

TIERED REGISTRY LAW

As of July 2020

Overall

- Individuals convicted of a sex offense will be assigned to Tier 1, 2 or 3 by CA Dept. of Justice
 - Tier assignment letters available at local law enforcement agencies after Jan. 1, 2021
 - Tier assignments can be challenged in court
- Individuals must petition for removal from registry, removal not automatic
- If DA objects to removal, there will be court hearing
- Superior Court judge to make final decision regarding removal from registry

Tier 1 - Adults – 10 years registration (minimum) – after release from custody

Tier 2 – Adults – 20 years registration (minimum) – after release from custody

Tier 3 - Adults – Lifetime registration – cannot petition for removal

Procedure for Removal from the Registry – not automatic – Tiers 1 and 2 only

- Petitions may be filed upon expiration of tier starting July 1, 2021 – attorney not required
- Registering law enforcement agency(ies) have 60 days to report to DA that Registrant has complied with the Registration Act
- After receiving report from law enforcement agency(ies), DA has 60 days to request hearing if petitioner has not satisfied his or her registration obligation, or “if community safety would be significantly enhanced by the person’s continued registration.”
 - If no hearing requested, the court “shall” grant the petition if: (1) the Registrant satisfied the Registration Act throughout the registration period, (2) there are no pending charges that could impact tiering, and (3) “*the person is not in custody or on parole, probation, or supervised release.*”
 - If hearing requested, there will be hearing in court and DA may present evidence – attorney recommended
 - If petition denied after hearing, court to set date between 1 and 5 years in the future after which new petition may be filed

Changes to the Megan’s Law Website (MLW)

- No juvenile offender or Tier 1 adult offender will be profiled on MLW
- Some currently excluded from MLW will be added to MLW (such as 647.6 and felony CP)
- Tier 2 registrants will be posted on MLW, but home address will be omitted and replaced with “the community of residence and ZIP Code”
- Tier 3 registrants will have home address disclosed on MLW

Alliance for Constitutional Sex Offense Laws

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