

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 341

Introduced by Senator Figueroa
(Principal coauthor: Assembly Member Dutra)

February 9, 1999

An act to amend ~~Sections 290 and 290.4~~ *Section 290* of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 341, as amended, Figueroa. Sex offenders: juveniles.

(1) Existing law requires certain persons, including any person convicted of specified sex offenses, for the rest of his or her life while residing or located within California, to register with the chief of police or the sheriff, as specified, and with the chief of police of a campus of the University of California, the California State University, or community college if the person is residing or located upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus. Existing law makes these provisions applicable to any person who is discharged or paroled from the Department of *the* Youth Authority the custody to which he or she was committed after having been adjudicated for the commission or attempted commission of specified sex offenses, including kidnapping with the intent to commit specified sex offenses. Existing law also makes these provisions applicable to a person discharged from an

equivalent institution in another state to which he or she was committed for an offense which, if committed or attempted in this state, would have been punishable as one of those sex offenses. The failure to register or update the registration as specified is a crime.

This bill would make changes to ~~registration, status determination, community disclosure, and~~ penalty provisions applicable to specifically include persons who have suffered juvenile adjudications as specified above. By expanding the scope of an existing crime and ~~increasing the registration and disclosure duties of local law enforcement officials,~~ this bill would impose a state-mandated local program.

~~(2) Existing law requires the Department of Justice to continually compile information regarding persons required to register as sex offenders under paragraph (1) for specified crimes, and to disclose portions of this information to the public by means of a “900” telephone number, and a more complete form of this information to law enforcement by means of a CD-ROM. Existing law authorizes, and in some instances requires, local law enforcement to provides access to this information to the public subject to specified limitations and requirements.~~

~~This bill would require the department to compile, and authorize local law enforcement to distribute, this information on any person required to register as a sex offender pursuant to a juvenile adjudication for these specified crimes, the statutory predecessors of these crimes, or for any offense which if committed or attempted in this state would have been punishable as one or more of these crimes, if that person has also been adjudicated or found by a court to have committed murder, voluntary or involuntary manslaughter, mayhem, torture, or kidnapping. By increasing the duties of local law enforcement officials with regards to the disclosure of this information, this bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of~~



~~mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 290 of the Penal Code is
2 amended to read:
3 290. (a) (1) (A) Every person described in
4 paragraph (2), for the rest of his or her life while residing
5 in, or, if he or she has no residence, while located within
6 California, shall be required to register with the chief of
7 police of the city in which he or she is residing, or if he or
8 she has no residence, is located, or the sheriff of the
9 county if he or she is residing, or if he or she has no
10 residence, is located, in an unincorporated area or city
11 that has no police department, and, additionally, with the
12 chief of police of a campus of the University of California,
13 the California State University, or community college if
14 he or she is residing, or if he or she has no residence, is
15 located upon the campus or in any of its facilities, within
16 five working days of coming into, or changing his or her
17 residence or location within, any city, county, or city and



1 county, or campus in which he or she temporarily resides,
2 or, if he or she has no residence, is located.

3 (B) If the person who is registering has no residence
4 address, he or she shall update his or her registration no
5 less than once every 90 days in addition to the
6 requirement in subparagraph (A), on a form as may be
7 required by the Department of Justice, with the entity or
8 entities described in subparagraph (A) in whose
9 jurisdiction he or she is located at the time he or she is
10 updating the registration.

11 (C) Beginning on his or her first birthday following
12 registration or change of address, the person shall be
13 required to register annually, within five working days of
14 his or her birthday, to update his or her registration with
15 the entities described in subparagraph (A), including,
16 verifying his or her name and address, or temporary
17 location, on a form as may be required by the
18 Department of Justice.

19 (D) In addition, every person who is a sexually violent
20 predator, as defined in Section 6600 of the Welfare and
21 Institutions Code, shall, after his or her release from
22 custody, verify his or her address no less than once every
23 90 days in a manner established by the Department of
24 Justice.

25 (E) No entity shall require a person to pay a fee to
26 register or update his or her registration pursuant to this
27 section. The registering agency shall submit registrations,
28 including annual updates or changes of address, directly
29 into the Department of Justice Violent Crime
30 Information Network (VCIN).

31 (2) The following persons shall be required to register
32 pursuant to paragraph (1):

33 (A) Any person who, since July 1, 1944, has been or is
34 hereafter convicted in any court in this state or in any
35 federal or military court of a violation of Section 207 or 209
36 committed with intent to violate Section 261, 286, 288,
37 288a, or 289, Section 220, except assault to commit
38 mayhem, Section 243.4, paragraph (1), (2), (3), (4), or
39 (6) of subdivision (a) of Section 261, or paragraph (1) of
40 subdivision (a) of Section 262 involving the use of force



1 or violence for which the person is sentenced to the state
2 prison, Section 264.1, 266, 266c, subdivision (b) of Section
3 266h, subdivision (b) of Section 266i, 266j, 267, 269, 285,
4 286, 288, 288a, 288.5, or 289, subdivision (b), (c), or (d) of
5 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,
6 former Section 647a, subdivision (c) of Section 653f,
7 subdivision 1 or 2 of Section 314, any offense involving
8 lewd or lascivious conduct under Section 272, or any
9 felony violation of Section 288.2; or any person who since
10 that date has been or is hereafter convicted of the attempt
11 to commit any of the above-mentioned offenses.

12 (B) Any person who, since July 1, 1944, has been or
13 hereafter is released, discharged, or paroled from a penal
14 institution where he or she was confined because of the
15 commission or attempted commission of one of the
16 offenses described in subparagraph (A).

17 (C) Any person who, since July 1, 1944, has been or
18 hereafter is determined to be a mentally disordered sex
19 offender under Article 1 (commencing with Section
20 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
21 and Institutions Code or any person who has been found
22 guilty in the guilt phase of a trial for an offense for which
23 registration is required by this section but who has been
24 found not guilty by reason of insanity in the sanity phase
25 of the trial.

26 (D) Any person who, since July 1, 1944, has been, or is
27 hereafter convicted in any other court, including any
28 state, federal, or military court, of any offense which, if
29 committed or attempted in this state, would have been
30 punishable as one or more of the offenses described in
31 subparagraph (A) or any person ordered by any other
32 court, including any state, federal, or military court, to
33 register as a sex offender for any offense, if the court
34 found at the time of conviction or sentencing that the
35 person committed the offense as a result of sexual
36 compulsion or for purposes of sexual gratification.

37 (E) Any person ordered by any court to register
38 pursuant to this section for any offense not included
39 specifically in this section if the court finds at the time of
40 conviction or sentencing that the person committed the



1 offense as a result of sexual compulsion or for purposes of
2 sexual gratification. The court shall state on the record the
3 reasons for its findings and the reasons for requiring
4 registration.

5 (F) (i) Notwithstanding any other subdivision, a
6 person who was convicted before January 1, 1976, under
7 subdivision (a) of Section 286, or Section 288a, shall not be
8 required to register pursuant to this section for that
9 conviction if the conviction was for conduct between
10 consenting adults that was decriminalized by Chapter 71
11 of the Statutes of 1975 or Chapter 1139 of the Statutes of
12 1976. The Department of Justice shall remove that person
13 from the Sex Offender Registry, and the person is
14 discharged from his or her duty to register pursuant to the
15 following procedure:

16 (I) The person submits to the Department of Justice
17 official documentary evidence, including court records or
18 police reports, which demonstrate that the person's
19 conviction pursuant to either of those sections was for
20 conduct between consenting adults that was
21 decriminalized; or

22 (II) The person submits to the department a
23 declaration stating that the person's conviction pursuant
24 to either of those sections was for consensual conduct
25 between adults that has been decriminalized. The
26 declaration shall be confidential and not a public record,
27 and shall include the person's name, address, telephone
28 number, date of birth, and a summary of the
29 circumstances leading to the conviction, including the
30 date of the conviction and county of the occurrence.

31 (III) The department shall determine whether the
32 person's conviction was for conduct between consensual
33 adults that has been decriminalized. If the conviction was
34 for consensual conduct between adults that has been
35 decriminalized, and the person has no other offenses for
36 which he or she is required to register pursuant to this
37 section, the department shall, within 60 days of receipt of
38 those documents, notify the person that he or she is
39 relieved of the duty to register, and shall notify the local
40 law enforcement agency with which the person is



1 registered that he or she has been relieved of the duty to
2 register. The local law enforcement agency shall remove
3 the person's registration from its files within 30 days of
4 receipt of notification. If the documentary or other
5 evidence submitted is insufficient to establish the
6 person's claim, the department shall, within 60 days of
7 receipt of those documents, notify the person that his or
8 her claim cannot be established, and that the person shall
9 continue to register pursuant to this section. The
10 department shall provide, upon the person's request, any
11 information relied upon by the department in making its
12 determination that the person shall continue to register
13 pursuant to this section. Any person whose claim has been
14 denied by the department pursuant to this clause may
15 petition the court to appeal the department's denial of
16 the person's claim.

17 (ii) On or before July 1, 1998, the department shall
18 make a report to the Legislature concerning the status of
19 persons who may come under the provisions of this
20 subparagraph, including the number of persons who
21 were convicted before January 1, 1976, under subdivision
22 (a) of Section 286 or Section 288a and are required to
23 register under this section, the average age of these
24 persons, the number of these persons who have any
25 subsequent convictions for a registerable sex offense, and
26 the number of these persons who have sought successfully
27 or unsuccessfully to be relieved of their duty to register
28 under this section.

29 (b) (1) Any person who is released, discharged, or
30 paroled from a jail, state or federal prison, school, road
31 camp, or other institution where he or she was confined
32 because of the commission or attempted commission of
33 one of the offenses specified in subdivision (a) or is
34 released from a state hospital to which he or she was
35 committed as a mentally disordered sex offender under
36 Article 1 (commencing with Section 6300) of Chapter 2
37 of Part 2 of Division 6 of the Welfare and Institutions
38 Code, shall, prior to discharge, parole, or release, be
39 informed of his or her duty to register under this section
40 by the official in charge of the place of confinement or



1 hospital, and the official shall require the person to read
2 and sign any form that may be required by the
3 Department of Justice, stating that the duty of the person
4 to register under this section has been explained to the
5 person. The official in charge of the place of confinement
6 or hospital shall obtain the address where the person
7 expects to reside upon his or her discharge, parole, or
8 release and shall report the address to the Department of
9 Justice.

10 (2) The official in charge of the place of confinement
11 or hospital shall give one copy of the form to the person
12 and shall send one copy to the Department of Justice and
13 one copy to the appropriate law enforcement agency or
14 agencies having jurisdiction over the place the person
15 expects to reside upon discharge, parole, or release. If the
16 conviction that makes the person subject to this section
17 is a felony conviction, the official in charge shall, not later
18 than 45 days prior to the scheduled release of the person,
19 send one copy to the appropriate law enforcement
20 agency or agencies having local jurisdiction where the
21 person expects to reside upon discharge, parole, or
22 release; one copy to the prosecuting agency that
23 prosecuted the person; and one copy to the Department
24 of Justice. The official in charge of the place of
25 confinement shall retain one copy.

26 (c) Any person who is convicted in this state of the
27 commission or attempted commission of any of the
28 offenses specified in subdivision (a) and who is released
29 on probation, granted conditional release without
30 supervised probation, or discharged upon payment of a
31 fine shall, prior to release or discharge, be informed of the
32 duty to register under this section by the probation
33 department, and a probation officer shall require the
34 person to read and sign any form that may be required by
35 the Department of Justice, stating that the duty of the
36 person to register under this section has been explained
37 to him or her. The probation officer shall obtain the
38 address where the person expects to reside upon release
39 or discharge and shall report within three days the
40 address to the Department of Justice. The probation



1 officer shall give one copy of the form to the person, send
2 one copy to the Department of Justice, and forward one
3 copy to the appropriate law enforcement agency or
4 agencies having local jurisdiction where the person
5 expects to reside upon his or her discharge, parole, or
6 release.

7 (d) (1) Any person who, on or after January 1, 1986,
8 is discharged or paroled from the Department of the
9 Youth Authority to the custody of which he or she was
10 committed after having been adjudicated a ward of the
11 juvenile court pursuant to Section 602 of the Welfare and
12 Institutions Code because of the commission or
13 attempted commission of any offense described in
14 paragraph (3) shall be subject to registration under the
15 procedures of this section.

16 (2) Any person who is discharged or paroled from a
17 facility in another state that is equivalent to the
18 Department of the Youth Authority, to the custody of
19 which he or she was committed because of an offense
20 which, if committed or attempted in this state, would
21 have been punishable as one or more of the offenses
22 described in paragraph (3), shall be subject to
23 registration under the procedures of this section.

24 (3) Any person described in this subdivision who
25 committed an offense in violation of any of the following
26 provisions shall be required to register pursuant to this
27 section:

28 (A) Assault with intent to commit rape, sodomy, oral
29 copulation, or any violation of Section 264.1, 288, or 289
30 under Section 220.

31 (B) Any offense defined in paragraph (1), (2), (3),
32 (4), or (6) of subdivision (a) of Section 261, Section 264.1,
33 266c, or 267, paragraph (1) of subdivision (b) of, or
34 subdivision (c) or (d) of, Section 286, Section 288 or 288.5,
35 paragraph (1) of subdivision (b) of, or subdivision (c) or
36 (d) of, Section 288a, subdivision (a) of Section 289, or
37 Section 647.6.

38 (C) A violation of Section 207 or 209 committed with
39 the intent to violate Section 261, 286, 288, 288a, or 289.



1 (4) Prior to discharge or parole from the Department
2 of the Youth Authority, any person who is subject to
3 registration under this subdivision shall be informed of
4 the duty to register under the procedures set forth in this
5 section. Department of the Youth Authority officials shall
6 transmit the required forms and information to the
7 Department of Justice.

8 (5) All records specifically relating to the registration
9 in the custody of the Department of Justice, law
10 enforcement agencies, and other agencies or public
11 officials shall be destroyed when the person who is
12 required to register has his or her records sealed under
13 the procedures set forth in Section 781 of the Welfare and
14 Institutions Code. This subdivision shall not be construed
15 as requiring the destruction of other criminal offender or
16 juvenile records relating to the case that are maintained
17 by the Department of Justice, law enforcement agencies,
18 the juvenile court, or other agencies and public officials
19 unless ordered by a court under Section 781 of the
20 Welfare and Institutions Code.

21 (e) (1) On or after January 1, 1998, upon
22 incarceration, placement, or commitment, or prior to
23 release on probation, any person who is required to
24 register under this section shall preregister. The
25 preregistering official shall be the admitting officer at the
26 place of incarceration, placement, or commitment, or the
27 probation officer if the person is to be released on
28 probation. The preregistration shall consist of all of the
29 following:

30 (A) A preregistration statement in writing, signed by
31 the person, giving information that may be required by
32 the Department of Justice.

33 (B) The fingerprints and photograph of the person.

34 (C) Any person who is preregistered pursuant to this
35 subdivision is required to be preregistered only once.

36 (2) A person described in paragraph (2) of subdivision
37 (a) shall register, or reregister if the person has previously
38 registered, upon release from incarceration, placement,
39 or commitment, pursuant to paragraph (1) of subdivision
40 (a). The registration shall consist of all of the following:



1 (A) A statement in writing signed by the person,
2 giving information as may be required by the
3 Department of Justice.

4 (B) The fingerprints and photograph of the person.

5 (C) The license plate number of any vehicle owned
6 by, regularly driven by, or registered in the name of the
7 person.

8 (D) Notice to the person that, in addition to the
9 requirements of paragraph (4), he or she may have a duty
10 to register in any other state where he or she may
11 relocate.

12 (E) Copies of adequate proof of residence, which shall
13 be limited to a California driver's license, California
14 identification card, recent rent or utility receipt, printed
15 personalized checks or other recent banking documents
16 showing that person's name and address, or any other
17 information that the registering official believes is
18 reliable. If the person has no residence and no reasonable
19 expectation of obtaining a residence in the foreseeable
20 future, the person shall so advise the registering official
21 and shall sign a statement provided by the registering
22 official stating that fact. Upon presentation of proof of
23 residence to the registering official or a signed statement
24 that the person has no residence, the person shall be
25 allowed to register. If the person claims that he or she has
26 a residence but does not have any proof of residence, he
27 or she shall be allowed to register but shall furnish proof
28 of residence within 30 days of the day he or she is allowed
29 to register. If a registrant fails to furnish proof of residence
30 within this 30-day period, he or she shall be guilty of a
31 misdemeanor.

32 (3) Within three days thereafter, the preregistering
33 official or the registering law enforcement agency or
34 agencies shall forward the statement, fingerprints,
35 photograph, and vehicle license plate number, if any, to
36 the Department of Justice.

37 (f) (1) If any person who is required to register
38 pursuant to this section changes his or her residence
39 address or location, whether within the jurisdiction in
40 which he or she is currently registered or to a new



1 jurisdiction inside or outside the state, the person shall
2 inform, in writing within five working days, the law
3 enforcement agency or agencies with which he or she last
4 registered of the new address or location. The law
5 enforcement agency or agencies shall, within three days
6 after receipt of this information, forward a copy of the
7 change of address or location information to the
8 Department of Justice. The Department of Justice shall
9 forward appropriate registration data to the law
10 enforcement agency or agencies having local jurisdiction
11 of the new place of residence or location.

12 (2) If the person's new address is in a Department of
13 the Youth Authority facility or a state prison or state
14 mental institution, an official of the place of incarceration,
15 placement, or commitment shall, within 90 days of
16 receipt of the person, forward the registrant's change of
17 address information to the Department of Justice. The
18 agency need not provide a physical address for the
19 registrant but shall indicate that he or she is serving a
20 period of incarceration or commitment in a facility under
21 the agency's jurisdiction. This paragraph shall apply to
22 persons received in a Department of the Youth Authority
23 facility or a state prison or state mental institution on or
24 after January 1, 1999. The Department of Justice shall
25 forward the change of address information to the agency
26 with which the person last registered.

27 (3) If any person who is required to register pursuant
28 to this section changes his or her name, the person shall
29 inform, in person, the law enforcement agency or
30 agencies with which he or she is currently registered
31 within five working days. The law enforcement agency or
32 agencies shall forward a copy of this information to the
33 Department of Justice within three days of its receipt.

34 (g) (1) Any person who is required to register under
35 this section based on a misdemeanor conviction or
36 juvenile adjudication who willfully violates any
37 requirement of this section is guilty of a misdemeanor
38 punishable by imprisonment in a county jail not
39 exceeding one year.



1 (2) Except as provided in paragraph (5), any person
2 who is required to register under this section based on a
3 felony conviction or juvenile adjudication who willfully
4 violates any requirement of this section or who has a prior
5 conviction or juvenile adjudication for the offense of
6 failing to register under this section and who
7 subsequently and willfully violates any requirement of
8 this section is guilty of a felony and shall be punished by
9 imprisonment in the state prison for 16 months, or two or
10 three years.

11 If probation is granted or if the imposition or execution
12 of sentence is suspended, it shall be a condition of the
13 probation or suspension that the person serve at least 90
14 days in a county jail. The penalty described in this
15 paragraph shall apply whether or not the person has been
16 released on parole or has been discharged from parole.

17 (3) Any person determined to be a mentally
18 disordered sex offender or who has been found guilty in
19 the guilt phase of trial for an offense for which registration
20 is required under this section, but who has been found not
21 guilty by reason of insanity in the sanity phase of the trial,
22 or who has had a petition sustained in a juvenile
23 adjudication for an offense for which registration is
24 required under this section pursuant to subdivision (d),
25 but who has been found not guilty by reason of insanity,
26 who willfully violates any requirement of this section is
27 guilty of a misdemeanor and shall be punished by
28 imprisonment in a county jail not exceeding one year. For
29 any second or subsequent willful violation of any
30 requirement of this section, the person is guilty of a felony
31 and shall be punished by imprisonment in the state prison
32 for 16 months, or two or three years.

33 (4) If, after discharge from parole, the person is
34 convicted of a felony or suffers a juvenile adjudication as
35 specified in this subdivision, he or she shall be required to
36 complete parole of at least one year, in addition to any
37 other punishment imposed under this subdivision. A
38 person convicted of a felony as specified in this
39 subdivision may be granted probation only in the unusual
40 case where the interests of justice would best be served.



1 When probation is granted under this paragraph, the
2 court shall specify on the record and shall enter into the
3 minutes the circumstances indicating that the interests of
4 justice would best be served by the disposition.

5 (5) Any person who, as a sexually violent predator, as
6 defined in Section 6600 of the Welfare and Institutions
7 Code, fails to verify his or her registration every 90 days
8 as required pursuant to subparagraph (D) of paragraph
9 (1) of subdivision (a), shall be punished by imprisonment
10 in the state prison, or in a county jail not exceeding one
11 year.

12 (6) Except as otherwise provided in paragraph (5),
13 and in addition to any other penalty imposed under this
14 subdivision, any person who is required pursuant to
15 subparagraph (B) of paragraph (1) of subdivision (a) to
16 update his or her registration every 90 days and willfully
17 fails to update his or her registration is guilty of a
18 misdemeanor and shall be punished by imprisonment in
19 a county jail not exceeding six months. Any subsequent
20 violation of this requirement that persons described in
21 subparagraph (B) of paragraph (1) of subdivision (a)
22 shall update their registration every 90 days is also a
23 misdemeanor and shall be punished by imprisonment in
24 a county jail not exceeding six months.

25 (7) Any person who is required to register under this
26 section who willfully violates any requirement of this
27 section is guilty of a continuing offense.

28 (h) Whenever any person is released on parole or
29 probation and is required to register under this section
30 but fails to do so within the time prescribed, the parole
31 authority, the Youthful Offender Parole Board, or the
32 court, as the case may be, shall order the parole or
33 probation of the person revoked. For purposes of this
34 subdivision, “parole authority” has the same meaning as
35 described in Section 3000.

36 (i) Except as provided in subdivisions (m) and (n) and
37 Section 290.4, the statements, photographs, and
38 fingerprints required by this section shall not be open to
39 inspection by the public or by any person other than a



1 regularly employed peace officer or other law
2 enforcement officer.

3 (j) In any case in which a person who would be
4 required to register pursuant to this section for a felony
5 conviction is to be temporarily sent outside the institution
6 where he or she is confined on any assignment within a
7 city or county including firefighting, disaster control, or
8 of whatever nature the assignment may be, the local law
9 enforcement agency having jurisdiction over the place or
10 places where the assignment shall occur shall be notified
11 within a reasonable time prior to removal from the
12 institution. This subdivision shall not apply to any person
13 who is temporarily released under guard from the
14 institution where he or she is confined.

15 (k) As used in this section, “mentally disordered sex
16 offender” includes any person who has been determined
17 to be a sexual psychopath or a mentally disordered sex
18 offender under any provision which, on or before January
19 1, 1976, was contained in Division 6 (commencing with
20 Section 6000) of the Welfare and Institutions Code.

21 (l) (1) Every person who, prior to January 1, 1997, is
22 required to register under this section, shall be notified
23 whenever he or she next reregisters of the reduction of
24 the registration period from 14 to 5 working days. This
25 notice shall be provided in writing by the registering
26 agency or agencies. Failure to receive this notification
27 shall be a defense against the penalties prescribed by
28 subdivision (g) if the person did register within 14 days.

29 (2) Every person who, as a sexually violent predator,
30 as defined in Section 6600 of the Welfare and Institutions
31 Code, is required to verify his or her registration every 90
32 days, shall be notified wherever he or she next registers
33 of his or her increased registration obligations. This notice
34 shall be provided in writing by the registering agency or
35 agencies. Failure to receive this notice shall be a defense
36 against the penalties prescribed by paragraph (5) of
37 subdivision (g).

38 (m) (1) When a peace officer reasonably suspects,
39 based on information that has come to his or her attention
40 through information provided by any peace officer or



1 member of the public, that a child or other person may
2 be at risk from a sex offender convicted of a crime listed
3 in paragraph (1) of subdivision (a) of Section 290.4, ~~or~~
4 ~~from a sex offender having a juvenile adjudication~~
5 ~~making him or her subject to the provisions of Section~~
6 ~~290.4 pursuant to subparagraph (B) of paragraph (1) of~~
7 ~~subdivision (a) of that section,~~ a law enforcement agency
8 may, notwithstanding any other provision of law, provide
9 any of the information specified in paragraph (4) of this
10 subdivision about that registered sex offender that the
11 agency deems relevant and necessary to protect the
12 public, to the following persons, agencies, or
13 organizations the offender is likely to encounter,
14 including, but not limited to, the following:

15 (A) Public and private educational institutions, day
16 care establishments, and establishments and
17 organizations that primarily serve individuals likely to be
18 victimized by the offender.

19 (B) Other community members at risk.

20 (2) The law enforcement agency may authorize
21 persons and entities who receive the information
22 pursuant to paragraph (1) to disclose information to
23 additional persons only if the agency does the following:

24 (A) Determines that all conditions set forth in
25 paragraph (1) have been satisfied regarding disclosure to
26 the additional persons.

27 (B) Identifies the appropriate scope of further
28 disclosure.

29 (3) Persons notified pursuant to paragraph (1) may
30 disclose the information provided by the law
31 enforcement agency in the manner and to the extent
32 authorized by the law enforcement agency.

33 (4) The information that may be disclosed pursuant to
34 this section includes the following:

35 (A) The offender's full name.

36 (B) The offender's known aliases.

37 (C) The offender's gender.

38 (D) The offender's race.

39 (E) The offender's physical description.

40 (F) The offender's photograph.



- 1 (G) The offender’s date of birth.
- 2 (H) Crimes resulting in registration under this section.
- 3 (I) The offender’s address, which must be verified
- 4 prior to publication.
- 5 (J) Description and license plate number of offender’s
- 6 vehicles or vehicles the offender is known to drive.
- 7 (K) Type of victim targeted by the offender.
- 8 (L) Relevant parole or probation conditions, such as
- 9 one prohibiting contact with children.
- 10 (M) Dates of crimes resulting in classification under
- 11 this section.
- 12 (N) Date of release from confinement.
- 13 However, information disclosed pursuant to this
- 14 subdivision shall not include information that would
- 15 identify the victim.
- 16 (5) If a law enforcement agency discloses information
- 17 pursuant to this subdivision, it shall include, with the
- 18 disclosure, a statement that the purpose of the release of
- 19 the information is to allow members of the public to
- 20 protect themselves and their children from sex offenders.
- 21 (6) For purposes of this section, “likely to encounter”
- 22 means both of the following:
- 23 (A) That the agencies, organizations, or other
- 24 community members are in a location or in close
- 25 proximity to a location where the offender lives or is
- 26 employed, or that the offender visits or is likely to visit on
- 27 a regular basis.
- 28 (B) The types of interaction that ordinarily occur at
- 29 that location and other circumstances indicate that
- 30 contact with the offender is reasonably probable.
- 31 (7) For purposes of this section, “reasonably suspects”
- 32 means that it is objectively reasonable for a peace officer
- 33 to entertain a suspicion, based upon facts that could cause
- 34 a reasonable person in a like position, drawing when
- 35 appropriate on his or her training and experience, to
- 36 suspect that a child or other person is at risk.
- 37 (8) For purposes of this section, “at risk” means a
- 38 person is or may be exposed to a risk of becoming a victim
- 39 of a sex offense committed by the offender.



1 (9) A law enforcement agency may continue to
2 disclose information on an offender under this
3 subdivision for as long as the offender is included in
4 Section 290.4.

5 (n) In addition to the procedures set forth elsewhere
6 in this section, a designated law enforcement entity may
7 advise the public of the presence of high-risk sex
8 offenders in its community pursuant to this subdivision.

9 (1) For purposes of this subdivision:

10 (A) A high-risk sex offender is a person who has been
11 convicted of an offense specified in paragraph (1) of
12 subdivision (a) of Section 290.4, ~~or who has suffered a~~
13 ~~juvenile adjudication making him or her subject to the~~
14 ~~provisions of Section 290.4 pursuant to subparagraph (B)~~
15 ~~of paragraph (1) of subdivision (a) of that section, who~~
16 *and* also meets one of the following criteria:

17 (i) Has been convicted of, ~~or suffered juvenile~~
18 ~~adjudications for~~, three or more violent sex offenses, at
19 least two of which were brought and tried separately.

20 (ii) Has been convicted of, ~~or suffered juvenile~~
21 ~~adjudications for~~, two violent sex offenses and one or
22 more violent nonsex offenses, at least two of which were
23 brought and tried separately.

24 (iii) Has been convicted of, ~~or suffered juvenile~~
25 ~~adjudications for~~, one violent sex offense and two or more
26 violent nonsex offenses, at least two of which were
27 brought and tried separately.

28 (iv) Has been convicted of, ~~or suffered juvenile~~
29 ~~adjudications for~~, either two violent sex offenses or one
30 violent sex offense and one violent nonsex offense, at least
31 two of which were brought and tried separately, and has
32 been arrested on separate occasions for three or more
33 violent sex offenses, violent nonsex offenses, or associated
34 offenses.

35 (v) Has been adjudicated a sexually violent predator
36 pursuant to Article 4 (commencing with Section 6600) of
37 Chapter 2 of Part 2 of Division 6 of the Welfare and
38 Institutions Code.

39 (B) A violent sex offense means any offense defined in
40 Section 220, except attempt to commit mayhem, 261,



1 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of
2 great bodily injury during the commission of a sex offense,
3 as provided in Section 12022.8.

4 (C) A violent nonsex offense means any offense
5 defined in Section 187, subdivision (a) of Section 192, or
6 Section 203, 206, 207, or 236, provided that the offense is
7 a felony, subdivision (a) of Section 273a, Section 273d or
8 451, or attempted murder, as defined in Sections 187 and
9 664.

10 (D) An associated offense means any offense defined
11 in Section 243.4, provided that the offense is a felony,
12 Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314,
13 Section 459, provided the offense is of the first degree,
14 Section 597 or 646.9, subdivision (d), (h), or (i) of Section
15 647, Section 653m, or infliction of great bodily injury
16 during the commission of a felony, as defined in Section
17 12022.7.

18 (E) For purposes of subparagraphs (B) to (D),
19 inclusive, an arrest or conviction for the statutory
20 predecessor of any of the enumerated offenses, or an
21 arrest or conviction in any other jurisdiction for any
22 offense that, if committed or attempted in this state,
23 would have been punishable as one or more of the
24 offenses described in those subparagraphs, is to be
25 considered in determining whether an offender is a
26 high-risk sex offender.

27 (F) For purposes of subparagraphs (B) to (D),
28 inclusive, an arrest as a juvenile or an adjudication as a
29 ward of the juvenile court within the meaning of Section
30 602 of the Welfare and Institutions Code for any of the
31 offenses described in those subparagraphs is to be
32 considered in determining whether an offender is a
33 high-risk sex offender.

34 (G) Notwithstanding subparagraphs (A) to (D),
35 inclusive, an offender shall not be considered to be a
36 high-risk sex offender if either of the following apply:

37 (i) The offender's most recent conviction, ~~juvenile~~
38 ~~adjudication~~, or arrest for an offense described in
39 subparagraphs (B) to (D), inclusive, occurred more than



1 five years prior to the high-risk assessment by the
2 Department of Justice, excluding periods of confinement.

3 (ii) The offender notifies the Department of Justice,
4 on a form approved by the department and available at
5 any sheriff's office, that he or she has not been convicted
6 ~~of, or suffered a juvenile adjudication for,~~ in the
7 preceding 15 years, excluding periods of confinement, an
8 offense for which registration is required under
9 paragraph (2) of subdivision (a), ~~or under subdivision~~
10 ~~(d)~~, and the department is able, upon exercise of
11 reasonable diligence, to verify the information provided
12 in paragraph (2).

13 (H) "Confinement" means confinement in a jail,
14 prison, school, road camp, or other penal institution,
15 confinement in a state hospital to which the offender was
16 committed as a mentally disordered sex offender under
17 Article 1 (commencing with Section 6300) of Chapter 2
18 of Part 2 of Division 6 of the Welfare and Institutions
19 Code, or confinement in a facility designated by the
20 Director of Mental Health to which the offender was
21 committed as a sexually violent predator under Article 4
22 (commencing with Section 6600) of Chapter 2 of Part 2
23 of Division 6 of the Welfare and Institutions Code.

24 (I) "Designated law enforcement entity" means any
25 of the following: municipal police department; sheriff's
26 department; district attorney's office; county probation
27 department; Department of Justice; Department of
28 Corrections; Department of the Youth Authority;
29 Department of the California Highway Patrol; or the
30 police department of any campus of the University of
31 California or California State University, or community
32 college.

33 (2) The Department of Justice shall continually search
34 the records provided to it pursuant to subdivision (b) and
35 identify, on the basis of those records, high-risk sex
36 offenders. Four times each year, the department shall
37 provide to each chief of police and sheriff in the state, and
38 to any other designated law enforcement entity upon
39 request, the following information regarding each
40 identified high-risk sexual offender: full name; known



1 aliases; gender; race; physical description; photograph;
2 date of birth; and crimes resulting in classification under
3 this section.

4 (3) The Department of Justice and any designated law
5 enforcement entity to which notice has been given
6 pursuant to paragraph (2) may cause to be made public,
7 by whatever means the agency deems necessary to
8 ensure the public safety, based upon information
9 available to the agency concerning a specific person,
10 including, but not limited to, the information described
11 in paragraph (2); the offender's address, which shall be
12 verified prior to publication; description and license plate
13 number of the offender's vehicles or vehicles the offender
14 is known to drive; type of victim targeted by the offender;
15 relevant parole or probation conditions, such as one
16 prohibiting contact with children; dates of crimes
17 resulting in classification under this section; and date of
18 release from confinement; but excluding information
19 that would identify the victim.

20 (4) Notwithstanding any other provision of law, any
21 person described in paragraph (2) of subdivision (p) who
22 receives information from a designated law enforcement
23 entity pursuant to paragraph (3) of subdivision (n) may
24 disclose that information in the manner and to the extent
25 authorized by the law enforcement entity.

26 (o) Agencies disseminating information to the public
27 pursuant to Section 290.4 shall maintain records of those
28 persons requesting to view the CD-ROM or other
29 electronic media for a minimum of five years. Agencies
30 disseminating information to the public pursuant to
31 subdivision (n) shall maintain records of the means and
32 dates of dissemination for a minimum of five years.

33 (p) (1) Any law enforcement agency and employees
34 of any law enforcement agency shall be immune from
35 liability for good faith conduct under this section. For the
36 purposes of this section, "law enforcement agency"
37 means the Attorney General of California, every district
38 attorney, and every state or local agency expressly
39 authorized by statute to investigate or prosecute law
40 violators.



1 (2) Any public or private educational institution, day
 2 care facility, or any child care custodian described in
 3 Section 11165.7, or any employee of a public or private
 4 educational institution or day care facility which in good
 5 faith disseminates information as authorized pursuant to
 6 paragraph (3) of subdivision (m) or paragraph (4) of
 7 subdivision (n) that is provided by a law enforcement
 8 agency or an employee of a law enforcement agency shall
 9 be immune from civil liability.

10 (q) Any person who uses information disclosed
 11 pursuant to this section to commit a felony shall be
 12 punished, in addition and consecutive to any other
 13 punishment, by a five-year term of imprisonment in the
 14 state prison. Any person who uses information disclosed
 15 pursuant to this section to commit a misdemeanor shall be
 16 subject to, in addition to any other penalty or fine
 17 imposed, a fine of not less than five hundred dollars
 18 (\$500) and not more than one thousand dollars (\$1,000).

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

25 ~~SEC. 2. Section 290.4 of the Penal Code is amended to~~
 26 ~~read:~~

27 ~~290.4. (a) (1) The Department of Justice shall~~
 28 ~~continually compile information as described in~~
 29 ~~paragraph (2) regarding the following persons:~~

30 ~~(A) Except as otherwise provided by subparagraph~~
 31 ~~(B), any person required to register under Section 290 for~~
 32 ~~a conviction of Section 207 or 209 committed with the~~
 33 ~~intent to violate Section 261, 286, 288, 288a, or 289; Section~~
 34 ~~220, except assault to commit mayhem; Section 243.4;~~
 35 ~~provided that the offense is a felony; paragraph (1), (2),~~
 36 ~~(3), (4), or (6) of subdivision (a) of Section 261; Section~~
 37 ~~264.1; Section 266, provided that the offense is a felony;~~
 38 ~~Section 266c, provided that the offense is a felony; Section~~
 39 ~~266j; Section 267; Section 269; paragraph (1) of~~
 40 ~~subdivision (b) of Section 286, provided that the offense~~



1 is a felony; paragraph (2) of subdivision (b), subdivision
2 (c), (d), (f), (g), (i), (j), or (k) of Section 286; Section 288;
3 paragraph (1) of subdivision (b) of Section 288a;
4 provided that the offense is a felony; paragraph (2) of
5 subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section
6 288a; Section 288.5; subdivision (a), (b), (d), (e), (f), (g),
7 or (h) of Section 289, provided that the offense is a felony;
8 subdivision (i) or (j) of Section 289; Section 647.6; or the
9 statutory predecessor of any of these offenses or any
10 offense that, if committed or attempted in this state,
11 would have been punishable as one or more of the
12 offenses described in this section.

13 (B) Any person required to register under subdivision
14 (d) of Section 290 for a juvenile adjudication of any
15 offense described in subparagraph (A), or the statutory
16 predecessor of any of those offenses, or any offense that,
17 if committed or attempted in this state, would have been
18 punishable as one or more of those offenses, if the person
19 also has been adjudicated or found by a court to have
20 committed any of the following offenses:

- 21 (i) Murder (Section 187).
- 22 (ii) Voluntary or involuntary manslaughter (Section
23 192).
- 24 (iii) Mayhem (Section 203).
- 25 (iv) Torture (Section 206).
- 26 (v) Kidnapping (Sections 207 or 209).

27 (C) The requirements of subparagraph (A) and (B)
28 shall not be applied to a person whose duty to register has
29 been terminated pursuant to paragraph (5) of
30 subdivision (d) of Section 290, or to a person who has been
31 relieved of his or her duty to register under Section 290.5.

32 (2) The information shall be categorized by
33 community of residence and ZIP Code. The information
34 shall include the names and known aliases of the person;
35 photograph, a physical description, gender, race, date of
36 birth, the criminal history, and the address, including ZIP
37 Code, in which the person resides, and any other
38 information that the Department of Justice deems
39 relevant, not including information that would identify
40 the victim.



1 ~~(3) The department shall operate a “900” telephone~~
2 ~~number that members of the public may call and inquire~~
3 ~~whether a named individual is listed among those~~
4 ~~described in this subdivision. The caller shall furnish his~~
5 ~~or her first name, middle initial, and last name. The~~
6 ~~department shall ascertain whether a named person~~
7 ~~reasonably appears to be a person so listed and provide~~
8 ~~the caller with the information described in paragraph~~
9 ~~(2), except the department shall not disclose the street~~
10 ~~address or criminal history of a person listed, except to~~
11 ~~disclose the ZIP Code area in which the person resides~~
12 ~~and to describe the specific crimes for which the~~
13 ~~registrant was required to register. The department shall~~
14 ~~decide whether the named person reasonably appears to~~
15 ~~be a person listed, based upon information from the caller~~
16 ~~providing information that shall include (A) an exact~~
17 ~~street address, including apartment number, social~~
18 ~~security number, California driver’s license or~~
19 ~~identification number, or birth date along with additional~~
20 ~~information that may include any of the following: name;~~
21 ~~hair color, eye color, height, weight, distinctive markings;~~
22 ~~ethnicity; or (B) any combination of at least six of the~~
23 ~~above listed characteristics if an exact birth date or~~
24 ~~address is not available. If three of the characteristics~~
25 ~~provided include ethnicity, hair color, and eye color, a~~
26 ~~seventh identifying characteristic shall be provided. Any~~
27 ~~information identifying the victim by name, birth date,~~
28 ~~address, or relation to the registrant shall be excluded by~~
29 ~~the department.~~

30 ~~(4) (A) On or before July 1, 1997, the department~~
31 ~~shall provide a CD-ROM or other electronic medium~~
32 ~~containing the information described in paragraph (2),~~
33 ~~except the person’s street address and criminal history~~
34 ~~other than the specific crimes for which the person was~~
35 ~~required to register, for all persons described in~~
36 ~~paragraph (1) of subdivision (a), and shall update and~~
37 ~~distribute the CD-ROM or other electronic medium on a~~
38 ~~monthly basis to the sheriff’s department in each county,~~
39 ~~municipal police departments of cities with a population~~
40 ~~of more than 200,000, and each law enforcement agency~~



1 ~~listed in subparagraph (I) of paragraph (1) of subdivision~~
2 ~~(n) of Section 290. These law enforcement agencies may~~
3 ~~obtain additional copies by purchasing a yearly~~
4 ~~subscription to the CD-ROM or other electronic medium~~
5 ~~from the Department of Justice for a yearly subscription~~
6 ~~fee. The Department of Justice, the sheriff's departments,~~
7 ~~and the municipal police departments of cities with a~~
8 ~~population of more than 200,000 shall make, and the other~~
9 ~~law enforcement agencies may make, the CD-ROM or~~
10 ~~other electronic medium available for viewing by the~~
11 ~~public in accordance with the following: The agency may~~
12 ~~require that a person applying to view the CD-ROM or~~
13 ~~other electronic medium express an articulable purpose~~
14 ~~in order to have access thereto. The applicant shall~~
15 ~~provide identification in the form of a California driver's~~
16 ~~license or California identification card, showing the~~
17 ~~applicant to be at least 18 years of age, and shall sign a~~
18 ~~statement, on a form provided by the Department of~~
19 ~~Justice, stating that the applicant is not a registered sex~~
20 ~~offender, that he or she understands the purpose of the~~
21 ~~release of information is to allow members of the public~~
22 ~~to protect themselves and their children from sex~~
23 ~~offenders, and he or she understands it is unlawful to use~~
24 ~~information obtained from the CD-ROM or other~~
25 ~~electronic medium to commit a crime against any~~
26 ~~registrant or to engage in illegal discrimination or~~
27 ~~harassment of any registrant. The signed statement shall~~
28 ~~be maintained in a file in the designated law enforcement~~
29 ~~agency's office.~~

30 ~~(B) The records of persons requesting to view the~~
31 ~~CD-ROM or other electronic medium are confidential,~~
32 ~~except that a copy of the applications requesting to view~~
33 ~~the CD-ROM or other electronic medium may be~~
34 ~~disclosed to law enforcement agencies for law~~
35 ~~enforcement purposes.~~

36 ~~(C) Any information identifying the victim by name,~~
37 ~~birth date, address, or relationship to the registrant shall~~
38 ~~be excluded from the CD-ROM or other electronic~~
39 ~~medium.~~



1 ~~(5) (A) The income from the operation of the “900”~~
2 ~~telephone number shall be deposited in the Sexual~~
3 ~~Predator Public Information Account, which is hereby~~
4 ~~established within the Department of Justice for the~~
5 ~~purpose of the implementation of this section by the~~
6 ~~Department of Justice, including all actual and~~
7 ~~reasonable costs related to establishing and maintaining~~
8 ~~the information described in subdivision (a) and the~~
9 ~~CD-ROM or other electronic medium described in this~~
10 ~~subdivision.~~

11 ~~(B) The moneys in the Sexual Predator Public~~
12 ~~Information Account shall consist of income from the~~
13 ~~operation of the “900” telephone number program~~
14 ~~authorized by this section, proceeds of the loan made~~
15 ~~pursuant to Section 6 of the act adding this section, and~~
16 ~~any other funds made available to the account by the~~
17 ~~Legislature. Moneys in the account shall be available to~~
18 ~~the Department of Justice upon appropriation by the~~
19 ~~Legislature for the purpose specified in subparagraph~~
20 ~~(A).~~

21 ~~(C) When the “900” telephone number is called, a~~
22 ~~preamble shall be played before charges begin to accrue.~~
23 ~~The preamble shall run at least the length of time~~
24 ~~required by federal law and shall provide the following~~
25 ~~information:~~

26 ~~(i) Notice that the caller’s telephone number will be~~
27 ~~recorded.~~

28 ~~(ii) The charges for use of the “900” telephone~~
29 ~~number.~~

30 ~~(iii) Notice that the caller is required to identify~~
31 ~~himself or herself to the operator.~~

32 ~~(iv) Notice that the caller is required to be 18 years of~~
33 ~~age or older.~~

34 ~~(v) A warning that it is illegal to use information~~
35 ~~obtained through the “900” telephone number to commit~~
36 ~~a crime against any registrant or to engage in illegal~~
37 ~~discrimination or harassment against any registrant.~~

38 ~~(vi) Notice that the caller is required to have the birth~~
39 ~~date, California driver’s license or identification number,~~
40 ~~social security number, address, or other identifying~~



1 information regarding the person about whom
2 information is sought in order to achieve a positive
3 identification of that person.

4 (vii) A statement that the number is not a crime
5 hotline and that any suspected criminal activity should be
6 reported to local authorities.

7 (viii) A statement that the caller should have a
8 reasonable suspicion that a person is at risk.

9 (D) The Department of Justice shall expend no more
10 than six hundred thousand dollars (\$600,000) per year
11 from any moneys appropriated by the Legislature from
12 the account.

13 (b) (1) Any person who uses information disclosed
14 pursuant to this section to commit a felony shall be
15 punished, in addition and consecutive to, any other
16 punishment, by a five-year term of imprisonment in the
17 state prison.

18 (2) Any person who, without authorization, uses
19 information disclosed pursuant to this section to commit
20 a misdemeanor shall be subject to, in addition to any other
21 penalty or fine imposed, a fine of not less than five
22 hundred dollars (\$500) and not more than one thousand
23 dollars (\$1,000).

24 (e) The record of the compilation of offender
25 information on each CD-ROM or other electronic
26 medium distributed pursuant to this section shall be used
27 only for law enforcement purposes and the public safety
28 purposes specified in this section and Section 290. This
29 record shall not be distributed or removed from the
30 custody of the law enforcement agency that is authorized
31 to retain it. Information obtained from this record shall be
32 disclosed to a member of the public only as provided in
33 this section or Section 290, or any other statute expressly
34 authorizing it.

35 Any person who copies, distributes, discloses, or
36 receives this record or information from it, except as
37 authorized by law, is guilty of a misdemeanor, punishable
38 by imprisonment in a county jail not to exceed six months
39 or by a fine not exceeding one thousand dollars (\$1,000);
40 or by both that imprisonment and fine. This subdivision



1 shall not apply to a law enforcement officer who makes
2 a copy as part of his or her official duties in the course of
3 a criminal investigation, court case, or as otherwise
4 authorized by subdivision (n) of Section 290. This
5 subdivision shall not prohibit copying information by
6 handwriting.

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

13 (d) Unauthorized removal or destruction of the
14 CD-ROM or other electronic medium from the offices of
15 any law enforcement agency is a misdemeanor,
16 punishable by imprisonment in a county jail not to exceed
17 one year, or by a fine not exceeding one thousand dollars
18 (\$1,000), or by both that imprisonment and fine.

19 (e) (1) A person is authorized to use information
20 disclosed pursuant to this section only to protect a person
21 at risk.

22 This section shall not affect authorized access to, or use
23 of, information pursuant to, among other provisions,
24 Sections 11105 and 11105.3 of this code, Section 226.55 of
25 the Civil Code, Sections 777.5 and 14409.2 of the Financial
26 Code, Sections 1522.01 and 1596.871 of the Health and
27 Safety Code, and Section 432.7 of the Labor Code.

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

32 (A) Health insurance.

33 (B) Insurance.

34 (C) Loans.

35 (D) Credit.

36 (E) Employment.

37 (F) Education, scholarships, or fellowships.

38 (G) Housing or accommodations.

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



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

11 ~~(B) Whenever there is reasonable cause to believe~~
12 ~~that any person or group of persons is engaged in a~~
13 ~~pattern or practice of misuse of the "900" telephone~~
14 ~~number in violation of paragraph (2) of subdivision (c);~~
15 ~~the Attorney General, any district attorney, or city~~
16 ~~attorney, or any person aggrieved by the misuse of that~~
17 ~~number is authorized to bring a civil action in the~~
18 ~~appropriate court requesting preventive relief, including~~
19 ~~an application for a permanent or temporary injunction,~~
20 ~~restraining order, or other order against the person or~~
21 ~~group of persons responsible for the pattern or practice~~
22 ~~of misuse. The foregoing remedies shall be independent~~
23 ~~of any other remedies or procedures that may be~~
24 ~~available to an aggrieved party under other provisions of~~
25 ~~law, including Part 2 (commencing with Section 43) of~~
26 ~~Division 1 of the Civil Code.~~

27 ~~(f) This section shall not be deemed to authorize the~~
28 ~~publication, distribution, or disclosure of the address of~~
29 ~~any person about whom information can be published,~~
30 ~~distributed, or disclosed pursuant to this section.~~

31 ~~(g) Community notification shall be governed by~~
32 ~~subdivisions (m) and (n) of Section 290.~~

33 ~~(h) The Department of Justice shall submit to the~~
34 ~~Legislature an annual report on the operation of the~~
35 ~~"900" telephone number required by paragraph (3) of~~
36 ~~subdivision (a) on July 1, 1996, July 1, 1997, and July 1,~~
37 ~~1998. The annual report shall include all of the following:~~

- 38 ~~(1) Number of calls received.~~
- 39 ~~(2) Amount of income earned per year through~~
40 ~~operation of the "900" telephone number.~~



- 1 ~~(3) A detailed outline of the amount of money~~
2 ~~expended and the manner in which it was expended for~~
3 ~~purposes of this section.~~
- 4 ~~(4) Number of calls that resulted in an affirmative~~
5 ~~response and the number of calls that resulted in a~~
6 ~~negative response with regard to whether a named~~
7 ~~individual was listed pursuant to subdivision (a).~~
- 8 ~~(5) Number of persons listed pursuant to subdivision~~
9 ~~(a).~~
- 10 ~~(6) A summary of the success of the “900” telephone~~
11 ~~number program based upon selected factors.~~
- 12 ~~(i) Any law enforcement agency and employees of any~~
13 ~~law enforcement agency shall be immune from liability~~
14 ~~for good faith conduct under this section. For the~~
15 ~~purposes of this section, “law enforcement agency”~~
16 ~~means the Attorney General of California, every district~~
17 ~~attorney, and every state or local agency expressly~~
18 ~~authorized by statute to investigate or prosecute law~~
19 ~~violators.~~
- 20 ~~(j) On or before July 1, 2000, the Department of Justice~~
21 ~~shall make a report to the Legislature concerning the~~
22 ~~changes to the operation of the “900” telephone number~~
23 ~~program made by the amendments to this section by~~
24 ~~Chapter 908 of the Statutes of 1996. The report shall~~
25 ~~include all of the following:~~
- 26 ~~(1) Number of calls received by county.~~
- 27 ~~(2) Number of calls that resulted in an affirmative~~
28 ~~response and the number of calls that resulted in a~~
29 ~~negative response with regard to whether a named~~
30 ~~individual was listed pursuant to subdivision (a).~~
- 31 ~~(3) Number of persons listed pursuant to subdivision~~
32 ~~(a).~~
- 33 ~~(4) Statistical information concerning prosecutions of~~
34 ~~persons for misuse of the “900” telephone number~~
35 ~~program, including the outcomes of those prosecutions.~~
- 36 ~~(5) A summary of the success of the “900” telephone~~
37 ~~number based upon selected factors.~~
- 38 ~~(k) The registration and public notification provisions~~
39 ~~of this section are applicable to every person described in~~
40 ~~these sections, without regard to when his or her crimes~~



1 ~~were committed or his or her duty to register pursuant to~~
2 ~~this section arose, and to every offense described in these~~
3 ~~sections, regardless of when it was committed.~~

4 ~~(f) No later than December 31, 1998, the Department~~
5 ~~of Justice shall prepare an informational pamphlet that~~
6 ~~shall be mailed to any member of the public who makes~~
7 ~~an inquiry using the “900” telephone number required by~~
8 ~~this section and who provides an address. The pamphlet~~
9 ~~shall provide basic information concerning appropriate~~
10 ~~steps parents, guardians, and other responsible adults can~~
11 ~~take to ensure a child is safe from a suspected child~~
12 ~~molester, including, but not limited to, how to identify~~
13 ~~suspicious activity by an adult, common facts and myths~~
14 ~~about child molesters, and how to obtain additional help~~
15 ~~and information. A notice to callers to the “900”~~
16 ~~telephone number that they will receive the pamphlet,~~
17 ~~if an address is provided, shall be included in the~~
18 ~~preamble required by this section.~~

19 ~~(m) This section shall remain operative only until~~
20 ~~January 1, 2001, and as of that date is repealed unless a~~
21 ~~later enacted statute, which becomes effective on or~~
22 ~~before that date, deletes or extends that date.~~

23 ~~SEC. 3. No reimbursement is required by this act~~
24 ~~pursuant to Section 6 of Article XIII B of the California~~
25 ~~Constitution for certain costs that may be incurred by a~~
26 ~~local agency or school district because in that regard this~~
27 ~~act creates a new crime or infraction, eliminates a crime~~
28 ~~or infraction, or changes the penalty for a crime or~~
29 ~~infraction, within the meaning of Section 17556 of the~~
30 ~~Government Code, or changes the definition of a crime~~
31 ~~within the meaning of Section 6 of Article XIII B of the~~
32 ~~California Constitution.~~

33 ~~However, notwithstanding Section 17610 of the~~
34 ~~Government Code, if the Commission on State Mandates~~
35 ~~determines that this act contains other costs mandated by~~
36 ~~the state, reimbursement to local agencies and school~~
37 ~~districts for those costs shall be made pursuant to Part 7~~
38 ~~(commencing with Section 17500) of Division 4 of Title~~
39 ~~2 of the Government Code. If the statewide cost of the~~
40 ~~claim for reimbursement does not exceed one million~~



1 ~~dollars (\$1,000,000), reimbursement shall be made from~~
2 ~~the State Mandates Claims Fund.~~

3 *SEC. 2. No reimbursement is required by this act*
4 *pursuant to Section 6 of Article XIII B of the California*
5 *Constitution because the only costs that may be incurred*
6 *by a local agency or school district will be incurred*
7 *because this act creates a new crime or infraction,*
8 *eliminates a crime or infraction, or changes the penalty*
9 *for a crime or infraction, within the meaning of Section*
10 *17556 of the Government Code, or changes the definition*
11 *of a crime within the meaning of Section 6 of Article*
12 *XIII B of the California Constitution.*

