law enforcement agency having jurisdiction over the place where I was physically present as a transient, in person, within five (5) working days before or after I leave. I must also inform the law enforcement agency of my planned destination, residence, or transient location out of state, if known, and any plans to return to California. (Pen. Code, § 290.011)
11. _____ If I move outside of California, I am required by federal law to register in the new state within three (3) working days. Federal law requires me to notify my registering agency no less than 21 days before I intend to travel internationally.

REGISTRATION REQUIREMENTS CONTINUE ON PAGE 4

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -
If amputated, use next
available finger

SIGNATURE OF REGISTRANT

DATE



SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF REGISTRANT	Last	First	Middle	CII NUMBER (SID)	DATE
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REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS

12. ___ If I have ever been committed as a sexually violent predator, I must update my registration information in person, no less than once every 90 days with the law enforcement agency having jurisdiction over my residence or transient location. I must also comply with the annual requirement to update my registration in person. (Pen. Code, §§ 290.001, 290.012)
13. ___ If I have more than one residence address at which I regularly reside (regardless of the number of days or nights I spend at each address), I must register in person, within five (5) working days at each address with the law enforcement agency having jurisdiction over each residence. If I no longer reside at a registered address, I must inform in person, the registering agency having jurisdiction over that address within five (5) working days before or after I leave. (Pen. Code, § 290.010)
14. ___ If I reside or am a transient on a University of California, California State University, or community college campus, I must register in person, within five (5) working days with the local law enforcement agency having jurisdiction over the campus and additionally with the campus police. (Pen. Code, §§ 290, 290.011)
15. ___ If I am enrolled or employed (with or without compensation) at an institution of higher learning, I must register within five (5) working days of commencement of the term of enrollment or employment, with the campus police department or if no campus police department exists, with the law enforcement agency having jurisdiction over that campus. I must also register in person with the law enforcement agency having jurisdiction over my place of residence or transient location. When I cease being enrolled or employed at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01)
16. ___ Campus registration must be in person unless I am enrolled in an online course which does not require my presence at an institution of higher learning in California. I must register for online courses by mailing the Department of Justice Online Course Registration Form to the campus police department, or if no campus police department exists, to the law enforcement agency having jurisdiction over that campus, within five (5) working days of commencement of my term of enrollment. When I cease being enrolled at that institution, I must notify the registering agency for the campus within five (5) working days. (Pen. Code, §§ 290.009, 290.01) The DOJ Online Course Registration Form is available at: www.oag.ca.gov.
17. ___ I understand that if I wish to come into any school building or upon any school ground (grades K-12), I must have a lawful purpose and written permission from the school's chief administrative officer indicating the date(s) and time(s) for which permission has been granted. (Pen. Code, § 626.81)
18. ___ If I live outside of California and I am required to register in that state and I attend school or am employed in California, I must register in person with the law enforcement agency having jurisdiction over my school or employment location within five (5) working days of beginning attendance or becoming employed, in addition to registering in my state of residence. (Pen. Code, § 290.002)
19. ___ I must provide proof of residence to the registering agency within 30 days of registration or re-registration at a new residence address. (Pen. Code, § 290.015)
20. ___ If I am on parole or probation, I must provide proof of registration to my parole agent or probation officer within six (6) working days of release on parole or probation and proof of any change or update to my registration within five (5) working days. (Pen. Code, § 290.85)

REGISTRATION REQUIREMENTS CONTINUE ON PAGE 5

I have been notified of my duty to register as a sex offender pursuant to Pen. Code §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense.

Registrant Rolled Right Thumbprint -
If amputated, use next
available finger

SIGNATURE OF REGISTRANT

DATE



SEX OFFENDER REGISTRATION CHANGE OF ADDRESS / ANNUAL OR OTHER UPDATE

Sex Offender Registration Act – Penal Code (Pen. Code) Sections (§§) 290–290.024 and 290.01

NAME OF PERSON NOTIFIED	Last	First	Middle	CII NUMBER (SID)	DATE
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REGISTRATION REQUIREMENTS - REGISTRANT IS REQUIRED TO READ AND INITIAL ALL REQUIREMENTS

21. ___ If I change my name I must notify in person, within five (5) working days, the law enforcement agency or agencies having jurisdiction over my place of residence or place where I am required to register as a transient. (Pen. Code, § 290.014)
22. ___ I understand I am required to submit DNA samples, as well as fingerprints and full palm prints. (Pen. Code, §§ 296, 296.2)
23. ___ If I accept a position as an employee or volunteer with any person, group, or organization where I would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children, I shall disclose my status as a registrant, upon application or acceptance of a position, to that person, group, or organization. If I have been convicted of a crime where the victim was a minor under 16 years of age, I shall not be an employer, employee, independent contractor, or act as a volunteer with any person, group, or organization in a capacity in which the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. If I work in an accompanied setting with minor children, and my work would require me to touch the minor children on more than an incidental basis, I shall disclose my status as a registrant, upon application or acceptance of the position, to that person, group, or organization. (Pen. Code, § 290.95)

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Pen. Code, §§ 290–290.023 and 290.01. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <https://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide requested information may result in your address change not being processed.

Access to Your Information. Please contact the local law enforcement agency where you registered if you wish to review the personal information collected on this form, as permitted by the Information Practices Act.

Possible Disclosure of Personal Information. The local law enforcement agency where you registered is required by law to enter this information into the California Sex and Arson Registry (CSAR). Additionally, the California Sex Offender Registry is required by law to provide the information in CSAR to other law enforcement agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

I have been notified of my duty to register as a sex offender pursuant to Pen. Code, §§ 290–290.024 and 290.01. I have read or had read to me, and initialed each registration requirement specified on pages 3, 4, and 5 of this form. I understand it is my duty to know the registration requirements, including changes to the law that may be made after I sign this form. I certify the information provided is true and accurate. I understand failure to comply with the registration requirements, providing false information on the form, or failing to provide accurate information is punishable as a criminal offense. I understand refusing to sign this form is also punishable as a criminal offense. I have read and understand the Privacy Notice as required by Civil Code § 1798.17.

Registrant Rolled Right Thumbprint -
If amputated, use next
available finger

SIGNATURE OF REGISTRANT

DATE

**California Department of Justice
California Sex Offender Registry (CSOR)
P.O. Box 903387
Sacramento, CA 94203-3870**

EXHIBIT B

EXHIBIT B

MODIFIED SEX REGISTRATION

CALL 818-374-9675

WE WILL REGISTER YOU OVER THE PHONE.

YOU WILL NOT BE ALLOWED IN THE STATION.

INSCRIPCIÓN DE DELINCUENTE SEXUAL

290PC

**DEVIDO AL CORONA VIRAL, INSCRIPCION PARA
DELIQUENTES SEXUAL SERA POR TELEFONO
NADA MAS! NADIE SERA PERMETIDO EN LA
ESTACION DE POLICIA. PUEDEN LLAMAR AL
NUMERO:**

(818) 374-9675

EXHIBIT C

EXHIBIT C

From: CVL <CVL@SDCourt.CA.Gov>
To: Janice Bellucci <jmbellucci@aol.com>
Sent: Wed, Mar 25, 2020 11:51 am
Subject: RE: ACSOL v. San Diego Police Department

Unfortunately, your submitted filings are **not** amongst the proceedings the Court is available for. The Court is considering emergency writs challenging COVID-19 measures, which are challenges to quarantine orders from the County.

You will need to resubmit your filing for processing once the Court reopens.



From: Janice Bellucci <jmbellucci@aol.com>
Sent: Tuesday, March 24, 2020 3:39 PM
To: CVL <CVL@SDCourt.CA.Gov>
Subject: ACSOL v. San Diego Police Department

To:
Clerk of the Court
Superior Court of California, County of San Diego

Dear Sir or Madam:

Pursuant to the Court's "News Release" dated 3/19/20 ("San Diego Superior Court Updates COVID-19 Response"), I am submitting the attached Petition for Writ of Mandate, Civil Case Cover Sheet, and Request for Summons to this email address for filing on behalf of Petitioners. Due to the nature of the claims, I believe that this Petition falls within the scope of "Emergency writs challenging COVID-19 emergency measures" for which the Court's services are still available. Please let me know if that is the case. Thank you.

Sincerely,

Attorney Janice M. Bellucci

Law Office of Attorney Janice M. Bellucci
1215 K Street, 17th Floor
Sacramento, CA 95814
(805) 896-7854

This e-mail (including all attachments) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that reading, disseminating, distributing or copying this e-mail, or any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please notify Janice M. Bellucci by telephone at (805) 896-7854 and permanently delete this e-mail from your computer and delete all print or electronic copies of this e-mail.

PROOF OF SERVICE